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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 47@ Loan Programs

|-&gt;

Article 1@ Cleanup Loans and Environmental Assistance to Neighborhoods Revolving Loan Fund

|-&gt;

Section 68207@ Administering Agency

## **68207 Administering Agency**

### **(a)**

The Department will be the Administering Agency for all Properties that are the subject of an ISCP Loan. For Properties that are the subject of a CLEAN Loan Program Loan Application, the following apply: (1) For Applications for CLEAN Loan Program Loans, the Department will provide written notice of the receipt of the Application to the State Board for any Application that indicates the Property contains a Leaking Underground Fuel Tank and to the Regional Board for any Property within the Regional Board's jurisdiction; (2) For an Application for a CLEAN Loan Program Loan for a Property that is subject to a release from a Leaking Underground Fuel Tank and the release is the principal threat at that Property as determined by the Department, the State Board and the Regional Board, the Department will be the Administering Agency unless one of the following occurs: (A) The State Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (1) and indicates that a Local Oversight Program Agency intends to oversee the Response Action on the Property because the site was subject to oversight by the Local Oversight Program Agency prior to the date the Application was submitted or; (B) The Regional Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (1) and indicates that the Regional Board intends to oversee the Response Action on the Property because the site was not subject to oversight by

a Local Oversight Program Agency prior to the date the Application was submitted. (3) For an Application for a CLEAN Loan Program Loan for a Property that is subject to one or more of the orders or agreements specified in subdivision (b)(1) of section 25395.28 of the Health and Safety Code prior to the date the Application was submitted, the Department will be the Administering Agency unless the Regional Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (2) and indicates that the Regional Board intends to oversee the Response Action on the Property because the site is subject to one or more of the orders or agreements specified in subdivision (b)(1) of section 25395.28 of the Health and Safety Code.

**(1)**

For Applications for CLEAN Loan Program Loans, the Department will provide written notice of the receipt of the Application to the State Board for any Application that indicates the Property contains a Leaking Underground Fuel Tank and to the Regional Board for any Property within the Regional Board's jurisdiction;

**(2)**

For an Application for a CLEAN Loan Program Loan for a Property that is subject to a release from a Leaking Underground Fuel Tank and the release is the principal threat at that Property as determined by the Department, the State Board and the Regional Board, the Department will be the Administering Agency unless one of the following occurs: (A) The State Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (1) and indicates that a Local Oversight Program Agency intends to oversee the Response Action on the Property because the site was subject to oversight by the Local Oversight Program Agency prior to the date the Application was submitted or; (B) The Regional Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (1) and

indicates that the Regional Board intends to oversee the Response Action on the Property because the site was not subject to oversight by a Local Oversight Program Agency prior to the date the Application was submitted.

**(A)**

The State Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (1) and indicates that a Local Oversight Program Agency intends to oversee the Response Action on the Property because the site was subject to oversight by the Local Oversight Program Agency prior to the date the Application was submitted or;

**(B)**

The Regional Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (1) and indicates that the Regional Board intends to oversee the Response Action on the Property because the site was not subject to oversight by a Local Oversight Program Agency prior to the date the Application was submitted.

**(3)**

For an Application for a CLEAN Loan Program Loan for a Property that is subject to one or more of the orders or agreements specified in subdivision (b)(1) of section 25395.28 of the Health and Safety Code prior to the date the Application was submitted, the Department will be the Administering Agency unless the Regional Board responds in writing to the Department within 20 working days of receipt of the notice under paragraph (2) and indicates that the Regional Board intends to oversee the Response Action on the Property because the site is subject to one or more of the orders or agreements specified in subdivision (b)(1) of section 25395.28 of the Health and Safety Code.

**(b)**

The State Board and a Regional Board, in consultation together with the Department, may request the Department to be the Administering Agency for a

Property subject to section 25395.28 of the Health and Safety Code;

**(c)**

Notwithstanding paragraph (3) of subdivision (a), if a Regional Board has issued a Cleanup and Abatement Order or other cleanup order or has entered into a written voluntary agreement for a site and the Department has issued an order or entered into an enforceable agreement under chapter 6.5 (commencing with section 25100) of the Health and Safety Code or chapter 6.8 (commencing with section 25300) of the Health and Safety Code) for the same site, the Regional Board and the Department will determine whether the Regional Board or the Department will be the Administering Agency.