

ASSEMBLY BILL

No. 427

Introduced by Assembly Member Mullin

February 15, 2013

An act to amend Section 33459 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 427, as introduced, Mullin. Local government: Polanco Redevelopment Act.

Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions. Existing law dissolved redevelopment agencies and provides for the winding down of the affairs of a redevelopment agency by a successor agency. Existing law provides that any existing cleanup plans and liability limits authorized under the Polanco Redevelopment Act shall be transferred to the successor agency and may be transferred to the successor housing entity at that entity's request.

This bill would specify that a successor agency or successor housing entity may implement hazardous cleanup pursuant to the Polanco Redevelopment Act, with regard to enforceable obligations, including brownfield cleanup.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 33459 of the Health and Safety Code is amended to read:

33459. For purposes of this article, the following terms shall have the following meanings:

(a) “Department” means the Department of Toxic Substances Control.

(b) “Director” means the Director of Toxic Substances Control.

(c) “Hazardous substance” means any hazardous substance as defined in subdivision (h) of Section 25281, and any reference to hazardous substance in the definitions referenced in this section shall be deemed to refer to hazardous substance, as defined in this subdivision.

(d) “Local agency” means a single local agency that is one of the following:

(1) A local agency authorized pursuant to Section 25283 to implement Chapter 6.7 (commencing with Section 25280) of, and Chapter 6.75 (commencing with Section 25299.10) of, Division 20.

(2) A local officer who is authorized pursuant to Section 101087 to supervise a remedial action.

(3) *A successor agency or successor housing entity pursuant to subdivision (f) of Section 34173, with regard to enforceable obligations, including brownfield cleanup.*

(e) “Qualified independent contractor” means an independent contractor who is any of the following:

(1) An engineering geologist who is certified pursuant to Section 7842 of the Business and Professions Code.

(2) A geologist who is registered pursuant to Section 7850 of the Business and Professions Code.

(3) A civil engineer who is registered pursuant to Section 6762 of the Business and Professions Code.

(f) “Release” means any release, as defined in Section 25320.

(g) “Remedy” or “remove” means any action to assess, evaluate, investigate, monitor, remove, correct, clean up, or abate a release of a hazardous substance or to develop plans for those actions. “Remedy” includes any action set forth in Section 25322 and “remove” includes any action set forth in Section 25323.

1 (h) “Responsible party” means any person described in
2 subdivision (a) of Section 25323.5 of this code or subdivision (a)
3 of Section 13304 of the Water Code.

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