Overview

This bill would amend the "orphan share provision." Under current law, the Pollution Control Agency (PCA) can reimburse parties to a settlement agreement for cleanup costs at state superfund sites for the "orphan share" costs or costs attributable to certain responsible persons who are not party to the agreement. The reimbursement under existing law occurs after the cleanup has occurred.

The bill would amend the "orphan share" provision to authorize the PCA to make a grant for a portion of the cost of a partial cleanup of a state Superfund site. The PCA could make the grant before the cleanup. The amount of the grant may cover at most the "orphan share" of the cleanup plan. The bill provides that a decision to provide a grant or to determine the specific cleanup actions included in an response action plan agreement is a matter of agency discretion.

1 **Orphan share provision.** Authorizes the PCA, until June 30, 2001, to enter into agreements for implementation of a portion of an approved response action plan and to provide up front grants for the same. Provides that the amount of the grant may not exceed the proportion of the costs of the response action plan which is attributable to the liability of responsible persons who are not parties to the agreement (the "orphan share"). Provides that a decision of the PCA to provide a grant, to determine the remedial actions to be included in the agreement, or to determine the amount of a grant provided under this bill is a matter of agency discretion in the exercise of its enforcement authority.

2 **Effective date.** Provides that section 1 is effective the day following final enactment.