



Department of
Toxic Substances
Control

Preventing

environmental

damage from

hazardous waste,

and restoring

contaminated

sites for all

Californians.

**Site Mitigation
and Brownfields
Reuse Program**

May 2006



State of California



California
Environmental
Protection Agency

California Land Reuse and Revitalization Act of 2004

Statutory Authority:
California Health and Safety
Code, Chapter 6.82 (section
25395.60 et seq) and Chapter
6.83 (section 25395.110 et seq)

This law provides immunity from liability for response costs or damage claims to qualified innocent landowners, bona fide purchasers or contiguous property owners.

Eligibility:

To qualify as a bona fide purchaser, innocent landowner, or contiguous property owner, a person must establish specific conditions including: conducting All Appropriate Inquiries, exercising appropriate care with respect to a release or threatened release, providing full cooperation and site access to others conducting response actions, complying with land use controls, complying with requests for information, and providing all notices and satisfying reporting requirements.

Some of the highlights of this program are:

- Qualifying property owners must enter into an agreement with an agency that includes preparation of a site assessment and, if necessary, a response plan. A person may withdraw from the agreement upon written notice.
- Public Participation activities are conducted when a response plan is required.
- The cleanup goals required by a response plan shall be consistent with HSC Chapter 6.8 and Division 7 of the Water Code.
- Immunities may be available to future eligible property owners provided all qualifying conditions are met.
- Chapter 6.82 will repeal on January 1, 2010 but immunities granted will continue after that date if the person remains in compliance with all requirements pursuant to Chapter 6.83 (effective January 1, 2010).
- A bona fide purchaser may enter into a consultative services agreement with an agency pursuant to Chapter 6.83 as a prelude to entering into a bona fide purchaser agreement.

Further information is available on the Cal/EPA webpage at:

<http://www.calepa.ca.gov/Brownfields/AB389/default.htm>

