

## 40 C.F.R. § 307.21

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### Nature of eligible claims.

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(a) Claims may be asserted against the Fund for necessary costs incurred for response actions due to a release or substantial threat of release of a hazardous substance into the environment; a release or substantial threat of release of pollutants or contaminants into the environment that may present an imminent or substantial danger to public health or welfare; or actions taken by a potentially responsible party subject to an agreement reached pursuant to section 122(b)(1) of CERCLA. Claims must be filed in accordance with § 307.22. Claims may be asserted for the costs of removal actions, remedial planning activities, and remedial actions.

(b) Costs will be considered to be eligible under this section if:

- (1) The response action is preauthorized by EPA pursuant to § 307.22;
- (2) The costs are incurred for activities within the scope of EPA's preauthorization;
- (3) The response action is conducted in a manner consistent with the NCP; and
- (4) The costs incurred are necessary costs pursuant to § 307.11 of this part.

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