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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 40@ Selection and Ranking Criteria for Hazardous Waste Sites Requiring Remedial Action

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Section 67401.13@ Distribution of Orphan Share

## **67401.13 Distribution of Orphan Share**

### **(a)**

Distribution of funds from the Expedited Site Remediation Trust Fund will be conducted annually. The distribution will only occur to the extent funds are available in the Expedited Site Remediation Trust Fund to pay claims received for response costs that have been allocated to an orphan share.

### **(b)**

No orphan share funds for a site shall be disbursed until all Department response costs incurred for that site have been paid.

### **(c)**

If the total of all approved claims for response costs that have been allocated to an orphan share for a fiscal year does not exceed the amount available in the Expedited Site Remediation Trust Fund, then each claim shall be fully funded.

### **(d)**

If the total of all approved claims for response costs that have been allocated to an orphan share for a fiscal year exceeds the amount available in the Expedited Site Remediation Trust Fund, then each claim shall be paid in the following manner: (1) Payment of claims for those response costs that have been allocated to an orphan share shall be prorated based on the total sum of all approved orphan share claims for that fiscal year, except that all claims for amounts under \$50,000.00 shall be paid in full, if there is a sufficient amount available in the Expedited Site

Remediation Trust Fund. (2) The balance of claims not fully paid in a fiscal year shall be carried over to subsequent fiscal years and either paid in full if funds are available in the Expedited Site Remediation Trust Fund, or prorated with claims from each year.

**(1)**

Payment of claims for those response costs that have been allocated to an orphan share shall be prorated based on the total sum of all approved orphan share claims for that fiscal year, except that all claims for amounts under \$50,000.00 shall be paid in full, if there is a sufficient amount available in the Expedited Site Remediation Trust Fund.

**(2)**

The balance of claims not fully paid in a fiscal year shall be carried over to subsequent fiscal years and either paid in full if funds are available in the Expedited Site Remediation Trust Fund, or prorated with claims from each year.