

Cortese List: Section 65962.5(a)

Information Required From the Department of Toxic Substances Control (DTSC) Under Government Code Section 65962.5(a)

Section 65962.5(a)(1) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (“HSC”).”

The hazardous waste facilities identified in HSC § 25187.5 are those where DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with a date for taking corrective action in an order issued under HSC § 25187, or because DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment. This is a very small and specific subgroup of facilities and they are not separately posted on the DTSC or CalEPA’s website.

The facilities listed below fall under this category:

- AAD Distribution & Dry Cleaning Inc. EPA ID CAD9813974172306 E. 38th Street Vernon, CA 90058
- The Marquardt Co. CA ID CAD044696102 16555 Saticoy Street Van Nuys, CA 91406

Section 65962.5(a)(2) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following: ... (2) [a]ll land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with [Section 25220](#)) of Chapter 6.5 of Division 20 of the Health and Safety Code.”

No facilities or lands are listed under this provision because DTSC has not designated any hazardous waste property or border zone property pursuant to the cited provisions.

Section 65962.5(a)(3) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(3) [a]ll information received by the Department of Toxic Substances Control pursuant to [Section 25242](#) of the Health and Safety Code on hazardous waste disposals on public land.

HSC § 25242(a) requires a city, county, or state agency that owns or leases land to notify DTSC if it “has probable cause to believe that a disposal of hazardous waste, which is not authorized pursuant to this chapter has occurred on, under or into the land which the city, county, or state agency owns or leases...”; DTSC then shall determine if there has been an unauthorized disposal of hazardous waste.

In practice, if a city, county or state agency contacts DTSC to provide such information, they also will have contacted or will be directed to contact DTSC’s Emergency Response Duty Officer, who determines whether to authorize DTSC-funding for an emergency action to properly remove and dispose of the hazardous waste.

DTSC’s Emergency Response program does not keep separate records of such reports that relate to city, county or state agency property.

In the future, DTSC will track any reports received from cities, counties, or state agencies of hazardous waste disposal on land owned or leased by a city, county or state agency, where hazardous waste was released into the environment, and provide the information to CalEPA for inclusion in this section of the Cortese list.

Section 65962.5(a)(4) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(4) [a]ll sites listed pursuant to [Section 25356 of the Health and Safety Code](#).”

HSC § 25356(b)(1) requires “a listing of hazardous substance release sites selected for, and subject to, a response action under this chapter.” HSC § 25356(b)(2) requires DTSC to “update the list of sites at least annually to reflect new information regarding previously listed sites or the addition of new sites requiring response action.” The implementing regulations provide that sites may be listed pursuant to HSC § 25356 if (a) they are not owned by the Federal Government and (b) a release or threatened release of hazardous substances has been confirmed by on-site sampling. ([California Code of Regulations, Title 22, Section 67400.1](#)). DTSC’s list of sites that meet those criteria as well as the criteria in HSC § 25356(c), is found in a report in DTSC’s “Envirostor” database:

- [Hazardous Waste and Substances site “Cortese” list](#)

Sites where response actions have been completed and no operation and maintenance activities are required are not included on the list.

Section 65962.5(a)(5) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(5) [a]ll sites included in the Abandoned Site Assessment Program.”

DTSC had an abandoned site program in the 1980s. HSC § 25369, which was enacted in 1985, required an abandoned site survey in “rural unsurveyed counties.” Sites identified in the abandoned site program were included in the “CalSites” database of known and potential hazardous substance release sites. After further investigation, many sites were removed from the “CalSites” database because there was no evidence that a release of hazardous substances occurred. Some time in the early 1990s, DTSC’s activities under HSC § 25369, and the entire Abandoned Site Program, were concluded.

DTSC recently replaced the “CalSites” database with a new database of hazardous substance release sites, known as the “EnviroStor” database. The [EnviroStor database](#) does not indicate if a specific site was at one time included in the abandoned site program and does not have a category for sites that are considered abandoned. The CalSites database also did not include this information. Consequently, DTSC does not provide the information to CalEPA originally called for under section 65962.5(a)(5).

[Background and History](#)