

Introduced by Senator De León

February 19, 2016

An act to amend Section 25355 of the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1325, as introduced, De León. Hazardous substances: removal or remedial actions: notifications.

Existing law requires the Department of Toxic Substances Control, at least 30 days before initiating a removal or remedial action at a hazardous substance release site, to make a reasonable effort to notify the persons identified by the department as potentially responsible parties and to also publish a notification of the action in a newspaper of general circulation.

This bill would instead require the department to make those notifications at least 45 days before initiating a removal or remedial action.

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

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

- 1 SECTION 1. Section 25355 of the Health and Safety Code is
- 2 amended to read:
- 3 25355. (a) The Governor is responsible for the coordination
- 4 of all state response actions for sites identified in Section 25356
- 5 in order to assure the maximum use of available federal funds.
- 6 (b) The director may initiate removal or remedial action
- 7 pursuant to this chapter unless these actions have been taken, or

1 are being taken properly and in a timely fashion, by ~~any~~ a
2 responsible party.

3 (c) (1) At least ~~30~~ 45 days before initiating removal or
4 remedial actions, the department shall make a reasonable effort to
5 notify the persons identified by the department as potentially
6 responsible parties and shall also publish a notification of this
7 action in a newspaper of general circulation pursuant to the method
8 specified in Section 6061 of the Government Code. This
9 subdivision does not apply to actions taken pursuant to subdivision
10 (b) of Section 25358.3 or immediate corrective actions taken
11 pursuant to Section 25354. A responsible party may be held liable
12 pursuant to this chapter whether or not the person was given the
13 notice specified in this subdivision.

14 (2) (A) Notwithstanding subdivision (a) of Section 25317,
15 ~~any~~ a person may voluntarily enter into an enforceable agreement
16 with the department pursuant to this subdivision that allows
17 removal or remedial actions to be conducted under the oversight
18 of the department at sites with petroleum releases from sources
19 other than underground storage tanks, as defined in Section
20 25299.24.

21 (B) If the department determines that there may be an adverse
22 impact to water quality as a result of a petroleum release, the
23 department shall notify the appropriate regional board prior to
24 entering into the enforceable agreement pursuant to subparagraph
25 (A). The department may enter into an enforceable agreement
26 pursuant to subparagraph (A) unless, within 60 days of the
27 notification provided by the department, the regional board
28 provides the department with a written notice that the regional
29 board will assume oversight responsibility for the removal or
30 remedial action.

31 (C) Agreements entered into pursuant to this paragraph shall
32 provide that the party will reimburse the department for all costs
33 incurred including, but not limited to, oversight costs pursuant to
34 the enforceable agreement associated with the performance of the
35 removal or remedial actions and Chapter 6.66 (commencing with
36 Section 25269).

37 (d) The department shall notify the owner of the real property
38 of the site of a hazardous substance release within 30 days after
39 listing a site pursuant to Section 25356, and at least 30 days before
40 initiating a removal or remedial action pursuant to this chapter, by

1 sending the notification by certified mail to the person to whom
2 the real property is assessed, as shown upon the last equalized
3 assessment roll of the county, at the address shown on the
4 assessment roll. The requirements of this subdivision do not apply
5 to actions taken pursuant to subdivision (b) of Section 25358.3 or
6 to immediate corrective actions taken pursuant to Section 25354.

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