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Background and History on "Cortese List" Statute

The provisions in [Government Code Section 65962.5](#) are commonly referred to as the "Cortese List" (after the Legislator who authored the legislation that enacted it). The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA). Because this statute was enacted over twenty years ago, some of the provisions refer to agency activities that were conducted many years ago and are no longer being implemented and, in some cases, the information to be included in the Cortese List does not exist.

Government Code § 65962.5 was originally enacted in 1985, and per subsection (g), the effective date of the changes called for under the amendments to this section was January 1, 1992. While Government Code Section 65962.5 makes reference to the preparation of a "list," many changes have occurred related to web-based information access since 1992 and this information is now largely available on the Internet sites of the responsible organizations. Those requesting a copy of the Cortese "list" are now referred directly to the appropriate information resources contained on the Internet web sites of the boards or departments that are referenced in the statute, as listed below.

To simplify the cross-referencing between the specific subsections of 65962.5 and the web-based information resources corresponding to those subsections, each of the subsections is listed below with hyperlinks to another page which describes the information to be provided and includes, where appropriate, links to the associated information resources on the Internet sites of the responsible organization(s).

Subsection 65962.5. (a)

The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

- (1) All hazardous waste facilities subject to corrective action pursuant to [Section 25187.5](#) of the Health and Safety Code.
- (2) All 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.
- (3) All 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.
- (4) All sites listed pursuant to [Section 25356](#) of the Health and Safety Code.
- (5) All sites included in the Abandoned Site Assessment Program.

[Detailed explanation of Subsection 65962.5. \(a\)](#)

Subsection 65962.5. (b)

The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to [Section 116395](#) of the Health and Safety Code.

[Detailed explanation of Subsection 65962.5. \(b\)](#)

Subsection 65962.5. (c)

The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

- (1) All underground storage tanks for which an unauthorized release report is filed pursuant to [Section 25295](#) of the Health and Safety Code.
- (2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of [Section 13273](#) of the Water Code.
- (3) All cease and desist orders issued after January 1, 1986, pursuant to [Section 13301](#) of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to [Section 13304](#) of the Water Code, that concern the discharge of wastes that are hazardous materials.

[Detailed explanation of Subsection 65962.5. \(c\)](#)

Subsection 65962.5. (d)

The local enforcement agency, as designated pursuant to [Section 18051 of Title 14 of the California Code of Regulations](#), shall compile as appropriate, but at least annually, and shall submit to the California Integrated Waste Management Board, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The California Integrated Waste Management Board shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information.

[Detailed explanation of Subsection 65962.5. \(d\)](#)

Subsection 65962.5. (e)

The Secretary for Environmental Protection shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located. The secretary shall distribute the information to any other person upon request. The secretary may charge a reasonable fee to persons requesting the information, other than cities, counties, or cities and counties, to cover the cost of developing, maintaining, and reproducing and distributing the information.

Subsections 65962.5. (f) and (g) do not specifically apply to CalEPA or any of its constituent organizations.

If you need additional information, please contact the CalEPA Communications Office at cepacomm@calepa.ca.gov.

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