

California Code of Regulations

Title 14. Natural Resources

Division 7. Department of Resources Recycling and Recovery

*Chapters 1, 2, 3, 3.1, 3.2, 3.5, 4, 5, 6, 7, 9, 9.1, 10,
11 and 12*

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Chapter 10. Solid Waste Cleanup Program

SubChapter Ghost Header for Outline ADA Compliance

Article 1. Authority

Section. 18900. Scope.

(a) Regulations contained herein are promulgated pursuant to Public Resources Code Article 2.5 of Chapter 2 of Part 7 of Division 30. The regulations implement the Solid Waste Cleanup Program, a program for the cleanup of solid waste at disposal sites and solid waste at codisposal sites where the responsible party(ies) either cannot be identified or is unable or unwilling to pay for timely remediation and where cleanup is needed to protect public health and safety and/or the environment.

(b) In implementing this program the Board is vested, in addition to its other powers, with all the powers of an enforcement agency under Division 30 of the Public Resources Code.

(c) In administering the program authorized by Public Resources Code Section 48020 et seq. the Board may:

(1) Expend funds directly for remedial action;

(2) Provide loans to responsible parties who demonstrate the ability to repay state funds for remedial actions on solid waste disposal sites and codisposal sites;

(3) Provide matching grants to public entities for remedial actions on solid waste disposal sites and codisposal sites; and

(4) Provide grants to public entities for the abatement of illegal disposal sites.

Authority cited: *Sections 40502 and 48025, Public Resources Code.*

Reference: *Sections 48021(b), 48021(c), and 48023(b), Public Resources Code.*

Article 2. Definitions

Section. 18901. Definitions.

For the purposes of this Chapter:

(a) "Abandoned site" means a site where no responsible party can be identified or located.

(b) "Agreement" means a memorandum of understanding between the Board and a local government.

(c) "Applicant" means a person or an entity applying for a loan, matching grant, grant, or remediation managed by the California Integrated Waste Management Board.

(d) "Board" means the California Integrated Waste Management Board.

(e) "Borrower" means an applicant whose loan application has been approved and who has executed a loan agreement.

(f) "Closed site," means a disposal site that has ceased accepting waste and was closed in accordance with applicable statutes, regulations, and local ordinances in effect at the time.

(g) "Codisposal site" means a hazardous substance release site listed pursuant to Section 25356 of the Health and Safety Code where the disposal of hazardous substances, hazardous wastes, and solid waste have occurred.

(h) "Grant recipient" means an applicant whose grant application has been approved and who has executed a grant agreement pursuant to Public Resources Code Section 48021(b).

(i) "Illegal disposal site" means:

(1) A site where unauthorized disposal of solid waste has taken place to the extent that cleanup may be required to protect public health and safety and/or the environment, and

(2) The site is not permitted and not exempt from obtaining a permit and is not closed or excluded from the requirement to obtain a Solid Waste Facilities Permit.

(j) "Local government" means a local public entity that is a county, city, district, or any other political subdivision deemed eligible by the Board, but does not include the State.

(k) "Nuisance" includes anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community, neighborhood, household or any considerable number of persons although the extent of the annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste.

(l) "Order" means an enforcement action taken by the enforcement agency or the board in the form of issuing a notice and order, a cease and desist order, cleanup or abatement order, or a corrective action order as authorized by Section 18304.

(m) "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, public or private school, college, or university, or any other entity whatsoever.

(n) "Remedial action" means any action to abate, prevent, minimize, stabilize, mitigate, or eliminate a threat to public health and safety and/or the environment.

(o) "Repayment amount" means the amount equal to the amount expended by the Board for cleanup, the Board's cost of contract administration, and an amount equal to the interest that would have been earned on the funds expended for cleanup.

(p) "Responsible party" means:

(1) Any individual person; trust; firm; joint stock company; Native American tribe; corporation, including a government corporation; partnership; joint venture; association; city; county; district; the state, including any department or agency thereof; or any department or agency of the United States to the extent authorized by federal law, who at the time of disposal of any solid waste owned the property;

(2) The present owner or operator of the site at which solid waste has been deposited;

(3) Any individual person; trust; firm; joint stock company; Native American tribe; corporation, including a government corporation; partnership; joint venture; association; city; county; district; the state, including any department or agency thereof; or any department or agency of the United States to the extent authorized by federal law who by contract or agreement disposed and/or transported solid waste to the site, or who otherwise arranged for the transportation to and/or disposal of solid waste at the site;

(4) Any individual person; trust; firm; joint stock company; Native American tribe; corporation, including a government corporation; partnership; joint venture; For the purposes of this Chapter:

(a) "Abandoned site" means a site where no responsible party can be identified or located.

(b) "Agreement" means a memorandum of understanding between the Board and a local government.

(c) "Applicant" means a person or an entity applying for a loan, matching grant, grant, or remediation managed by the California Integrated Waste Management Board.

(d) "Board" means the California Integrated Waste Management Board.

(e) "Borrower" means an applicant whose loan application has been approved and who has executed a loan agreement.

(f) "Closed site," means a disposal site that has ceased accepting waste and was closed in accordance with applicable statutes, regulations, and local ordinances in effect at the time.

(g) "Codisposal site" means a hazardous substance release site listed pursuant to Section 25356 of the Health and Safety Code where the disposal of hazardous

substances, hazardous wastes, and solid waste have occurred.

(h) "Grant recipient" means an applicant whose grant application has been approved and who has executed a grant agreement pursuant to Public Resources Code Section 48021(b).

(i) "Illegal disposal site" means:

(1) A site where unauthorized disposal of solid waste has taken place to the extent that cleanup may be required to protect public health and safety and/or the environment, and

(2) The site is not permitted and not exempt from obtaining a permit and is not closed or excluded from the requirement to obtain a Solid Waste Facilities Permit.

(j) "Local government" means a local public entity that is a county, city, district, or any other political subdivision deemed eligible by the Board, but does not include the State.

(k) "Nuisance" includes anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community, neighborhood, household or any considerable number of persons although the extent of the annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste.

(l) "Order" means an enforcement action taken by the enforcement agency or the board in the form of issuing a notice and order, a cease and desist order, cleanup or abatement order, or a corrective action order as authorized by Section 18304.

(m) "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, public or private school, college, or university, or any other entity whatsoever.

(n) "Remedial action" means any action to abate, prevent, minimize, stabilize, mitigate, or eliminate a threat to public health and safety and/or the environment.

(o) "Repayment amount" means the amount equal to the amount expended by the Board for cleanup, the Board's cost of contract administration, and an amount equal to the interest that would have been earned on the funds expended for cleanup.

(p) "Responsible party" means:

(1) Any individual person; trust; firm; joint stock company; Native American tribe; corporation, including a government corporation; partnership; joint venture; association; city; county; district; the state, including any department or agency thereof; or any department or agency of the United States to the extent authorized by federal law, who at the time of disposal of any solid waste owned the property;

(2) The present owner or operator of the site at which solid waste has been deposited;

(3) Any individual person; trust; firm; joint stock company; Native American tribe; corporation, including a government corporation; partnership; joint venture; association; city; county; district; the state, including any department or agency thereof; or any department or agency of the United States to the extent authorized by federal law who by contract or agreement disposed and/or transported solid waste to the site, or who otherwise arranged for the transportation to and/or disposal of solid waste at the site;

(4) Any individual person; trust; firm; joint stock company; Native American tribe; corporation, including a government corporation; partnership; joint venture; association; city; county; district; the state, including any department or agency thereof; or any department or agency of the United States to the extent authorized by federal law who was the owner or custodian of the solid waste that was deposited on the site.

(5) The term "responsible party," as defined above, may only be construed within the context of this Article and Public Resources Code Sections 48020 et seq. and shall not be interpreted under any other local, state, or federal statute.

(q) "Responsible party is unable to pay" means:

(1) The responsible party does not currently, have the financial ability, as verified by independent audit, financial statements, or other documentation acceptable to Board, to pay the costs of remediation necessary to protect the public health and safety and/or the environment; or

(2) The responsible party does not have the legal power or authority to perform required site cleanup.

(r) "Responsible party is unwilling to pay" means: the responsible party has financial ability to pay for the costs of remediation necessary to protect public health and safety and/or the environment, has been issued an enforcement order to perform remediation, and has refused to comply with the order.

(s) "Responsible party cannot be identified," means the responsible party cannot be identified or found after a search of public records, investigation, and consultation with other enforcement agencies.

(t) "Threat" or "threaten" means a condition creating a probability of substantial harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, natural resources, or the public health or safety.

(u) "Trust Fund" means the Solid Waste Disposal Site Cleanup Trust Fund created pursuant to Public Resources Code Section 48027 of Article 2.5 of Chapter 2 of Part 7 of Division 30.

(v) "Surplus Money Investment Fund" means the fund in which excess state moneys are