AB-148 Public resources. (2021-2022)

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Assembly Bill No. 148

CHAPTER 115

An act to amend Section 2782.6 of the Civil Code, to add Section 5122.5 to the Corporations Code, to amend Sections 17210 and 17213 of the Education Code, to amend Sections 1348, 1350, 1352, 1745.1, and 1745.2 of the Fish and Game Code, to add Section 569.5 to the Food and Agricultural Code, to amend Sections 8670.2, 8670.3, 8670.40, 15472, 15473, 15475, and 65850.2 of, to add Sections 15475.1, 15475.2, 15475.4, 15475.5, and 15475.6 to, and to add and repeal Section 16428.92 of, the Government Code, to amend Sections 13143.9, 25501, 25503, 25504, 25506, 25507, 25507.1, 25510, 25510.1, 25516, 25517, 25531.2, 25532, 25533, 25534, 25534.05, 25534.06, 25534.5, 25535, 25535.1, 25535.2, 25535.5, 25536, 25536.6, 25536.9, 25537, 25537.5, 25538, 25539, 25541.5, 25542, 25543, 25543.1, 25543.2, 25543.3, and 25545 of, to add Section 41855.8 to, and to add and repeal Chapter 4.7 (commencing with Section 116773) of Part 12 of Division 104 of, the Health and Safety Code, to amend Section 7856 of the Labor Code, to amend Sections 5011, 8750, 14515.8, 14571.9, 14581, 21151.4, 21151.8, 25620.8, 25711.5, and 41821 of, and to add and repeal Section 5010.2.5 of, the Public Resources Code, to amend Sections 270, 282, 895, 8385, 8386, 8386.1, 8386.3, 8386.5, and 8389 of the Public Utilities Code, to amend Sections 46001.5, 46007, 46008, 46011, 46017, 46021, 46023, 46028, 46053, 46101, 46151, and 46751 of, and to add Sections 46024 and 46025 to, the Revenue and Taxation Code, and to amend Section 81023 of, and to add and repeal Article 6 (commencing with Section 13198) of Chapter 3 of Division 7 of, the Water Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 22, 2021. Filed with Secretary of State July 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 148, Committee on Budget. Public resources.

(1) Existing law, including the General Corporation Law and the Nonprofit Public Benefit Corporation Law, specifies the formal requirements for filing corporate names and articles of incorporation with the Secretary of State. Existing law authorizes the Governor, or the Governor's designee, to incorporate Golden State Energy as a nonprofit public benefit corporation for the purpose of owning, controlling, operating, or managing electrical and gas services for its ratepayers and for the benefit of all Californians.

This bill would prohibit the Secretary of State from reserving a corporate name or filing articles of incorporation using the name Golden State Energy unless those articles are for Golden State Energy, incorporated and operating as specified.

(2) The Wildlife Conservation Law of 1947 permits the Wildlife Conservation Board to authorize the Department of Fish and Wildlife to accept federal grants and financial support from public or private sources and to sell, lease, or transfer certain real

property, or an interest in real property, to implement the Wildlife Conservation Law of 1947 and the California Riparian Habitat Conservation Act. The Wildlife Conservation Law of 1947 permits the Wildlife Conservation Board to authorize the Department of Fish and Wildlife to accept federal grants and to receive financial support from public or private sources to be used for fish and wildlife habitat enhancement. Under the Wildlife Conservation Law of 1947, proceeds from those sources or transactions and also federal moneys made available for projects authorized by the Wildlife Conservation Board are required to be deposited in the Wildlife Restoration Fund.

Existing law authorizes the Department of Fish and Wildlife to lease department-managed lands for agricultural and apiculture activities if certain conditions are met. Existing law requires moneys collected from those leases and associated fees to be deposited in the Wildlife Restoration Fund.

This bill would authorize all of these moneys to be deposited in either the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(3) The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act imposes regulatory duties on the administrator for oil spill response and the State Lands Commission relating to the transportation of oil within the state, and planning and programs to prevent and respond to oil spills. Existing law imposes various administrative civil and criminal penalties on a person that violates specified provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

This bill would define the terms “renewable fuel,” “renewable fuel production facility,” and “renewable fuel receiving facility” for purposes of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act and would include renewable fuel within the definition of “oil” for purposes of the act. By expanding the definition of oil, the bill would expand the scope of certain crimes, and would thereby impose a state-mandated local program. The bill would make conforming changes.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act imposes an oil spill prevention and administration fee in an amount determined by the administrator to be sufficient to implement oil spill prevention activities, but not to exceed $0.065 per barrel of crude oil or petroleum products, and to be remitted to the California Department of Tax and Fee Administration. The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires the oil spill prevention and administration fee to be imposed upon a person owning crude oil or petroleum products at the time that the crude oil or petroleum products are received at a marine terminal or refinery by specified modes of delivery from within or outside the state, as specified.

This bill would require the oil spill prevention and administration fee to be increased on October 1, 2021, to $0.085 per barrel of crude oil or petroleum products, and, commencing January 1, 2022, would impose the oil spill prevention and administration fee additionally on owners of renewable fuel, as specified. The bill would require the oil spill prevention and administration fee to be annually increased or decreased by a certain inflation measurement. The bill would impose similar duties on renewable fuel receiving facility operators and renewable fuel production facility operators regarding the collection and remittance of the oil spill prevention and administration fee that are imposed on marine terminal operators and refinery operators.

The Oil Spill Response, Prevention, and Administration Fees Law provides for the collection and administration of the oil spill prevention and administration fee and the oil spill response fee. Existing law requires filed returns under the Oil Spill Response, Prevention, and Administration Fees Law to be authenticated and makes certain actions relating to the filing of a return a crime.

This bill would make conforming changes to the Oil Spill Response, Prevention, and Administration Fees Law for the imposition of the oil spill prevention and administration fee on owners of renewable fuel. By expanding the scope of a crime, the bill would impose a state-mandated local program.

Existing law requires the California Department of Tax and Fee Administration to provide any and all information obtained under the Oil Spill Response, Prevention, and Administration Fees Law to the Department of Fish and Wildlife and authorizes the Department of Fish and Wildlife and the California Department of Tax and Fee Administration to use any information obtained pursuant to these provisions to develop data on oil spill prevention, abatement, and removal within the state.

This bill, for purposes of the latter provisions, would replace references to the Department of Fish and Wildlife with the administrator for oil spill response.

(4) The Cannella Environmental Farming Act of 1995 requires the Department of Food and Agriculture to establish and oversee an environmental farming program and the Healthy Soils Program, as specified. Existing law establishes the Department of Food and Agriculture Fund and requires any moneys that are directed by law to be paid into the fund, unless otherwise specifically provided, to be expended solely for the enforcement of the law under which the moneys were derived.

This bill would create the Climate Smart Agriculture Account in the Department of Food and Agriculture Fund, which would consist of moneys made available from federal, state, industry, philanthropic, and private sources. The bill would continuously appropriate the moneys deposited into the Climate Smart Agriculture Account without regard to fiscal years to the Department of Food and Agriculture for purposes of the Cannella Environmental Farming Act of 1995. The bill would authorize the Controller to use the moneys in the Climate Smart Agriculture Account for cash flow loans to the General Fund, as specified. The bill would require the Department of Food and Agriculture to submit to the Legislature an overview of the Climate Smart Agriculture Account's income and expenditures for any fiscal year in which moneys are received into or expended from the account, as specified.

By creating a continuously appropriated account, the bill would make an appropriation.

(5) Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations. Existing law requires the PUC, on or before January 1, 2020, to establish the Wildfire Safety Division within the PUC to take specified actions related to wildfire safety. The California Energy Infrastructure Safety Act establishes the Office of Energy Infrastructure Safety within the Natural Resources Agency, under the supervision of a director and deputy director appointed by the Governor, and provides that, on and after July 1, 2021, the Office of Energy Infrastructure Safety is the successor to, and is vested with, all of the duties, powers, and responsibilities of the Wildfire Safety Division of the PUC.

This bill would expand upon the powers, duties, and responsibilities of the director, deputy director, and the Office of Energy Infrastructure Safety, as provided. The bill would require that a regulated entity cooperate fully with the Office of Energy Infrastructure Safety in any investigation conducted by the office, and to produce or allow inspection of any books, accounts, papers, records, including computer modeling, programs, and other digital records, kept by a regulated entity, a subsidiary or affiliate, or a corporation that holds a controlling interest in a regulated entity. The bill would expressly authorize representatives of the Office of Energy Infrastructure Safety to enter and inspect regulated entity property, records, and equipment at any time and anywhere within the state. The bill would expand upon the enforcement authority of the Office of Energy Infrastructure Safety, including the authority to issue a notice of defect or violation to direct the regulated entity to correct any defect or noncompliance. The bill would provide that the decisions of the Office of Energy Infrastructure Safety are subject to judicial review by a writ of review in the superior court and would provide that preference be given by the superior courts, the courts of appeal, and the Supreme Court to those cases seeking judicial review of those decisions.

This bill would require the Office of Energy Infrastructure Safety to provide for the confidentiality of records, the protection of proprietary information, and the protection of the reasonable expectation of customers of public utilities in the privacy of customer-specific records maintained by the regulated entity.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(6) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases. The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires state agencies, before expending moneys appropriated by the Legislature from the fund, to prepare a record consisting of certain information regarding the expenditure.

The Administrative Procedure Act governs, among other things, the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would, until July 1, 2027, exempt from the requirements of the Administrative Procedure Act the adoption or use of guidelines or other standards by state agencies in administering programs that have received funding for the 2021–22, 2022–23, and 2023–24 fiscal years and have prepared the required record.

Existing law prohibits a person from knowingly setting or permitting agricultural burning unless the person has a valid permit from the agency designated by the State Air Resources Board to issue that permit in the area where the agricultural burning is to take place.

This bill would, upon appropriation of certain moneys, authorize the State Air Resources Board to administer a program to support incentives for alternatives to agricultural burning in the San Joaquin Valley and would exempt from the requirements of the Administrative Procedure Act the adoption or use of funding criteria or other guidelines expressly related to the granting of moneys under the program by the state board.

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Joaquin Valley.

(7) Existing law requires the State Fire Marshal to prepare, adopt, and submit building standards and other fire and life safety regulations to the California Building Standards Commission for approval establishing minimum requirements for the storage, handling, and use of hazardous materials. Existing law requires the State Fire Marshal to seek the advice of the Office of Emergency Services in establishing those requirements.

This bill would require the State Fire Marshal to seek the advice of the Secretary for Environmental Protection, rather than the Office of Emergency Services, in establishing those requirements. The bill would replace references in those provisions to “local fire chief” with “fire code official.”

Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program, known as the unified program. Existing law requires every county to apply to the Secretary for Environmental Protection to be certified to implement the unified program, and allows a city or local agency to implement the unified program, as a unified program agency, or UPA. Existing law requires the Office of Emergency Services to adopt, after public hearing and consultation with the Office of the State Fire Marshal and other appropriate public entities, regulations for minimum standards for business plans and area plans, and requires all business plans and area plans to meet the standards adopted by the Office of Emergency Services. Existing law requires a UPA, in consultation with local emergency response agencies, to establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction. A UPA is required to submit a proposed area plan to the Office of Emergency Services, and the Office of Emergency Services is required to notify the UPA whether the area plan is adequate. Existing law requires a business that handles a hazardous material and that meets any of specified conditions to establish and implement a business plan for a response to a release or threatened release of the hazardous material.

This bill would revise and recast the unified program provisions to transfer certain responsibilities from the Office of Emergency Services to the Secretary for Environmental Protection, including requiring the secretary, rather than the Office of Emergency Services, to adopt those regulations for minimum standards for business plans and area plans and to administer the business plan and area plan provisions. The bill would replace references in the unified program provisions to “local fire chief” with “fire code official.”

Existing law requires the Office of Emergency Services to obtain and maintain state delegation of, and to implement, the federal accidental release prevention program. Pursuant to these provisions, a stationary source, as defined, with one or more processes that have certain substances present in more than a threshold quantity is required to prepare and submit a risk management plan if the administering agency makes a specified determination. Existing law defines “administering agency” for these purposes to mean a UPA.

Existing law requires the Office of Emergency Services, on or before June 30, 1998, to review each regulated substance on a specified list, review the state threshold quantity for each regulated substance, and adopt certain regulations relating to regulated substances and state threshold quantities.

This bill would revise and recast these provisions to transfer state administration of the federal accidental release prevention program from the Office of Emergency Services to the California Environmental Protection Agency and to explicitly refer to an “administering agency” instead as a “UPA.” The bill would require the agency to undertake the above-specified actions relating to regulated substances and state threshold quantities periodically rather than on or before June 30, 1998. The bill would also make related and conforming changes.

Because the bill would make changes to provisions enforced by unified program agencies, the bill would impose a state-mandated local program.

(8) Existing law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Existing law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Existing law requires an urban and community water system to provide notice of that policy to customers, as provided.

The California Safe Drinking Water Act makes it a crime for any person to knowingly commit certain acts, including making a false statement or representation in any record submitted, maintained, or used for the purposes of compliance with the act, possessing a record required to be maintained by the act that has been altered or concealed, and destroying, altering, or concealing any record required to be maintained by the act.

This bill would establish the California Water and Wastewater Arrearage Payment Program in the State Water Resources Control Board. Pursuant to the program and following an appropriation in the annual Budget Act for these purposes, the State Water

Resources Control Board would be required to survey community water systems to determine statewide arrearages and water enterprise revenue shortfalls and adopt a resolution establishing guidelines for application requirements and reimbursement amounts for those arrearages and shortfalls. If there are insufficient funds appropriated for purposes of the program, the bill would require the State Water Resources Control Board to disburse the funds on a proportional basis to each community water system applicant based on reported arrearages and shortfalls. If there are sufficient funds appropriated for purposes of the program, the bill would require the State Water Resources Control Board to establish a similar program for funding wastewater treatment provider arrearages and shortfalls with the remaining funds.

This bill would require a community water system to provide customers with arrearages accrued during the COVID-19 pandemic bill relief period, as defined, a notice that they may enter into a payment plan, as prescribed. The bill would prohibit a community water system from discontinuing water service due to nonpayment before September 30, 2021, or the date the customer misses the enrollment deadline for, or defaults on, a payment plan, whichever is later. The bill would require the State Water Resources Control Board to coordinate with the Department of Community Services and Development in allocating program funding to certain community water systems.

This bill would apply certain enforcement provisions of the California Safe Drinking Water Act, including the above-described crimes, to the foregoing provisions. The bill would thereby impose a state-mandated local program by expanding the application of a crime.

This bill would make these provisions inoperative on July 1, 2025.

(9) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to annually designate convenience zones and, until January 1, 2022, authorizes the department to approve up to 5 limited-term recycling pilot projects that are designed to improve redemption opportunities in unserved convenience zones. The California Beverage Container Recycling and Litter Reduction Act authorizes the Department of Resources Recycling and Recovery to issue probationary operation certificates to pilot project recyclers for not more than 3 years and makes those recyclers eligible to apply for handling fees from the department. The California Beverage Container Recycling and Litter Reduction Act makes these provisions inoperative on July 1, 2022, and repeals them on January 1, 2023. The California Beverage Container Recycling and Litter Reduction Act establishes the California Beverage Container Recycling Fund and continuously appropriates moneys in the fund to the Department of Resources Recycling and Recovery for specified purposes, including the amount necessary to pay handling fees. Existing law authorizes the Department of Resources Recycling and Recovery, for the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive, to expend up to a total of $5,000,000 to support the recycling pilot projects.

This bill would postpone to June 30, 2025, the date by which the Department of Resources Recycling and Recovery may approve recycling pilot projects. The bill would increase the maximum number of pilot projects from 5 to 10 and the maximum number of operating years from 3 to 5. The bill would make these provisions inoperative on June 30, 2026, and would repeal them on January 1, 2027. The bill would extend to the 2025–26 fiscal year the authorization to expend up to a total of $5,000,000 from the fund to support pilot projects. By increasing expenditures from a continuously appropriated fund for these extensions, the bill would make an appropriation.

(10) Existing law, the California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element, household hazardous waste element, and nondisposal facility element of an integrated waste management plan. The act requires the source reduction and recycling element to divert from disposal 50% of all solid waste subject to the element through source reduction, recycling, and composting activities, with specified exceptions. Existing law requires each jurisdiction to submit an annual report to the Department of Resources Recycling and Recovery summarizing the jurisdiction's progress in reducing solid and household hazardous waste. Existing law requires the Department of Resources Recycling and Recovery to visit each jurisdiction not less than once each year to monitor the jurisdiction's implementation and maintenance of its diversion programs.

This bill would authorize, instead of require, the Department of Resources Recycling and Recovery to visit each jurisdiction once each year, but would require the department to do so no less than once every four years, to monitor the jurisdiction's implementation and maintenance of its diversion programs.

(11) Existing law gives control of the state park system to the Department of Parks and Recreation, and requires the Director of Parks and Recreation to promote and regulate the use of the state park system in a manner that conserves the scenery, natural and historic resources, and wildlife for the enjoyment of future generations. Existing law authorizes the Department of Parks and Recreation to collect fees, rents, and other returns for use of any state park system area, as provided. Existing law prohibits the Department of Parks and Recreation from collecting from any group of pupils in kindergarten or grades 1 to 12, inclusive, or their escorts, any fee, rental, or other return for use of any unit in the state park system when the group is visiting the area pursuant to a school outing or field trip under the direction of a school personnel, as provided. Existing law establishes the "Golden Bear

Pass" as a discount program available to persons, upon application and payment of $5 to the Department of Parks and Recreation, who meet specified criteria for use of state park facilities, as specified.

This bill would require the Department of Parks and Recreation, until July 1, 2024, to waive the $5 fee described above to obtain the "Golden Bear Pass." The bill would also authorize the Department of Parks and Recreation, on or before September 1, 2021, to establish a "California State Park Adventure Pass" to be available, upon application to the department, to any child in the 4th grade, or 4th grade equivalent, who is a California resident. The bill would authorize the Department of Parks and Recreation, on and after September 1, 2021, to waive the day use entrance fees to an eligible unit of the state park system, as determined by the department, for any child who holds a valid "California State Park Adventure Pass," as provided. The bill would require the Department of Parks and Recreation to post specified information relating to the "California State Park Adventure Pass" on its internet website. The bill would repeal the provisions relating to the "California State Park Adventure Pass" on July 1, 2024.

(12) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to develop and implement the Electric Program Investment Charge (EPIC) program to award moneys for projects that will benefit electricity ratepayers, lead to technological advancement and breakthroughs, and result in a portfolio of projects that is strategically focused and sufficiently narrow to make advancement on the most significant technological challenges, as specified. Existing law requires the Energy Commission to use a sealed competitive bid as the preferred method to solicit project applications and award funds pursuant to the EPIC program. Existing law authorizes the Energy Commission to use a sole source or interagency agreement method if a project cannot be described with sufficient specificity, as specified.

This bill would no longer require that those competitive bids be sealed. The bill would authorize the Energy Commission to use a sole source or interagency agreement method to instead noncompetitively award funding for a project if the project has a reasonable cost and satisfies specified criteria. The bill would, until July 1, 2025, authorize the Energy Commission to award, through a noncompetitive method, follow-on funding for projects that meet specified criteria, including the EPIC program's eligibility requirements and that the projects have been funded, at least in part, through the EPIC program.

Existing law requires the Energy Commission to prepare and submit an annual report to the Legislature on the projects funded through the EPIC program.

This bill would require that the annual report include a brief description of each project for which follow-on funding was awarded in the immediately prior calendar year.

(13) Existing law requires the Energy Commission to develop, implement, and administer the Public Interest Research, Development, and Demonstration Program to provide for a full range of research, development, and demonstration activities that, as determined by the Energy Commission, are not adequately provided for by competitive and regulated markets. Existing law requires the Energy Commission to annually submit to the Legislature a report, no later than March 31 of each year, on awards made pursuant to the program and progress toward achieving specified goals, including information on the types of projects funded, an evaluation of the success of funded projects, and recommendations for improvements to the program, as specified.

This bill would require the Energy Commission to instead annually submit that report to the relevant policy committees of the Legislature and the Joint Legislative Budget Committee no later than October 31 of each year. The bill would revise the contents of the report to instead include specified information relating to the program's impacts and benefits, allocation of funding, projects, funding initiatives and activities, and changes to spending guidelines or eligible projects, as specified.

Existing law creates the Public Interest Research, Development, and Demonstration Fund in the State Treasury to contain Energy Commission moneys from all interest, repayments, disencumbrances, royalties, and any other proceeds appropriated, transferred, or otherwise received for purposes pertaining to public interest research, development, and demonstration.

Existing law imposes a surcharge on all natural gas consumed in the state to fund certain low-income assistance programs, cost-effective energy efficiency and conservation activities, and public interest research and development not adequately provided by the competitive and regulated markets, as specified. Existing law requires a public utility gas corporation, as defined, to collect the surcharge from natural gas consumers, as specified. Under existing law, the moneys from the surcharge are deposited into the Gas Consumption Surcharge Fund and are continuously appropriated to specified entities, including to the PUC, or to an entity designated by the PUC, to fund certain energy-related programs. If the Energy Commission is so designated by the PUC, existing law requires the Controller to transfer the designated moneys into a separate subaccount in the Public Interest Research, Development, and Demonstration Fund to pay the Energy Commission for its costs of administering those programs. Existing law authorizes the Energy Commission to administer those programs pursuant to the Public Interest Research, Development, and Demonstration Program.

This bill would provide that moneys in that subaccount in the Public Interest Research, Development, and Demonstration Fund are continuously appropriated to the Energy Commission for its costs of administering those energy-related programs, thereby making an appropriation.

(14) Existing law establishes the California High-Cost Fund-A Administrative Committee Fund, the California High-Cost Fund-B Administrative Committee Fund, the Universal Lifeline Telephone Service Trust Administrative Committee Fund, the Deaf and Disabled Telecommunications Program Administrative Committee Fund, the Payphone Service Providers Committee Fund, the California Teleconnect Fund Administrative Committee Fund, and the California Advanced Services Fund (CASF) in the State Treasury. Existing law, except as provided, prohibits any moneys that are deposited in those funds from being used by the state for any purpose other than as specified.

This bill would authorize loans to be made between those funds, upon approval of the Director of Finance.

(15) Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions and empowers the Governor to proclaim a state of emergency for certain conditions, including drought. During a state of emergency, existing law authorizes the Governor to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

This bill would authorize specified state agencies, defined as implementing agencies, to, subject to an appropriation for these purposes, make grants and direct expenditures for interim or immediate relief in response to conditions arising from a drought scenario to address immediate impacts on human health and safety and on fish and wildlife resources and to provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies. The bill would define drought scenario as when the Governor has issued a proclamation of a state of emergency pursuant to the California Emergency Services Act based on drought conditions or when the State Water Resources Control Board determines, subject to specified requirements, that drought conditions necessitate urgent and immediate action to ensure availability of safe drinking water, to protect public health and safety, or to avoid serious and irreparable harm to fish or wildlife.

This bill would, subject to an appropriation to an implementing agency to provide grants and direct expenditures for interim or immediate relief to drought scenarios, authorize the implementing agency to, among other things, provide advance payment of up to 25% of grant funds awarded to certain entities.

This bill would authorize implementing agencies to adopt guidelines to implement the bill's provisions. The bill would repeal these provisions as of January 1, 2024.

(16) Existing law establishes the CalConserve Water Use Efficiency Revolving Fund and provides that moneys in the fund are available, upon appropriation by the Legislature, to the Department of Water Resources for the purpose of water use efficiency projects. Existing law requires moneys in the CalConserve Water Use Efficiency Revolving Fund to be used for purposes that include, but are not limited to, at or below market rate loans to local agencies, as defined, and permits the Department of Water Resources to enter into agreements with local agencies that provide water or recycled water service to provide loans.

Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes, among other things, the issuance of general obligation bonds in the amount of $7,120,000,000 to finance a water quality, supply, and infrastructure improvement program. Proposition 1 provides the sum of $810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. Proposition 1 authorizes the use of $100,000,000 of those funds for direct expenditures, for grants and loans, and for certain water conservation and water use efficiency plans, projects, and programs, including urban water conservation plans, projects, and programs implemented to achieve specified water use targets.

Existing law provides for the transfer to the CalConserve Water Use Efficiency Revolving Fund the sum of $10,000,000 of the proceeds of bonds issued pursuant to Proposition 1 for water conservation and water use efficiency projects and programs to achieve those urban water use targets. Existing law requires the Department of Water Resources to use $5,000,000 of those funds for a pilot project for local agencies to provide water efficiency upgrades to eligible residents at no upfront cost and $5,000,000 for local agencies to provide low-interest loans to customers to finance the installation of onsite improvements to repair or replace cracked or leaking water pipes to conserve water. Existing law authorizes the Department of Water Resources to implement these requirements by providing to a local agency a zero-interest loan of up to $3,000,000. Existing law requires a local agency that receives a loan from the fund to exercise reasonable efforts to recover the costs of the loan, and authorizes the Department of Water Resources to waive up to 10% of the repayment amount for costs that could not be recovered by a local agency.

This bill would reduce the sum transferred to the CalConserve Water Use Efficiency Revolving Fund from the proceeds of bonds issued pursuant to Proposition 1 to $3,000,000, and delete the requirements regarding the use of transferred funds for a pilot program for local agencies to provide water efficiency upgrades and for local agencies to provide low-interest loans to finance the

installation of certain improvements to conserve water. The bill would eliminate the $3,000,000 cap on a zero-interest loan provided by the Department of Water Resources to a local agency to implement this requirement.

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

(18) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.
Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2782.6 of the Civil Code is amended to read:

2782.6. (a) Nothing in subdivision (a) of Section 2782 prevents an agreement to indemnify a professional engineer or geologist or the agents, servants, independent contractors, subsidiaries, or employees of that engineer or geologist from liability as described in Section 2782 in providing hazardous materials identification, evaluation, preliminary assessment, design, remediation services, or other services of the types described in Sections 25322 and 25323 of the Health and Safety Code or the federal National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. Sec. 300.1 et seq.), if all of the following criteria are satisfied:

(1) The services in whole or in part address subterranean contamination or other concealed conditions caused by the hazardous materials.

(2) The promisor is responsible, or potentially responsible, for all or part of the contamination.

(b) The indemnification described in this section is valid only for damages arising from, or related to, subterranean contamination or concealed conditions, and is not applicable to the first two hundred fifty thousand dollars ($250,000) of liability or a greater amount as is agreed to by the parties.

(c) This section does not authorize contracts for indemnification, by promisors specified in paragraph (2) of subdivision (a), of any liability of a promisee arising from the gross negligence or willful misconduct of the promisee.

(d) “Hazardous materials,” as used in this section, means any hazardous or toxic substance, material, or waste that is or becomes subject to regulation by any agency of the state, any municipality or political subdivision of the state, or the United States. “Hazardous materials” includes, but is not limited to, any material or substance that is any of the following:

(1) A hazardous substance, as defined in Section 25316 of the Health and Safety Code.

(2) Hazardous material, as defined in subdivision (n) of Section 25501 of the Health and Safety Code.

(3) A regulated substance, as defined in subdivision (i) of Section 25532 of the Health and Safety Code.

(4) Hazardous waste, as defined in Section 25117 of the Health and Safety Code.

(5) Extremely hazardous waste, as defined in Section 25115 of the Health and Safety Code.

(6) Petroleum.

(7) Asbestos.

(8) Designated as a hazardous substance for purposes of Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1321).

(9) Hazardous waste, as defined by subsection (5) of Section 1004 of the federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6903).

(10) A hazardous substance, as defined by subsection (14) of Section 101 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601).

(11) A regulated substance, as defined by subsection (7) of Section 9001 of the federal Solid Waste Disposal Act, as amended (42 U.S.C. Sec. 6991).

(e) Nothing in this section shall be construed to alter, modify, or otherwise affect the liability of the promisor or promisee, under an indemnity agreement meeting the criteria of this section, to third parties for damages for death or bodily injury to persons, injury to property, or any other loss, damage, or expense.

(f) This section does not apply to public entities, as defined by Section 811.2 of the Government Code.

SEC. 2. Section 5122.5 is added to the Corporations Code, to read:

5122.5. The Secretary of State shall not reserve a corporate name or file articles using the name Golden State Energy unless those articles are for Golden State Energy, incorporated and operating pursuant to this part and Division 1.7 (commencing with Section 3400) of the Public Utilities Code.

SEC. 3. Section 17210 of the Education Code is amended to read:

17210. As used in this article, the following terms have the following meanings:

(a) “Administering agency” means any agency designated pursuant to Section 25502 of the Health and Safety Code.

(b) “Environmental assessor” means an environmental professional as defined in Section 312.10 of Title 40 of the Code of Federal Regulations.

(c) “Handle” has the meaning the term is given in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(d) “Hazardous air emissions” means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(e) “Hazardous material” has the meaning the term is given in subdivision (d) of Section 25260 of the Health and Safety Code.

(f) “Operation and maintenance,” “removal action work plan,” “respond,” “response,” “response action,” and “site” have the meanings those terms are given in Article 2 (commencing with Section 25310) of the state act.

(g) “Phase I environmental assessment” means a preliminary assessment of a property to determine whether there has been or may have been a release of a hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and the area in its vicinity. A phase I environmental assessment shall meet the most current requirements adopted by the American Society for Testing and Materials (ASTM) for Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process or meet the requirements of Part 312 (commencing with Section 312.1) of Title 40 of the Code of Federal Regulations. That ASTM Standard Practice for Environmental Site Assessments or the requirements of Part 312 (commencing with Section 312.1) of Title 40 of the Code of Federal Regulations shall satisfy the requirements of this article for conducting a phase I environmental assessment unless and until the Department of Toxic Substances Control adopts final regulations that establish guidelines for a phase I environmental assessment for purposes of schoolsites that impose different requirements.

(h) “Preliminary endangerment assessment” means an activity that is performed to determine whether current or past hazardous material management practices or waste management practices have resulted in a release or threatened release of hazardous materials, or whether naturally occurring hazardous materials are present, which pose a threat to children’s health, children’s learning abilities, public health, or the environment. A preliminary endangerment assessment requires sampling and analysis of a site, a preliminary determination of the type and extent of hazardous material contamination of the site, and a preliminary evaluation of the risks that the hazardous material contamination of a site may pose to children’s health, public health, or the environment, and shall be conducted in a manner that complies with the guidelines published by the Department of Toxic Substances Control entitled “Preliminary Endangerment Assessment: Guidance Manual,” including any amendments that are determined by the Department of Toxic Substances Control to be appropriate to address issues that are unique to schoolsites.

(i) “Proposed schoolsite” means real property acquired or to be acquired or proposed for use as a schoolsite, prior to its occupancy as a school.

(j) “Regulated substance” means any material defined in subdivision (i) of Section 25532 of the Health and Safety Code.

(k) “Release” has the same meaning the term is given in Article 2 (commencing with Section 25310) of the state act, and includes a release described in subdivision (d) of Section 25321 of the Health and Safety Code.

(l) “Remedial action plan” means a plan approved by the Department of Toxic Substances Control pursuant to Section 25356.1 of the Health and Safety Code.

(m) “State act” means the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code).

SEC. 4. Section 17213 of the Education Code is amended to read:

17213. The governing board of a school district shall not approve a project involving the acquisition of a schoolsite by a school district, unless all of the following occur:

(a) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, determines that the property purchased or to be built upon is not any of the following:

(1) The site of a current or former hazardous waste disposal site or solid waste disposal site, unless if the site was a former solid waste disposal site, the governing board of the school district concludes that the wastes have been removed.

(2) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(3) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood.

(b) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, in preparing the environmental impact report or negative declaration has consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or extremely hazardous materials, substances, or waste. The school district, as the lead agency, shall include a list of the locations for which information is sought.

(c) The governing board of the school district makes one of the following written findings:

(1) Consultation identified none of the facilities or significant pollution sources specified in subdivision (b).

(2) The facilities or other pollution sources specified in subdivision (b) exist, but one of the following conditions applies:

(A) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.

(B) The governing board finds that corrective measures required under an existing order by another governmental entity that has jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes this finding, the governing board shall also make a subsequent finding, prior to the occupancy of the school, that the emissions have been mitigated to these levels.

(C) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(D) The governing board finds that neither of the conditions set forth in subparagraph (B) or (C) can be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a). If the governing board makes this finding, the governing board shall adopt a statement of overriding considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(d) As used in this section:

(1) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(2) "Hazardous substance" means any substance defined in Section 25316 of the Health and Safety Code.

(3) “Extremely hazardous substances” means any material defined pursuant to paragraph (2) of subdivision (i) of Section 25532 of the Health and Safety Code.

(4) “Hazardous waste” means any waste defined in Section 25117 of the Health and Safety Code.

(5) “Hazardous waste disposal site” means any site defined in Section 25114 of the Health and Safety Code.

(6) “Administering agency” means any agency designated pursuant to Section 25502 of the Health and Safety Code.

(7) “Handle” means handle as defined in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(8) “Facilities” means any source with a potential to use, generate, emit, or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the State Air Resources Board.

(9) “Freeway or other busy traffic corridors” means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

SEC. 5. Section 1348 of the Fish and Game Code is amended to read:

1348. (a) The board shall authorize the acquisition of real property, rights in real property, water, or water rights as may be necessary to carry out the purposes of this chapter. The board may authorize acquisition by the department, but the department shall not acquire any property pursuant to this subdivision by eminent domain proceedings except that property as may be necessary to provide access roads or rights-of-way to areas to be used for fishing the coastal waters of the Pacific Ocean, and then only if the board of supervisors of the affected county has agreed by resolution to those proceedings for each parcel of land, and has further agreed by resolution to maintain the road or right-of-way. The board may authorize acquisition by the State Public Works Board, which may effect acquisitions pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

(b) For the purposes of this chapter and Chapter 4.1 (commencing with Section 1385), the board may authorize the acquisition of interests in real property and water rights by means of gifts, purchases, leases, easements, the transfer or exchange of property for other property of like value, transfers of development rights or credits, and purchases of development rights, conservation easements, and other interests.

(c) To further implement this chapter and Chapter 4.1 (commencing with Section 1385), the board may authorize the department to do any of the following:

(1) Accept federal grants and receive gifts, donations, subventions, rents, royalties, and other financial support from public or private sources. Proceeds received from any of these sources shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(2) Notwithstanding any other provision of law, lease, sell, exchange, or otherwise transfer any real property, interest in real property, or option acquired by or held under the jurisdiction of the board or the department. Except as provided in Section 1355, proceeds from transactions entered into pursuant to this paragraph shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(3) Lease degraded potential wildlife habitat real property to nonprofit organizations, local governmental agencies, or state and federal agencies if the lessee agrees to restore the real property to its highest possible wildlife habitat value and maintain the real property at that highest possible wildlife habitat value. If feasible, during the period of lease, the board may require that the real property be open to the public for compatible recreational opportunities. Proceeds from any lease or rental and interest thereon shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(4) Acquire former wildlife habitat real property, including riparian habitat real property, restore and sell the real property, or any interest therein, to private owners, local governmental agencies, or state departments and agencies, or exchange the property for other real property, if a written and recorded agreement is first secured to keep and maintain the real property as wildlife habitat in perpetuity. The agreement shall contain a reversion if the real property sold or exchanged is not maintained as wildlife habitat. The agreement containing the reversion shall be set forth in any conveyance transferring any real property, interest in real property, or option subject to this section. Proceeds from the sales shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

SEC. 6. Section 1350 of the Fish and Game Code is amended to read:

1350. (a) (1) The department shall, when authorized by the board, construct in accordance with law those facilities as are suitable for the purpose for which the real property or rights in real property or water, or water rights, were acquired. Each completed project shall be managed and maintained by the department.

(2) The department, with the approval of the board, may enter into agreements with any other department or agency of this state, any local agency, or nonprofit organization, to provide for the construction, management, or maintenance of the facilities authorized by the board, and such other department or agency of this state, local agency, or nonprofit organization, and each of them may construct, manage, or maintain those facilities pursuant to the agreement. Work performed by a local agency or nonprofit organization under those agreements is exempt from Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code. However, nothing in this section shall be construed to exempt any work from Part 7 (commencing with Section 1720) of Division 2 of the Labor Code.

(b) The department, when authorized by the board, may apply for and accept federal grants, and receive gifts, donations, and other financial support from public or private sources to be used for fish and wildlife habitat enhancement, including riparian habitat restoration projects on real property or waters for which the state obtains an interest. Funds received from any of those sources shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(c) The board may award grants or loans to nonprofit organizations, local governmental agencies, federal agencies, and state agencies for the purposes of fish and wildlife habitat restoration, enhancement, management, protection and improvement of riparian resources, and for development of compatible public access facilities in the same manner and subject to the same terms and conditions as prescribed in Section 31116 of the Public Resources Code. Proceeds from repayment of any loans and the interest thereon shall be deposited in the Wildlife Restoration Fund.

SEC. 7. Section 1352 of the Fish and Game Code is amended to read:

1352. (a) The money in the Wildlife Restoration Fund, as provided for by Section 19632 of the Business and Professions Code, is available for expenditure under any provision of this chapter.

(b) All federal moneys made available for projects authorized by the board shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund. Any unexpended balances of the federal moneys remaining on or after June 30, 1979, in any other fund shall be transferred to the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(c) Any moneys received in the Wildlife Restoration Fund or the Fish and Game Preservation Fund from leases authorized pursuant to paragraph (2) or (3) of subdivision (c) of Section 1348 shall be expended, upon appropriation by the Legislature, by the department for the purposes of managing, maintaining, restoring, or operating lands owned and managed by the department.

SEC. 8. Section 1745.1 of the Fish and Game Code is amended to read:

1745.1. (a) Notwithstanding any other provision of this code, the department may lease department-managed lands for agricultural activities, including, but not limited to, grazing, where consistent with the purpose for which the lands were acquired and compatible with the department's approved management plan for the area, if available.

(b) The moneys collected from agricultural leases entered into pursuant to subdivision (a) shall be deposited by the department into the Wildlife Restoration Fund or the Fish and Game Preservation Fund and, upon appropriation by the Legislature, may be used to support the management, maintenance, restoration, and operations of department-managed lands.

SEC. 9. Section 1745.2 of the Fish and Game Code is amended to read:

1745.2. (a) The department shall do both of the following:

(1) Consider authorizing apiculture on department-managed wildlife areas, where deemed appropriate by the department.

(2) Determine, when developing or amending its land management plans, the following:

(A) If the department-managed wildlife areas, or any portion of those areas, are suitable for apiculture and whether apiculture is consistent with the management goals and objectives for those areas on a temporary, seasonal, or long-term basis.

(B) If the administration of apiculture on department-managed wildlife areas, where deemed appropriate by the department, is meeting the management goals and objectives for those areas.

(C) The appropriate fee and lease rent to be assessed for conducting apiculture on department-managed wildlife areas. The amount of the fee shall be sufficient to recover, but not exceed, all reasonable administrative and implementation costs of the department. The lease rent shall take into account whether the lease is a nonexclusive use of the land.

(b) The department, in implementing this section, may consult with apiculture experts, including, but not limited to, the Department of Food and Agriculture, the University of California, other academic or professional experts, and interested stakeholders, when considering authorizing apiculture on department-managed wildlife areas consistent with the respective management goals and objectives for those areas.

(c) Moneys collected for conducting apiculture on department-managed wildlife areas pursuant to subparagraph (C) of paragraph (2) of subdivision (a) shall be deposited by the department into the Wildlife Restoration Fund or the Fish and Game Preservation Fund and, upon appropriation by the Legislature, be used to support the management, maintenance, restoration, and operation of department-managed wildlife areas.

(d) The department may authorize the temporary placement of beehives on department-managed wildlife areas through simple lease or permit agreements specifying appropriate conditions. These agreements are not subject to competitive bidding requirements.

(e) The department may continue any authorization for apiculture on department-managed areas that it granted before January 1, 2015, without taking further action.

SEC. 10. Section 569.5 is added to the Food and Agricultural Code, to read:

569.5. (a) There is hereby created the Climate Smart Agriculture Account in the Department of Food and Agriculture Fund, which shall consist of moneys made available from federal, state, industry, philanthropic, and private sources.

(b) Notwithstanding Section 13340 of the Government Code, the Climate Smart Agriculture Account is hereby continuously appropriated without regard to fiscal years to the department to carry out the purposes of this article.

(c) Notwithstanding any other law, the Controller may use the moneys in the Climate Smart Agriculture Account for cash flow loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. Any such loan shall be exempt from paragraph (2) of subdivision (b) of Section 16310 of the Government Code. Interest shall be paid on all moneys loaned to the General Fund and shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the account. This subdivision shall not authorize any transfer that would interfere with the carrying out of the object for which the account was created.

(d) (1) For any fiscal year in which moneys are received into or expended from the Climate Smart Agriculture Account, the department, no later than January 10 following the close of the fiscal year, shall submit to the Legislature an overview of the account's income and expenditures.

(2) An overview to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 11. Section 8670.2 of the Government Code is amended to read:

8670.2. The Legislature finds and declares as follows:

(a) Each year, billions of gallons of crude oil and petroleum products are transported by vessel, railroad, truck, or pipeline over, across, under, and through the waters of this state. Renewable fuels, created from nonpetroleum renewable resources, are replacing large segments of traditional petroleum-based fuels. This trend is expected to continue as the concept of "oil" evolves from petroleum fuels to other types of fuels for regular use.

(b) Recent accidents in southern California, Alaska, other parts of the nation, and Canada, have shown that transportation of oil and renewable fuels can be a significant threat to the environment of sensitive areas.

(c) Existing prevention programs are not able to reduce sufficiently the risk of significant discharge of petroleum and renewable fuels into state waters.

(d) Response and cleanup capabilities and technology are unable to remove consistently the majority of spilled oil when major oil spills occur in state waters.

(e) California's lakes, rivers, other inland waters, coastal waters, estuaries, bays, and beaches are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill.

(f) Because of the inadequacy of existing cleanup and response measures and technology, the emphasis must be put on prevention, if the risk and consequences of oil spills are to be minimized.

(g) Improvements in the design, construction, and operation of rail tank cars, tank trucks, tank ships, terminals, and pipelines; improvements in marine safety; maintenance of emergency response stations and personnel; and stronger inspection and

enforcement efforts are necessary to reduce the risks of and from a major oil spill.

(h) A major oil spill in state waters is extremely expensive because of the need to clean up discharged oil, protect sensitive environmental areas, and restore ecosystem damage.

(i) Immediate action must be taken to improve control and cleanup technology in order to strengthen the capabilities and capacities of cleanup operations.

(j) California government should improve its response and management of oil spills that occur in state waters.

(k) Those who transport oil through or near the waters of the state must meet minimum safety standards and demonstrate financial responsibility.

(l) The federal government plays an important role in preventing and responding to petroleum and renewable fuel spills and it is in the interests of the state to coordinate with agencies of the federal government, including the Coast Guard and the United States Environmental Protection Agency, to the greatest degree possible.

(m) California has approximately 1,100 miles of coast, including four marine sanctuaries that occupy 88,767 square miles. The weather, topography, and tidal currents in and around California's coastal ports and waterways make vessel navigation challenging. The state's major ports are among the busiest in the world. Approximately 700 million barrels of oil are consumed annually by California, with over 500 million barrels being transported by vessel. The peculiarities of California's maritime coast require special precautionary measures regarding oil pollution.

(n) California has approximately 158,500 square miles of interior area where there are approximately 6,800 miles of pipeline used for oil distribution, 5,800 miles of class I railroad track, and 172,100 miles of maintained roads.

SEC. 12. Section 8670.3 of the Government Code is amended to read:

8670.3. Unless the context requires otherwise, the following definitions shall govern the construction of this chapter:

(a) "Administrator" means the administrator for oil spill response appointed by the Governor pursuant to Section 8670.4.

(b) (1) "Best achievable protection" means the highest level of protection that can be achieved through both the use of the best achievable technology and those manpower levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The administrator's determination of which measures provide the best achievable protection shall be guided by the critical need to protect valuable natural resources and state waters, while also considering all of the following:

(A) The protection provided by the measure.

(B) The technological achievability of the measure.

(C) The cost of the measure.

(2) The administrator shall not use a cost-benefit or cost-effectiveness analysis or any particular method of analysis in determining which measures provide the best achievable protection. The administrator shall instead, when determining which measures provide best achievable protection, give reasonable consideration to the protection provided by the measures, the technological achievability of the measures, and the cost of the measures when establishing the requirements to provide the best achievable protection for the natural resources of the state.

(c) (1) "Best achievable technology" means that technology that provides the greatest degree of protection, taking into consideration both of the following:

(A) Processes that are being developed, or could feasibly be developed anywhere in the world, given overall reasonable expenditures on research and development.

(B) Processes that are currently in use anywhere in the world.

(2) In determining what is the best achievable technology pursuant to this chapter, the administrator shall consider the effectiveness and engineering feasibility of the technology.

(d) "California oil spill contingency plan" means the California oil spill contingency plan prepared pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7.

(e) "Dedicated response resources" means equipment and personnel committed solely to oil spill response, containment, and cleanup that are not used for any other activity that would adversely affect the ability of that equipment and personnel to provide

oil spill response services in the timeframes for which the equipment and personnel are rated.

(f) “Environmentally sensitive area” means an area defined pursuant to the applicable area contingency plans or geographic response plans, as created and revised by the Coast Guard, the United States Environmental Protection Agency, and the administrator.

(g) (1) “Facility” means any of the following located in state waters or located where an oil spill may impact state waters:

(A) A building, structure, installation, or equipment used in oil exploration, oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, or oil transportation.

(B) A marine terminal.

(C) A pipeline that transports oil.

(D) A railroad that transports oil as cargo.

(E) A drill ship, semisubmersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform.

(F) A renewable fuel production facility.

(G) A renewable fuel receiving facility.

(2) “Facility” does not include any of the following:

(A) A vessel, except a vessel located and used for any purpose described in subparagraph (E) of paragraph (1).

(B) An owner or operator subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code.

(C) Operations on a farm, nursery, logging site, or construction site that are either of the following:

(i) Do not exceed 20,000 gallons in a single storage tank.

(ii) Have a useable tank storage capacity not exceeding 75,000 gallons.

(D) A small craft refueling dock.

(h) “Local government” means a chartered or general law city, a chartered or general law county, or a city and county.

(i) (1) “Marine terminal” means any facility used for transferring oil to or from a tank ship or tank barge.

(2) “Marine terminal” includes, for purposes of this chapter, all piping not integrally connected to a tank facility, as defined in subdivision (n) of Section 25270.2 of the Health and Safety Code.

(j) “Marine waters” means those waters subject to tidal influence, and includes the waterways used for waterborne commercial vessel traffic to the Port of Sacramento and the Port of Stockton.

(k) “Mobile transfer unit” means a vehicle, truck, or trailer, including all connecting hoses and piping, used for the transferring of oil at a location where a discharge could impact waters of the state.

(l) “Nondedicated response resources” means those response resources identified by an Oil Spill Response Organization for oil spill response activities that are not dedicated response resources.

(m) “Nonfloating oil” means a Group V oil, as defined in Section 155.1020 of Title 33 of the Code of Federal Regulations, including any Group V oil that is diluted with a diluent for transport. The administrator may define additional types of oil as nonfloating oil upon a finding that those types of oil are more likely to sink rapidly due to their composition.

(n) “Nonpersistent oil” means a petroleum-based oil, such as gasoline or jet fuel, that evaporates relatively quickly and is an oil with hydrocarbon fractions, at least 50 percent of which, by volume, distills at a temperature of 645 degrees Fahrenheit, and at least 95 percent of which, by volume, distills at a temperature of 700 degrees Fahrenheit.

(o) “Nontank vessel” means a vessel of 300 gross tons or greater that carries oil, but does not carry that oil as cargo.

(p) “Oil” means either of the following:

(1) Any kind of petroleum, liquid hydrocarbons, or petroleum products or any fraction or residues therefrom, including, but not limited to, crude oil, bunker fuel, gasoline, diesel fuel, aviation fuel, oil sludge, oil refuse, oil mixed with waste, and liquid

distillates from unprocessed natural gas.

(2) Renewable fuel.

(q) “Oil spill cleanup agent” means a chemical, or any other substance, used for removing, dispersing, or otherwise cleaning up oil or any residual products of petroleum in, or on, any of the waters of the state.

(r) “Oil spill contingency plan” or “contingency plan” means the oil spill contingency plan required pursuant to Article 5 (commencing with Section 8670.28).

(s) (1) “Oil spill response organization” or “OSRO” means an individual, organization, association, cooperative, or other entity that provides, or intends to provide, equipment, personnel, supplies, or other services directly related to oil spill containment, cleanup, or removal activities.

(2) “OSRO” does not include an owner or operator with an oil spill contingency plan approved by the administrator or an entity that only provides spill management services, or who provides services or equipment that are only ancillary to containment, cleanup, or removal activities.

(t) (1) “Owner” or “operator” means any of the following:

(A) In the case of a vessel, a person who owns, has an ownership interest in, operates, charters by demise, or leases the vessel.

(B) In the case of a facility, a person who owns, has an ownership interest in, or operates the facility.

(C) Except as provided in subparagraph (D), in the case of a vessel or facility, where title or control was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to an entity of state or local government, a person who owned, held an ownership interest in, operated, or otherwise controlled activities concerning the vessel or facility immediately beforehand.

(D) An entity of the state or local government that acquired ownership or control of a vessel or facility, when the entity of the state or local government has caused or contributed to a spill or discharge of oil into waters of the state.

(2) “Owner” or “operator” does not include a person who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect the person’s security interest in the vessel or facility.

(3) “Operator” does not include a person who owns the land underlying a facility or the facility itself if the person is not involved in the operations of the facility.

(u) “Person” means an individual, trust, firm, joint stock company, or corporation, including, but not limited to, a government corporation, partnership, and association. “Person” also includes a city, county, city and county, district, and the state or any department or agency thereof, and the federal government, or any department or agency thereof, to the extent permitted by law.

(v) “Pipeline” means a pipeline used at any time to transport oil.

(w) “Railroad” means a railroad, railway, rail car, rolling stock, or train.

(x) “Rated OSRO” means an OSRO that has received a satisfactory rating from the administrator pursuant to Section 8670.30.

(y) “Renewable fuel” means any liquid produced from nonpetroleum renewable resources that is used or useable as a fuel, or such liquid that may be blended with other types of fuels. Renewable fuel includes fuels that may contain up to 5 percent petroleum products.

(z) “Renewable fuel production facility” means a facility that produces renewable fuel for blending or shipment.

(aa) “Renewable fuel receiving facility” means a facility that is the first point of receipt of renewable fuel in the state that originated from outside the state, that receives renewable fuel delivered by railroad tank car, tank truck, pipeline, or vessel. A renewable fuel receiving facility may include, but is not limited to, a refinery, a marine terminal, a rail tank car to tank truck transfer facility, or other storage and distribution facility.

(ab) “Response efforts” means rendering care, assistance, or advice in accordance with the National Contingency Plan, the California oil spill contingency plan, or at the direction of the administrator, the United States Environmental Protection Agency, or the United States Coast Guard in response to a spill or a threatened spill into waters of the state.

(ac) “Responsible party” or “party responsible” means any of the following:

(1) The owner or transporter of oil or a person or entity accepting responsibility for the oil.

(2) The owner, operator, or lessee of, or a person that charters by demise, a vessel or facility, or a person or entity accepting responsibility for the vessel or facility.

(ad) “Small craft” means a vessel, other than a tank ship or tank barge, that is less than 20 meters in length.

(ae) “Small craft refueling dock” means a waterside operation that dispenses only nonpersistent oil in bulk and small amounts of persistent lubrication oil in containers primarily to small craft and meets both of the following criteria:

(1) Has tank storage capacity not exceeding 20,000 gallons in any single storage tank or tank compartment.

(2) Has total usable tank storage capacity not exceeding 75,000 gallons.

(af) “Small marine fueling facility” means either of the following:

(1) A mobile transfer unit.

(2) A fixed facility that is not a marine terminal, that dispenses primarily nonpersistent oil, that may dispense small amounts of persistent oil, primarily to small craft, and that meets all of the following criteria:

(A) Has tank storage capacity greater than 20,000 gallons but not more than 40,000 gallons in any single storage tank or storage tank compartment.

(B) Has total usable tank storage capacity not exceeding 75,000 gallons.

(C) Had an annual throughput volume of over-the-water transfers of oil that did not exceed 3,000,000 gallons during the most recent preceding 12-month period.

(ag) “Spill,” “discharge,” or “oil spill” means a release of any amount of oil into waters of the state that is not authorized by a federal, state, or local government entity.

(ah) “Spill management team” means personnel and associated equipment that staff the organizational structure for managing some or all aspects of response, containment, and cleanup of a spill, utilizing an incident command or unified command structure.

(ai) “Tank barge” means a vessel that carries oil in commercial quantities as cargo but is not equipped with a means of self-propulsion.

(aj) “Tank ship” means a self-propelled vessel that is constructed or adapted for the carriage of oil in bulk or in commercial quantities as cargo.

(ak) “Tank vessel” means a tank ship or tank barge.

(al) “Vessel” means a watercraft or ship of any kind, including every structure adapted to be navigated from place to place for the transportation of merchandise or persons.

(am) “Vessel carrying oil as secondary cargo” means a vessel that does not carry oil as a primary cargo, but does carry oil as cargo. The administrator may establish minimum oil volume amounts or other criteria by regulations.

(an) “Waters of the state” or “state waters” means any surface water, including saline waters, marine waters, and freshwaters, within the boundaries of the state but does not include groundwater.

SEC. 13. Section 8670.40 of the Government Code is amended to read:

8670.40. (a) The California Department of Tax and Fee Administration shall collect an oil spill prevention and administration fee on crude oil, petroleum products, and renewable fuel, as described in subdivision (b), in an amount determined by the administrator to be sufficient to pay the reasonable regulatory costs to carry out the purposes set forth in subdivision (e), and a reasonable reserve for contingencies, in accordance with the following:

(1) Until September 30, 2021, the fee shall not exceed six and one-half cents ($0.065) per barrel of crude oil or petroleum products.

(2) Beginning October 1, 2021, the fee shall be eight and one-half cents ($0.085) per barrel of crude oil or petroleum products.

(3) Beginning January 1, 2022, the fee shall be eight and one-half cents ($0.085) per barrel of crude oil, petroleum products, or renewable fuel. The fee shall be adjusted on an annual basis pursuant to paragraph (9) of subdivision (b).

(b) (1) The oil spill prevention and administration fee shall be imposed upon a person owning crude oil at the time that the crude oil is received at a marine terminal within the state, by any mode of delivery that passed over, across, under, or through waters of the state, from within or outside the state, and upon a person who owns petroleum products at the time that those petroleum products are received at a marine terminal within the state, by any mode of delivery that passed over, across, under, or through waters of the state, from outside this state. The fee shall be collected by the marine terminal operator from the owner of the crude oil or petroleum products for each barrel of crude oil or petroleum products received.

(2) The oil spill prevention and administration fee shall be imposed upon a person owning crude oil or petroleum products at the time that the crude oil or petroleum products are received at a refinery within the state by any mode of delivery that passed over, across, under, or through waters of the state, whether from within or outside the state. The refinery operator shall collect the fee from the owner of the crude oil or petroleum products for each barrel received.

(3) The oil spill prevention and administration fee shall be imposed upon a person owning renewable fuel at the following times:

(A) When it is received at a marine terminal within the state, by any mode of delivery that passed over, across, under, or through waters of the state, from whether within or outside the state. The marine terminal operator shall collect the fee from the owner of the renewable fuel for each barrel of renewable fuel received.

(B) When it is received at a refinery within the state, by any mode of delivery that passed over, across, under, or through waters of the state, whether from within or outside the state. The refinery operator shall collect the fee from the owner of the renewable fuel for each barrel of renewable fuel received.

(C) When it is received at a renewable fuel receiving facility within the state, by any mode of delivery that passed over, across, under, or through waters of the state, from outside the state. The renewable fuel receiving facility operator shall collect the fee from the owner of the renewable fuel for each barrel of renewable fuel received.

(D) When it is shipped from a renewable fuel production facility within the state, by any mode of transport that passes over, across, under, or through waters of the state. The renewable fuel production facility operator shall collect the fee from the owner of the renewable fuel for each barrel of renewable fuel shipped.

(4) (A) There is a rebuttable presumption that crude oil, petroleum products, or renewable fuel received at a marine terminal, refinery, or renewable fuel receiving facility, or shipments of a renewable fuel from a renewable fuel production facility have passed over, across, under, or through waters of the state. This presumption may be overcome by a marine terminal operator, refinery operator, renewable fuel receiving facility operator, renewable fuel production facility operator, or owner of the crude oil, petroleum products, or renewable fuel by showing that the crude oil, petroleum products, or renewable fuel did not pass over, across, under, or through waters of the state. Evidence to rebut the presumption may include, but shall not be limited to, documentation, including shipping documents, bills of lading, highway maps, rail maps, transportation maps, related transportation receipts, or another medium, that shows the crude oil, petroleum products, or renewable fuel did not pass over, across, under, or through waters of the state.

(B) Notwithstanding the petition for redetermination and claim for refund provisions of the Oil Spill Response, Prevention, and Administration Fees Law (Part 24 (commencing with Section 46001) of Division 2 of the Revenue and Taxation Code), the California Department of Tax and Fee Administration shall not do either of the following:

(i) Accept or consider a petition for redetermination of fees determined pursuant to this section if the petition is founded upon the grounds that the crude oil, petroleum products, or renewable fuel did or did not pass over, across, under, or through waters of the state.

(ii) Accept or consider a claim for a refund of fees paid pursuant to this section if the claim is founded upon the grounds that the crude oil, petroleum products, or renewable fuel did or did not pass over, across, under, or through waters of the state.

(C) The California Department of Tax and Fee Administration shall forward to the administrator an appeal of a redetermination or a claim for a refund of fees that is based on the grounds that the crude oil, petroleum products, or renewable fuel did or did not pass over, across, under, or through waters of the state.

(5) (A) The fees shall be remitted to the California Department of Tax and Fee Administration by the refinery operator, the marine terminal operator, or the renewable fuel receiving facility operator on the 25th day of the month based upon the number of barrels of crude oil, petroleum products, or renewable fuel received at a refinery, marine terminal, or renewable fuel receiving facility during the preceding month.

(B) The fees shall be remitted to the California Department of Tax and Fee Administration by the renewable fuel production facility operator on the 25th day of the month based upon the number of barrels of renewable fuel shipments from the

renewable fuel production facility during the preceding month.

(6) The fee shall not be imposed pursuant to this section with respect to crude oil, petroleum products, or renewable fuel if the person who would be liable for that fee, or responsible for its collection, establishes that the fee has already been collected by a refinery operator, marine terminal operator, or the renewable fuel receiving facility operator, or renewable fuel production facility operator registered pursuant to Section 46101 of the Revenue and Taxation Code or paid to the California Department of Tax and Fee Administration.

(7) The oil spill prevention and administration fee shall not be collected by a marine terminal operator, refinery operator, renewable fuel receiving facility operator, or renewable fuel production facility operator, or imposed on the owner of crude oil, petroleum products, or renewable fuel if the fee has been previously collected or paid on the crude oil, petroleum products, or renewable fuel at another marine terminal, refinery, renewable fuel receiving facility, or renewable fuel production facility in this state. A marine terminal operator, refinery operator, or renewable fuel production facility receiving petroleum products derived from crude oil refined in the state, or receiving renewable fuel produced in the state, may presume the fee has been previously collected.

(8) An owner of crude oil, petroleum products, or renewable fuel is liable for the fee until it has been paid to the California Department of Tax and Fee Administration, except that payment to a refinery operator, marine terminal operator, renewable fuel receiving facility operator, or renewable fuel production facility operator registered pursuant to Section 46101 of the Revenue and Taxation Code is sufficient to relieve the owner from further liability for the fee.

(9) (A) On or before January 20, the administrator shall annually prepare a plan that projects revenues and expenses over three fiscal years, including the current year. Based on the plan, the administrator shall set the fee so that projected revenues, including any interest and inflation, are equivalent to expenses as reflected in the current Budget Act and in the proposed budget submitted by the Governor. In setting the fee, the administrator may allow for a surplus if the administrator finds that revenues will be exhausted during the period covered by the plan or that the surplus is necessary to cover possible contingencies.

(B) (i) On July 1, 2023, and every July 1 thereafter, the administrator shall adjust the fee specified in subdivision (a) annually by a percentage amount equal to the increase or decrease in the California Consumer Price Index (CCPI) issued by the Department of Industrial Relations or by a successor agency. The resulting fee shall be rounded to the nearest one-tenth of one cent ($0.001). The first adjustment shall be by the percentage increase or decrease in the CCPI from October 2021 to October 2022. Subsequent annual adjustments shall be made relative to subsequent 12-month periods. For example, for the July 1, 2024, adjustment computation, the CCPI for October 2022 will be compared with the CCPI for October 2023. The incremental change shall be added to the associated fee for that year.

(ii) By March 1 of each year, the administrator shall notify the California Department of Tax and Fee Administration of the adjusted oil spill prevention and administration fee that will be in effect beginning the next fiscal year.

(c) The moneys collected pursuant to subdivision (a) shall be deposited into the fund.

(d) The California Department of Tax and Fee Administration shall collect the fee and adopt regulations for implementing the fee collection program.

(e) The fee described in this section shall be collected solely for all of the following purposes:

(1) To implement oil spill prevention programs through rules, regulations, leasing policies, guidelines, and inspections and to implement research into prevention and control technology.

(2) To carry out studies that may lead to improved oil and renewable fuel spill prevention and response.

(3) To finance environmental and economic studies relating to the effects of oil and renewable fuel spills.

(4) To implement, install, and maintain emergency programs, equipment, and facilities to respond to, contain, and clean up oil and renewable fuel spills and to ensure that those operations will be carried out as intended.

(5) To reimburse the California Department of Tax and Fee Administration for its reasonable costs incurred to implement this chapter and to carry out Part 24 (commencing with Section 46001) of Division 2 of the Revenue and Taxation Code.

(6) To fund the Oiled Wildlife Care Network pursuant to Section 8670.40.5.

(f) The moneys deposited in the fund shall not be used for responding to a spill.

(g) The moneys deposited in the fund shall not be used to provide a loan to any other fund.

SEC. 14. Section 15472 of the Government Code is amended to read:

15472. For purposes of this part:

(a) “Director” means the Director of the Office of Energy Infrastructure Safety.

(b) “Office” means Office of Energy Infrastructure Safety.

(c) “Regulated entity” means an entity that is regulated by the office.

SEC. 15. Section 15473 of the Government Code is amended to read:

15473. (a) There is in state government, within the Natural Resources Agency, the Office of Energy Infrastructure Safety. The office shall be under the supervision of the Director of the Office of Energy Infrastructure Safety, who shall have all rights and powers of a head of an office as provided by this code.

(b) The director shall be appointed by, and hold office at the pleasure of, the Governor. The appointment of the director is subject to confirmation by the Senate.

(1) The director shall receive an annual salary as set forth in Section 11552.

(2) The Governor may appoint a deputy director of the office. The deputy director shall hold office at the pleasure of the Governor.

(c) In carrying out the provisions of this part, the director may:

(1) Cooperate and contract with public and private agencies for the performance of acts, the rendition of services, and the affording of facilities as may be necessary and proper.

(2) Do other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this part, including, but not limited to, all of the following:

(A) Employ and prescribe duties of staff members as necessary to carry out the duties of the office.

(B) Employ and prescribe duties for staff designated as investigators. The personnel classification of the investigators shall be consistent with the technical qualifications needed to conduct the investigations.

(C) Designate staff as compliance officers or hearing examiners.

(D) Conduct investigations in any part of the state, compel information, and hold hearings, public meetings, or workshops as necessary to carry out the powers, duties, and responsibilities of the office, consistent with the exercise of its authority pursuant to this part, Section 326 of, and Sections 8385 to 8389, inclusive, of, the Public Utilities Code, or other statutes pertaining to the office.

(E) Adopt, amend, and repeal regulations as necessary to carry out the powers, duties, and responsibilities of the office, consistent with Section 15475. The adoption, amendment, or repeal of regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(F) Require a regulated entity to file an incident report with the office concerning any matter regulated by the office concerning a regulated entity’s infrastructure.

(d) The director and deputy director may administer oaths, certify to all official acts, serve warrants, and issue subpoenas for the attendance of witnesses and the production of papers, including computer modeling, programs, maps, geographic information systems data, and other digital records, waybills, books, accounts, documents, and testimony in any inquiry, investigation, or hearing in any part of the state.

(e) The director has the power of a head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1.

SEC. 16. Section 15475 of the Government Code is amended to read:

15475. The office is the successor to, and, effective July 1, 2021, is vested with, all of the duties, powers, and responsibilities of the Wildfire Safety Division established pursuant to Section 326 of the Public Utilities Code, including, but not limited to, the power to compel information and conduct investigations. All laws prescribing the duties, powers, and responsibilities of the Wildfire Safety Division to which the office succeeds, together with all lawful rules and regulations established under those laws, are expressly continued in force. In carrying out its duties, powers, and responsibilities pursuant to this part and Section 326 of, and Sections 8385 to 8389, inclusive, of, the Public Utilities Code, or other statutes pertaining to the office, the following powers, duties, and responsibilities vested in the office are acknowledged and confirmed:

(a) The office shall adopt, amend, or repeal emergency regulations to implement this part in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1). The adoption, amendment, or repeal of these regulations shall be deemed to be an emergency for the purpose of Section 11342.545 and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(b) The office may require information and data, including monitoring, verification of every regulated entity and any business that is a subsidiary or affiliate of a regulated entity with respect to or that may influence any matter concerning wildfire safety, or that is necessary or useful for the office to perform and exercise its duties, powers, and responsibilities.

(c) The office shall provide for the confidentiality of records, the protection of proprietary information, and the protection of the reasonable expectation of customers of public utilities in the privacy of customer-specific records maintained by the regulated entity. As the successor entity to the Wildfire Safety Division, the office shall continue to have access to and transfer any confidential information received by the Wildfire Safety Division under the authority of the Public Utilities Commission to the office consistent with appropriate protections to maintain the confidentiality of that information. The office and the Public Utilities Commission shall agree upon provisions for the transfer of that information.

(d) The office may require the production, within this state, at a time and place as it designates, of any books, accounts, papers, records, including computer modeling, programs, and other digital records, kept by a regulated entity in any office or place within this state, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the office or under its direction to the extent the production of the records relates to an investigation that falls within the duties, powers, and responsibilities of the office.

(e) The office and persons employed by the office, may, at any time, inspect the accounts, books, papers, and documents, including any digital information, of any regulated entity. The office and any of its designees or employees authorized to administer oaths may examine under oath any officer, agent, or employee of a regulated entity in relation to its business and affairs concerning matters within the duties, powers, and responsibilities of the office. This subdivision also applies to inspections of the accounts, books, papers, and documents of any business that is a subsidiary or affiliate, or a corporation that holds a controlling interest in a regulated entity that is subject to regulation by the office.

(f) Each regulated entity shall cooperate fully with the office in any investigation conducted consistent with this section, regardless of pending litigation or other investigations, including, but not limited to, those that may be related to investigations conducted by the Public Utilities Commission, or the Department of Forestry and Fire Protection. The office and the Public Utilities Commission will cooperate and coordinate consistent with the memorandum of understanding required by Section 15476.

(g) Every regulated entity shall furnish to the office, in the form and detail as the office prescribes, all tabulations, computations, and other information required for the office to perform its duties, powers, and responsibilities, and shall make specific answers to all questions submitted by the office. Every regulated entity receiving from the office any blanks with directions to fill them shall answer fully and correctly each question propounded to it, and if it is unable to answer any question, it shall give a good and sufficient reason for that failure.

(h) Every regulated entity shall furnish those reports to the office at the time and in the form as the office may require in which the regulated entity shall specifically answer all questions propounded by the office. The office may require any regulated entity to file reports or periodic special reports, or both, concerning any matter about which the office is authorized by any law to inquire or to keep itself informed, or that it is required to enforce. All reports shall be under oath when required by the office.

(i) The office and persons employed by or acting on behalf of the office may enter and inspect regulated entity property, records, and equipment at any time and anywhere within the state. Any member of the inspection party may utilize whatever measurement and evaluation devices, including, but not limited to, photographic equipment and temperature measurement devices, that are determined to be necessary. Documentation of the inspection shall be the property of the office. This subdivision is not a limitation upon the authority of any agency to inspect pursuant to any other law.

(j) The office and persons employed by or acting on behalf of the office may inspect at any time and anywhere within the state, all regulated entities' properties and equipment for purposes of carrying out the duties, powers, and responsibilities of the Wildfire Safety Division as set forth in this part or Section 326 of, and Sections 8385 to 8389, inclusive, of, the Public Utilities Code, which are vested in the office as the division's successor, or other statute pertaining to the office.

SEC. 17. Section 15475.1 is added to the Government Code, to read:

15475.1. (a) The office may determine that a regulated entity is not in compliance with any matter under the authority of the office. If necessary, the office may undertake an investigation into whether the regulated entity is noncompliant with its duties and responsibilities or has otherwise committed violations of any laws, regulations, or guidelines within the authority of the office.

(b) The office's primary objective is to ensure that regulated entities are reducing wildfire risk and complying with energy infrastructure safety measures as required by law.

SEC. 18. Section 15475.2 is added to the Government Code, to read:

15475.2. The office may issue a notice of defect or violation to direct the regulated entity to correct any defect or noncompliance with the approved wildfire mitigation plan or failure to comply with any laws, regulations, or guidelines within the authority of the office.

SEC. 19. Section 15475.4 is added to the Government Code, to read:

15475.4. (a) A compliance officer designated by the director may issue notices of defect or violation to any regulated entity. The notice of defect or violation shall allege the deficiency, violation, or failure to act. The notice of defect or violation shall be posted on the office's internet website.

(b) The notice of defect or violation shall be served electronically on the individual designated by the regulated entity and shall inform the regulated entity so served that a hearing to take public comment or present additional information may be requested by the regulated entity within 30 days after the regulated entity has been served. The hearing shall be presided over by a designated hearing examiner. If a petition for hearing is not filed within the 30-day period, the amount determined and conditions set forth in the citation or notice of defect or violation become final at the expiration of the 30-day period. The hearing process shall be set forth in regulations adopted by the office.

(c) If a hearing is requested, after consideration of information presented, the hearing examiner shall issue a proposed determination. The public, stakeholders, and the regulated entity may provide comment on the proposed determination. After considering stakeholder, regulated entity, and public comment, the director may adopt, with or without revision, the proposed determination of the hearing examiner. The director may also reject the proposed determination of the hearing examiner.

(d) The office shall adopt regulations setting forth the policies and procedures for administering the duties of this section.

SEC. 20. Section 15475.5 is added to the Government Code, to read:

15475.5. (a) The decisions of the office are subject to judicial review in the superior court. The superior court shall give preference to cases seeking judicial review of decisions of the office over all civil actions or proceedings pending before the superior court. Appeals of the superior court's decision of those cases shall be given preference in hearings before the court of appeal and the Supreme Court.

(b) Within 30 days after service of a decision issued by the office pursuant to Section 15475.4, a regulated entity or aggrieved stakeholder may file with the superior court a petition for writ of review. If no petition is filed within the time provided by this section, the determination of the office is not subject to review by any court or agency.

(c) The decision of the office shall be sustained by the court unless the court finds that (1) the office proceeded without, or in excess of its jurisdiction, (2) that, based exclusively upon review of the record before the office, the decision is not supported by substantial evidence in light of the whole record, or (3) that the office failed to proceed in a manner required by law.

SEC. 21. Section 15475.6 is added to the Government Code, to read:

15475.6. The office shall adopt guidelines setting forth the requirements, format, timing, and any other matters required to exercise its powers, perform its duties, and meet its responsibilities described in Sections 326, 326.1, and 326.2 and Chapter 6 (commencing with Section 8385) of Division 4.1 of the Public Utilities Code at a publicly noticed meeting during which the office presents proposed guidelines or guideline amendments and allows all interested stakeholders and members of the public an opportunity to comment. Not less than 10 days' public notice shall be given of any meetings required by this section, before the office initially adopts guidelines. Substantive changes to the guidelines shall not be adopted without at least 30 days' written notice to the public and opportunity to comment. Any guidelines adopted pursuant to this section are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Any duly adopted rules or guidelines in effect and utilized by the Wildfire Safety Division at the time of transition to the office shall remain valid and in effect as to the office pending the adoption of new or amended guidelines by the office pursuant to this section.

SEC. 22. Section 16428.92 is added to the Government Code, to read:

16428.92. (a) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3) does not apply to guidelines or other standards adopted or used by a state agency in administering a program that has received funding in the 2021–22, 2022–23, and 2023–24 fiscal years and has prepared a record pursuant to Section 16428.9.

(b) This section shall become inoperative on July 1, 2027, and, as of January 1, 2028, is repealed.

SEC. 23. Section 65850.2 of the Government Code is amended to read:

65850.2. (a) Each city and each county shall include, in its information list compiled pursuant to Section 65940 for development projects, or application form for projects that do not require a development permit other than a building permit, both of the following:

(1) The requirement that the owner or authorized agent shall indicate whether the owner or authorized agent will need to comply with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the city or county.

(2) The requirement that the owner or authorized agent certify whether or not the proposed project will have more than a threshold quantity of a regulated substance in a process or will contain a source or modified source of hazardous air emissions.

(b) A city or county shall not find the application complete pursuant to Section 65943 or approve a development project or a building permit for a project that does not require a development permit other than a building permit, in which a regulated substance will be present in a process in quantities greater than the applicable threshold quantity, unless the owner or authorized agent for the project first obtains, from the administering agency with jurisdiction over the facility, a notice of requirement to comply with, or determination of exemption from, the requirement to prepare and submit an RMP. Within five days of submitting the project application to the city or county, the applicant shall submit the information required pursuant to paragraph (2) of subdivision (a) to the administering agency. This notice of requirement to comply with, or determination of exemption from, the requirement for an RMP shall be provided by the administering agency to the applicant, and the applicant shall provide the notice to the city or county within 25 days of the administering agency receiving adequate information from the applicant to make a determination as to the requirement for an RMP. The requirement to submit an RMP to the administering agency shall be met prior to the issuance of a certificate of occupancy or its substantial equivalent. The owner or authorized agent shall submit, to the city or county, certification from the air pollution control officer that the owner or authorized agent has provided the disclosures required pursuant to Section 42303 of the Health and Safety Code.

(c) A city or county shall not issue a final certificate of occupancy or its substantial equivalent unless there is verification from the administering agency, if required by law, that the owner or authorized agent has met, or is meeting, the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code, and the requirements for a permit, if required by law, from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the city or county or has provided proof from the appropriate district that the permit requirements do not apply to the owner or authorized agent.

(d) The city or county, after considering the recommendations of the administering agency or air pollution control district or air quality management district, shall decide whether, and under what conditions, to allow construction of the site.

(e) Nothing in this section limits any existing authority of a district to require compliance with its rules and regulations.

(f) Counties and cities may adopt a schedule of fees for applications for compliance with this section sufficient to recover their reasonable costs of carrying out this section. Those fees shall be used only for the implementation of this section.

(g) As used in this section, the following terms have the following meaning:

(1) “Process,” “regulated substance,” “RMP,” and “threshold quantity” have the same meaning as set forth for those terms in Section 25532 of the Health and Safety Code.

(2) “Hazardous air emissions” means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, “hazardous air emissions” also means emissions into the ambient air of any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(3) “Administering agency” means a unified program agency, as defined in Section 25501 of the Health and Safety Code.

(h) Any misrepresentation of information required by this section shall be grounds for denial, suspension, or revocation of project approval or permit issuance. The owner or authorized agent required to comply with this section shall notify all future occupants of their potential duty to comply with the requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(i) This section does not apply to applications solely for residential construction.

SEC. 24. Section 13143.9 of the Health and Safety Code is amended to read:

13143.9. (a) The State Fire Marshal shall, in carrying out Section 13143, prepare, adopt, and submit building standards and other fire and life safety regulations for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 establishing minimum requirements for the storage, handling, and use of hazardous materials, as defined, in the California Fire Code. The State Fire Marshal shall seek the advice of the Secretary for Environmental Protection in establishing these requirements. This section does not prohibit a city, county, or district from adopting an ordinance, resolution, or regulation imposing stricter or more stringent requirements than a standard adopted pursuant to this section.

(b) A business that files the annual inventory form in compliance with Chapter 6.95 (commencing with Section 25500) of Division 20, including the addendum adopted pursuant to paragraph (4) of subdivision (e) of Section 25504, when required, shall be deemed to have met the requirements of the California Fire Code regarding hazardous materials inventory statements, as adopted by the State Fire Marshal pursuant to this section.

(c) A business that is not required to file a hazardous materials inventory form pursuant to Section 25506 but that is required by the fire code official to comply with the California Fire Code regarding hazardous materials inventory statements, as adopted by the State Fire Marshal pursuant to this section, shall, notwithstanding Chapter 6.95 (commencing with Section 25500) of Division 20, file the inventory form adopted pursuant to Section 25506 and the addendum adopted pursuant to paragraph (4) of subdivision (e) of Section 25504, when required, with the fire code official for purposes of complying with this requirement, if determined to be necessary by the fire code official.

SEC. 25. Section 25501 of the Health and Safety Code is amended to read:

25501. Unless the context indicates otherwise, the following definitions govern the construction of this article:

(a) “Agricultural handler” means a business operating a farm that is subject to the exemption specified in Section 25507.1.

(b) “Area plan” means a plan established pursuant to Section 25503 by a unified program agency for emergency response to a release or threatened release of a hazardous material within a city or county.

(c) “Business” means all of the following:

(1) An employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, limited liability partnership or company, or other business entity.

(2) A business organized for profit and a nonprofit business.

(3) The federal government, to the extent authorized by law.

(4) An agency, department, office, board, commission, or bureau of state government, including, but not limited to, the campuses of the California Community Colleges, the California State University, and the University of California.

(5) An agency, department, office, board, commission, or bureau of a city, county, or district.

(6) A handler that operates or owns a unified program facility.

(d) “Business plan” means a separate plan for each unified program facility, site, or branch of a business that meets the requirements of Section 25505.

(e) (1) “Certified unified program agency” or “CUPA” means the agency certified by the secretary to implement the unified program specified in Chapter 6.11 (commencing with Section 25404) within a jurisdiction.

(2) “Participating agency” or “PA” means an agency that has a written agreement with the CUPA pursuant to subdivision (d) of Section 25404.3, and is approved by the secretary, to implement or enforce one or more of the unified program elements specified in paragraphs (4) and (5) of subdivision (c) of Section 25404, in accordance with Sections 25404.1 and 25404.2.

(3) “Unified program agency” or “UPA” means the CUPA, or its participating agencies to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in paragraphs (4) and (5) of subdivision (c) of Section 25404. For purposes of this article and Article 2 (commencing with Section 25531), the UPAs have the responsibility and authority, to the extent provided by this article and Article 2 (commencing with Section 25531) and Sections 25404.1 and 25404.2, to implement and enforce only those requirements of this article and Article 2 (commencing with Section 25531) listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.

(4) The UPAs also have the responsibility and authority, to the extent provided by this article and Article 2 (commencing with Section 25531) and Sections 25404.1 and 25404.2, to implement and enforce the regulations adopted to implement the requirements of this article and Article 2 (commencing with Section 25531) listed in paragraphs (4) and (5) of subdivision (c) of Section 25404. After a CUPA has been certified by the secretary, the unified program agencies shall be the only local agencies authorized to enforce the requirements of this article and Article 2 (commencing with Section 25531) listed in paragraphs (4) and (5) of subdivision (c) of Section 25404 within the jurisdiction of the CUPA.

(f) “City” includes any city and county.

(g) “Chemical name” means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

(h) “Common name” means any designation or identification, such as a code name, code number, trade name, or brand name, used to identify a substance by other than its chemical name.

(i) “Compressed gas” means a material, or mixture of materials, that meets either of the following:

(1) The definition of compressed gas or cryogenic fluid found in the California Fire Code.

(2) Compressed gas that is regulated pursuant to Part 1 (commencing with Section 6300) of Division 5 of the Labor Code.

(j) “Consumer product” means a commodity used for personal, family, or household purposes, or is present in the same form, concentration, and quantity as a product prepackaged for distribution to and use by the general public.

(k) “Emergency response personnel” means a public employee, including, but not limited to, a firefighter or emergency rescue personnel, as defined in Section 245.1 of the Penal Code, or personnel of a local emergency medical services (EMS) agency, as designated pursuant to Section 1797.200, who is responsible for response, mitigation, or recovery activities in a medical, fire, or hazardous material incident, or natural disaster where public health, public safety, or the environment may be impacted.

(l) “Handle” means all of the following:

(1) (A) To use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.

(B) For purposes of subparagraph (A), “store” does not include the storage of hazardous materials incidental to transportation, as defined in Title 49 of the Code of Federal Regulations, with regard to the inventory requirements of Section 25506.

(2) (A) The use or potential use of a quantity of hazardous material by the connection of a marine vessel, tank vehicle, tank car, or container to a system or process for any purpose.

(B) For purposes of subparagraph (A), the use or potential use does not include the immediate transfer to or from an approved atmospheric tank or approved portable tank that is regulated as loading or unloading incidental to transportation by Title 49 of the Code of Federal Regulations.

(m) “Handler” means a business that handles a hazardous material.

(n) (1) “Hazardous material” means a material listed in paragraph (2) that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment, or a material specified in an ordinance adopted pursuant to paragraph (3).

(2) Hazardous materials include all of the following:

(A) A substance or product for which the manufacturer or producer is required to prepare a material safety data sheet pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(B) A substance listed as a radioactive material in Appendix B of Part 30 (commencing with Section 30.1) of Title 10 of the Code of Federal Regulations, as maintained and updated by the United States Nuclear Regulatory Commission.

(C) A substance listed pursuant to Title 49 of the Code of Federal Regulations.

(D) A substance listed in Section 339 of Title 8 of the California Code of Regulations.

(E) A material listed as a hazardous waste, as defined by Sections 25115, 25117, and 25316.

(3) The governing body of a unified program agency may adopt an ordinance that provides that, within the jurisdiction of the unified program agency, a material not listed in paragraph (2) is a hazardous material for purposes of this article if a handler has a reasonable basis for believing that the material would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment, and requests the governing body of the unified program agency to adopt that ordinance, or if the governing body of the unified program agency has a reasonable basis for believing that the material would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. The handler or the unified program agency shall notify the secretary no later than 30 days after the date an ordinance is adopted pursuant to this paragraph.

(o) “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

(p) “Retail establishment” means a business that sells consumer products prepackaged for distribution to, and intended for use by, the general public. A retail establishment may include storage areas or storerooms in establishments that are separated from shelves for display areas but maintained within the physical confines of the retail establishments. A retail establishment does not include a pest control dealer, as defined in Section 11407 of the Food and Agricultural Code.

(q) “Secretary” means the Secretary for Environmental Protection.

(r) “Statewide information management system” means the statewide information management system established pursuant to subdivision (e) of Section 25404 that provides for the combination of state and local information management systems for the purposes of managing unified program data.

(s) “Threatened release” means a condition, circumstance, or incident making it necessary to take immediate action to prevent, reduce, or mitigate a release with the potential to cause damage or harm to persons, property, or the environment.

(t) “Trade secret” means trade secrets as defined in either subdivision (d) of Section 6254.7 of the Government Code or Section 1061 of the Evidence Code.

(u) “Unified program facility” means all contiguous land and structures, other appurtenances, and improvements on the land that are subject to the requirements of paragraphs (4) and (5) of subdivision (c) of Section 25404. For purposes of this article, “facility” has the same meaning as unified program facility.

SEC. 26. Section 25503 of the Health and Safety Code is amended to read:

25503. (a) The secretary shall adopt, after public hearing and consultation with the Office of the State Fire Marshal and other appropriate public entities, regulations for minimum standards for business plans. The secretary shall adopt, after public hearing and consultation with the appropriate public entities, regulations for minimum standards for area plans. All business plans and area plans shall meet the standards adopted by the secretary.

(b) The standards for business plans in the regulations adopted pursuant to subdivision (a) shall do all of the following:

(1) Set forth minimum requirements of adequacy, and not preclude the imposition of additional or more stringent requirements by local government.

(2) Take into consideration and adjust for the size and nature of the business, the proximity of the business to residential areas and other populations, and the nature of the damage potential of its hazardous materials in establishing standards for paragraphs (3) and (4) of subdivision (a) of Section 25505.

(3) Take into account the existence of local area and business plans that meet the requirements of this article so as to minimize the duplication of local efforts, consistent with the objectives of this article.

(c) A unified program agency shall, in consultation with local emergency response agencies, establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction. An area plan is not a statute, ordinance, or regulation for purposes of Section 669 of the Evidence Code. The standards for area plans in the regulations adopted pursuant to subdivision (a) shall provide for all of the following:

(1) Procedures and protocols for emergency response personnel, including the safety and health of those personnel.

(2) Preemergency planning.

(3) Notification and coordination of onsite activities with state, local, and federal agencies, responsible parties, and special districts.

(4) Training of appropriate employees.

(5) Onsite public safety and information.

(6) Required supplies and equipment.

(7) Access to emergency response contractors and hazardous waste disposal sites.

(8) Incident critique and followup.

(9) Requirements for notification to the Office of Emergency Services of reports made pursuant to Section 25510.

(d) (1) The unified program agency shall submit to the secretary for the secretary's review a copy of the proposed area plan within 180 days after adoption of regulations by the secretary. The secretary shall notify the unified program agency as to whether the area plan is adequate and meets the area plan standards. The unified program agency shall submit a corrected area plan within 45 days of this notice.

(2) The unified program agency shall certify to the secretary every three years that it has conducted a complete review of its area plan and has made any necessary revisions. If a unified program agency makes a substantial change to its area plan, it shall forward the changes to the secretary within 14 days after the changes have been made.

(e) The inspection and enforcement program established pursuant to paragraphs (2) and (3) of subdivision (a) of Section 25404.2, shall include the basic provisions of a plan to conduct onsite inspections of businesses subject to this article by the unified program agency. These inspections shall ensure compliance with this article and shall identify existing safety hazards that could cause or contribute to a release and, where appropriate, enforce any applicable laws and suggest preventative measures designed to minimize the risk of the release of hazardous material into the workplace or environment. The requirements of this subdivision do not alter or affect the immunity provided to a public entity pursuant to Section 818.6 of the Government Code.

SEC. 27. Section 25504 of the Health and Safety Code is amended to read:

25504. (a) The Legislature hereby finds and declares that persons attempting to do business in this state are increasingly experiencing excessive and duplicative regulatory requirements at different levels of government.

(b) To streamline and ease the regulatory burdens of doing business in this state, compliance with Section 25505 shall also suffice to meet the requirements for a Hazardous Materials Management Plan and the Hazardous Materials Inventory Statement as set forth in the California Fire Code and its appendices, to the extent that the information in the California Fire Code is contained in Section 25505.

(c) The unified program agency shall provide access to the information collected in the statewide information management system to emergency response personnel on a 24-hour basis.

(d) The enforcement of this article by unified program agencies and the California Fire Code by those agencies required to enforce the provisions of that code shall be coordinated.

(e) (1) Notwithstanding Section 13143.9, and the standards and regulations adopted pursuant to that section, a business that files the inventory of information required by this article and the addendum adopted pursuant to paragraph (4), if required by the fire code official, shall be deemed to have met the requirements for a Hazardous Materials Inventory Statement, as set forth in the California Fire Code and its appendices.

(2) Notwithstanding Section 13143.9, and the standards and regulations adopted pursuant to that section, a business that establishes and maintains a business plan for emergency response to a release or a threatened release of a hazardous material in accordance with Section 25505, shall be deemed to have met the requirements for a Hazardous Materials Management Plan, as set forth in the California Fire Code and its appendices.

(3) Except for the addendum required by the fire code official pursuant to paragraph (4), the unified program agency shall be the sole enforcement agency for purposes of determining compliance pursuant to paragraphs (1) and (2).

(4) The secretary shall, in consultation with the unified program agencies and the Office of the State Fire Marshal, adopt by regulation a single comprehensive addendum for hazardous materials reporting for the purposes of complying with subdivisions (b) and (c) of Section 13143.9 and subdivision (b) of Section 25506. The unified program agency shall require businesses to annually use that addendum when complying with subdivisions (b) and (c) of Section 13143.9 and subdivision (b) of Section 25506. A business shall file the addendum with the unified program agency when required by the fire code official pursuant to subdivision (b) of Section 13143.9 or subdivision (b) of Section 25506.

(f) Except as otherwise expressly provided in this section, this section does not affect or otherwise limit the authority of the fire code official to enforce the California Fire Code.

SEC. 28. Section 25506 of the Health and Safety Code is amended to read:

25506. (a) The secretary, in coordination with the Office of Emergency Services, shall specify the hazardous materials inventory that shall be submitted by handlers and the data to be collected and submitted for hazardous materials in quantities equal to or greater than the quantities specified in Section 25507 or as otherwise established by the governing body of the unified program agency by a local ordinance.

(b) If required by the fire code official, the business shall also file the addendum required by paragraph (4) of subdivision (e) of Section 25504.

(c) Except as provided in subdivision (d), the inventory information required by this section shall also include all inventory information required by Section 11022 of Title 42 of the United States Code.

(d) If, pursuant to federal law or regulation, as it currently exists or as it may be amended, the secretary determines that the inventory information required by subdivisions (a) and (c) is substantially equivalent to the inventory information required under the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Sec. 11001 et seq.), the requirements of subdivisions (a) and (c) shall not apply.

(e) This section shall not apply to hazardous materials that are described in subdivision (b) of Section 25507.

SEC. 29. Section 25507 of the Health and Safety Code is amended to read:

25507. (a) Except as provided in this article, a business shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 if the business meets any of the following conditions at any unified program facility:

(1) (A) It handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time during the reporting year that is equal to, or greater than, 55 gallons for materials that are liquids, 500 pounds for solids, or 200 cubic feet for compressed gas, as defined in subdivision (i) of Section 25501. The physical state and quantity present of mixtures shall be determined by the physical state of the mixture as a whole, not individual components, at standard temperature and pressure.

(B) For the purpose of this section, for compressed gases, if a hazardous material or mixture is determined to exceed threshold quantities at standard temperature and pressure, it shall be reported in the physical state at which it is stored. If the material is an extremely hazardous substance, as defined in Section 355.61 of Title 40 of the Code of Federal Regulations, all amounts shall be reported in pounds.

(2) It is required to submit chemical inventory information pursuant to Section 11022 of Title 42 of the United States Code.

(3) It handles at any one time during the reporting year an amount of a hazardous material that is equal to, or greater than, the threshold planning quantity, under both of the following conditions:

(A) The hazardous material is an extremely hazardous substance, as defined in Section 355.61 of Title 40 of the Code of Federal Regulations.

(B) The threshold planning quantity for that extremely hazardous substance listed in Appendices A and B of Part 355 (commencing with Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations is less than 500 pounds.

(4) (A) It handles at any one time during the reporting year a total weight of 5,000 pounds for solids or a total volume of 550 gallons for liquids, if the hazardous material is a solid or liquid substance that is classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations solely as an irritant or sensitizer, except as provided in subparagraph (B).

(B) If the hazardous material handled by the facility is a paint that will be recycled or otherwise managed under an architectural paint recovery program approved by the Department of Resources Recycling and Recovery pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code, the business is required to establish and implement a business plan only if the business handles at any one time during the reporting year a total weight of 10,000 pounds of solid hazardous materials or a total volume of 1,000 gallons of liquid hazardous materials.

(5) It handles at any one time during the reporting year cryogenic, refrigerated, or compressed gas in a quantity of 1,000 cubic feet or more at standard temperature and pressure, if the gas is any of the following:

(A) Classified as a hazard for the purposes of Section 5194 of Title 8 of the California Code of Regulations only for hazards due to simple asphyxiation or the release of pressure.

(B) Oxygen, nitrogen, and nitrous oxide ordinarily maintained by a physician, dentist, podiatrist, veterinarian, pharmacist, or emergency medical service provider at their place of business.

(C) Carbon dioxide.

(D) Nonflammable refrigerant gases, as defined in the California Fire Code, that are used in refrigeration systems.

(E) Gases used in closed fire suppression systems.

(6) It handles a radioactive material at any one time during the reporting year in quantities for which an emergency plan is required to be considered pursuant to Schedule C (Section 30.72) of Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1) of Chapter I of Title 10 of the Code of Federal Regulations, or pursuant to any regulations adopted by the state in accordance with those regulations.

(7) It handles perchlorate material, as defined in subdivision (c) of Section 25210.5, in a quantity at any one time during the reporting year that is equal to, or greater than, the thresholds listed in paragraph (1).

(8) (A) It handles a combustible metal or metal alloy that is defined as a pyrophoric or water-reactive material in the California Fire Code, in any quantity in raw stock, scrap, or powder form at any time during the reporting year.

(B) It handles a combustible metal, or metal alloy, that is defined as a combustible dust, flammable solid, or magnesium in the California Fire Code, in a quantity in raw stock, scrap, or powder form at any one time during the reporting year that is equal to, or greater than, 100 pounds.

(C) It handles a combustible metal, or metal alloy, that poses an explosive potential, when in molten form, in a quantity at any one time during the reporting year that is equal to, or greater than, 500 pounds.

(b) The following hazardous materials are exempt from the requirements of this section:

(1) Refrigerant gases, other than ammonia or flammable gas in a closed cooling system, that are used for comfort or space cooling for computer rooms.

(2) Compressed air in cylinders, bottles, and tanks used by fire departments and other emergency response organizations for the purpose of emergency response and safety.

(3) (A) Lubricating oil, if the total volume of each type of lubricating oil handled at a facility does not exceed 55 gallons and the total volume of all types of lubricating oil handled at that facility does not exceed 275 gallons, at any one time.

(B) For purposes of this paragraph, “lubricating oil” means oil intended for use in an internal combustion crankcase, or the transmission, gearbox, differential, or hydraulic system of an automobile, bus, truck, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion or electric powered engine. “Lubricating oil” does not include used oil, as defined in subdivision (a) of Section 25250.1.

(4) Both of the following, if the aggregate storage capacity of oil at the facility is less than 1,320 gallons and a spill prevention control and countermeasure plan is not required pursuant to Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.

(A) Fluid in a hydraulic system.

(B) Oil-filled electrical equipment that is not contiguous to an electric facility.

(5) Hazardous material contained solely in a consumer product, handled at, and found in, a retail establishment and intended for sale to, and for the use by, the public. The exemption provided for in this paragraph shall not apply to a consumer product handled at the facility that manufactures that product, or a separate warehouse or distribution center of that facility, or where a product is dispensed on the retail premises.

(6) Propane that is for on-premises use, storage, or both, in an amount not to exceed 500 gallons, that is for the sole purpose of cooking, heating employee work areas, and heating water within that facility, unless the unified program agency finds, and provides notice to the business handling the propane, that the handling of the on-premises propane requires the submission of a business plan, or any portion of a business plan, in response to public health, safety, or environmental concerns.

(c) In addition to the authority specified in subdivision (e), the governing body of the unified program agency may, in exceptional circumstances, following notice and public hearing, exempt a hazardous material specified in subdivision (n) of Section 25501 from Section 25506, if it is found that the hazardous material would not pose a present or potential danger to the environment or

to human health and safety if the hazardous material was released into the environment. The unified program agency shall send a notice to the secretary within 15 days from the effective date of any exemption granted pursuant to this subdivision.

(d) The unified program agency, upon application by a handler, may exempt the handler, under conditions that the unified program agency determines to be proper, from any portion of the requirements to establish and maintain a business plan, upon a written finding that the exemption would not pose a significant present or potential hazard to human health or safety or to the environment, or affect the ability of the unified program agency and emergency response personnel to effectively respond to the release of a hazardous material, and that there are unusual circumstances justifying the exemption. The unified program agency shall specify in writing the basis for any exemption under this subdivision.

(e) The unified program agency, upon application by a handler, may exempt a hazardous material from the inventory provisions of this article upon proof that the material does not pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment. The unified program agency shall specify in writing the basis for any exemption under this subdivision.

(f) The unified program agency shall adopt procedures to provide for public input when approving applications submitted pursuant to subdivisions (d) and (e).

SEC. 30. Section 25507.1 of the Health and Safety Code is amended to read:

25507.1. (a) A unified program agency shall exempt a business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity from filing the information in the business plan required by paragraphs (3) and (4) of subdivision (a) of Section 25505 if all of the following requirements are met:

(1) The agricultural handler annually submits the facility information and inventory required by Section 25506 to the statewide information management system.

(2) Each building in which hazardous materials subject to this article are stored is posted with signs, in accordance with regulations that the secretary shall adopt, that provide notice of the storage of any of the following:

(A) Pesticides.

(B) Petroleum fuels and oil.

(C) Types of fertilizers.

(3) The agricultural handler provides the training programs specified in paragraph (4) of subdivision (a) of Section 25505.

(b) The unified program agency may designate the county agricultural commissioner to conduct the inspections of agricultural handlers. The agricultural commissioner shall schedule and conduct inspections in accordance with Section 25511.

SEC. 31. Section 25510 of the Health and Safety Code is amended to read:

25510. (a) Except as provided in subdivision (b), the handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material, or an actual release of a hazardous substance, as defined in Section 374.8 of the Penal Code, to the UPA, and to the Office of Emergency Services, in accordance with the regulations adopted pursuant to this section. The handler or an employee, authorized representative, agent, or designee of the handler shall provide all state, city, or county fire or public health or safety personnel and emergency response personnel with access to the handler's facilities.

(b) Subdivision (a) does not apply to a person engaged in the transportation of a hazardous material on a highway that is subject to, and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

(c) On or before January 1, 2022, the Office of Emergency Services shall adopt regulations to implement this section. In developing these regulations, the Office of Emergency Services shall closely consult with representatives from regulated entities, appropriate trade associations, fire service organizations, federal, state, and local organizations, including unified program agencies, and other interested parties. The Office of Emergency Services shall define what releases and threatened releases are required to be reported pursuant to this section and consider the existing federal reporting requirements in determining a definition of reporting releases.

(d) The UPA shall maintain one or more nonemergency contact numbers for release reports that do not require immediate agency response. The UPA shall promptly communicate changes to this information to regulated facilities, to the secretary, and to the Office of Emergency Services.

SEC. 32. Section 25510.1 of the Health and Safety Code is amended to read:

25510.1. (a) A business required to submit a followup emergency notice pursuant to Section 11004(c) of Title 42 of the United States Code shall submit the notice on a form approved by the Office of Emergency Services.

(b) The Office of Emergency Services may adopt guidelines for the use of the forms required by subdivision (a).

SEC. 33. Section 25516 of the Health and Safety Code is amended to read:

25516. (a) A person who provides information that materially contributes to the imposition of a civil penalty, whether by settlement or court order, under Section 25515 or 25515.2, as determined by the city attorney, district attorney, or the Attorney General filing the action, shall be paid a reward by the unified program agency or the state equal to 10 percent of the amount of the civil penalty collected. The reward shall be paid from the amount of the civil penalty collected. No reward paid pursuant to this subdivision shall exceed five thousand dollars ($5,000).

(b) A person who provides information that materially contributes to the conviction of a person or business under Section 25515.1 or 25515.3, as determined by the city attorney, district attorney, or the Attorney General filing the action, shall be paid a reward by the unified program agency or the state equal to 10 percent of the amount of the fine collected. The reward shall be paid from the amount of the fine collected. No reward paid pursuant to this subdivision shall exceed five thousand dollars ($5,000).

(c) An informant shall not be eligible for a reward for a violation known to the unified program agency, unless the information materially contributes to the imposition of criminal or civil penalties for a violation specified in this section.

(d) If there is more than one informant for a single violation, the person making the first notification received by the city attorney, district attorney, or the Attorney General that brought the action shall be eligible for the reward, except that, if the notifications are postmarked on the same day or telephoned notifications are received on the same day, the reward shall be divided equally among those informants.

(e) Public officers and employees of the United States, the State of California, or counties and cities in this state are not eligible for the reward pursuant to subdivision (a) or (b), unless the providing of the information does not relate in any manner to their responsibilities as public officers or employees.

(f) An informant who is an employee of a business and who provides information that the business has violated this chapter is not eligible for a reward if the employee intentionally or negligently caused the violation or if the employee's primary and regular responsibilities included investigating the violation, unless the business knowingly caused the violation.

(g) The unified program agency or the state shall pay rewards under this section pursuant to the following procedures:

(1) An application shall be signed by the informant and presented to the unified program agency or the state within 60 days after a final judgment has been entered or the period for an appeal of a judgment has expired.

(2) The determination by the district attorney, city attorney, or Attorney General as to whether the information provided by the applicant materially contributed to the imposition of a judgment under Section 25515.1 or 25515.3 shall be final.

(3) The unified program agency or the state shall notify the applicant in writing of its decision to grant or deny a reward within a reasonable time period following the filing of an application.

(4) Approved reward claims shall be paid by the unified program agency or the state within 30 days of the collection and deposit of the penalties specified in subdivisions (a) and (b).

(h) The names of reward applicants or informants shall not be disclosed by the unified program agency or the state unless the names are otherwise publicly disclosed as part of a judicial proceeding.

(i) Notwithstanding any other provision of this section, rewards paid by the state shall only be paid after appropriation by the Legislature.

SEC. 34. Section 25517 of the Health and Safety Code is amended to read:

25517. The secretary may develop materials, including guidelines and informational pamphlets, to assist businesses to fulfill their obligations under this article.

SEC. 35. Section 25531.2 of the Health and Safety Code is amended to read:

25531.2. (a) The Legislature finds and declares that as the state implements the federal accidental release prevention program pursuant to this article, the agency will play a vital and increased role in preventing accidental releases of extremely hazardous substances. The Legislature further finds and declares that as an element of the unified program established pursuant to Chapter 6.11 (commencing with Section 25404), a single fee system surcharge mechanism is established by Section 25404.5 to cover the costs incurred by the agency pursuant to this article. It is the intent of the Legislature that this existing authority, together with any federal assistance that may become available to implement the accidental release program, be used to fully fund the activities of the agency necessary to implement this article.

(b) The Legislature further finds and declares that the owners and operators of stationary sources producing, processing, handling, or storing hazardous materials have a general duty, in the same manner and to the same extent as is required by Section 654 of Title 29 of the United States Code, to identify hazards that may result from releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking those steps as are necessary to prevent releases, and to minimize the consequences of accidental releases that do occur.

(c) The agency shall use any federal assistance received to implement Chapter 6.11 (commencing with Section 25404) to offset any fees or charges levied to cover the costs incurred by the agency pursuant to this article.

SEC. 36. Section 25532 of the Health and Safety Code is amended to read:

25532. Unless the context indicates otherwise, the following definitions govern the construction of this article:

(a) “Accidental release” means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

(b) “Agency” means the California Environmental Protection Agency.

(c) “Covered process” means a process that has a regulated substance present in more than a threshold quantity.

(d) “Local implementing agency” means the entity that has been designated by a local governing body to develop, implement, and maintain an integrated alerting and notification system, which may include a local law enforcement or fire agency, joint powers agency, authority, or entity, or other local agency.

(e) “Modified stationary source” means an addition or change to a stationary source that qualifies as a “major change,” as defined in Subpart A (commencing with Section 68.1) of Part 68 of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations. “Modified stationary source” does not include an increase in production up to the source’s existing operational capacity or an increase in production level, up to the production levels authorized in a permit granted pursuant to Section 42300.

(f) “Person” means an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation, including, but not limited to, a government corporation. “Person” also includes any city, county, city and county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

(g) “Process” means any activity involving a regulated substance, including any use, storage, manufacturing, handling, or onsite movement of the regulated substance or any combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located so that a regulated substance could be involved in a potential release, shall be considered a single process.

(h) “Qualified person” means a person who is qualified to attest, at a minimum, to the completeness of an RMP.

(i) “Regulated substance” means any substance that is either of the following:

(1) A regulated substance listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the federal Clean Air Act (42 U.S.C. Sec. 7412(r)(3)).

(2) (A) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations that is any of the following:

(i) A gas at standard temperature and pressure.

(ii) A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.

(iii) A solid that is one of the following:

(I) In solution or in molten form.

(II) In powder form with a particle size less than 100 microns.

(III) Reactive with a National Fire Protection Association rating of 2, 3, or 4.

(iv) A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.

(B) (i) The agency shall, in consultation with the Office of Environmental Health Hazard Assessment, determine which of the extremely hazardous substances listed in Appendix A of Part 355 (commencing with Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations do either of the following:

(I) Meet one or more of the criteria specified in clause (i), (ii), or (iii) of subparagraph (A).

(II) May pose a regulated substances accident risk, in consideration of the factors specified in subdivision (g) of Section 25543.1, and, therefore, should remain on the list of regulated substances until completion of the review conducted pursuant to subdivision (a) of Section 25543.3.

(ii) The agency shall adopt, by regulation, a list of the extremely hazardous substances identified pursuant to clause (i). Extremely hazardous substances placed on the list are regulated substances for the purposes of this article.

(j) “Regulated substances accident risk” means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

(k) “RMP” means the risk management plan required under Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations and by this article.

(l) “Special needs population” means individuals who may have additional response assistance needs before, during, and after an incident in functional areas, including, but not limited to, maintaining independence, communication, transportation, supervision, or medical care. Individuals in need of additional response assistance may include those who have disabilities, live in institutionalized settings, are elderly, are children, are from diverse cultures, have limited English proficiency or are non-English speaking, or are transportation disadvantaged.

(m) “State threshold quantity” means the quantity of a regulated substance described in subparagraph (A) of paragraph (2) of subdivision (i), as adopted by the agency pursuant to Section 25543.1 or 25543.3. Until the agency adopts a state threshold quantity for a regulated substance, the state threshold quantity shall be the threshold planning quantity for the regulated substance specified in Appendix A of Part 355 (commencing with Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

(n) “Stationary source” means any stationary source, as defined in Section 68.3 of Title 40 of the Code of Federal Regulations.

(o) “Threshold quantity” means the quantity of a regulated substance that is determined to be present at a stationary source in the manner specified in Section 68.115 of Title 40 of the Code of Federal Regulations and that is the lesser of either of the following:

(1) The threshold quantity for the regulated substance specified in Section 68.130 of Title 40 of the Code of Federal Regulations.

(2) The state threshold quantity.

(p) “Transient population” means individuals in a location in which they do not normally reside, including, but not limited to, train stations, office buildings, shopping malls, and colleges, and individuals who are homeless.

(q) “Unified program agency” has the same meaning specified in Section 25501.

SEC. 37. Section 25533 of the Health and Safety Code is amended to read:

25533. (a) The program for prevention of accidental releases of regulated substances adopted by the United States Environmental Protection Agency pursuant to subsection (r) of Section 112 of the federal Clean Air Act (42 U.S.C. Sec. 7412(r)), with the additional provisions specified in this article, is the accidental release prevention program for the state. The program shall be implemented by the agency and the unified program agency. The state’s implementation of the federal program adopted by the United States Environmental Protection Agency is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Notwithstanding this article or Division 26 (commencing with Section 39000), the accidental release prevention program submitted by the agency to the United States Environmental Protection Agency to receive delegation of federal authority to implement the federal program shall include only those regulated substances and threshold quantities specified in the regulations adopted by the United States Environmental Protection Agency.

(b) The agency and the unified program agency shall, to the maximum extent feasible, coordinate implementation of the accidental release prevention program with the United States Chemical Safety and Hazard Investigation Board, the state emergency response commission and local emergency planning committees, the unified program elements specified in subdivision (c) of Section 25404, the permitting programs implemented by the air quality management districts and air pollution control districts pursuant to Subchapter V of the federal Clean Air Act (42 U.S.C. Sec. 7661 et seq.), and with other agencies, as specified in Section 25404.2.

(c) Section 39602 does not apply to the accidental release prevention program promulgated and implemented pursuant to subsection (r) of Section 112 of the federal Clean Air Act (42 U.S.C. Sec. 7412(r)).

(d) The unified program agency in each jurisdiction is the agency designated to implement and enforce any requirements specified by the United States Environmental Protection Agency and pertaining to any of the following:

(1) Verification of stationary source registration and submission of an RMP or revised RMP.

(2) Verification of source submission of stationary certifications or compliance schedules.

(3) Mechanisms for ensuring that stationary sources permitted pursuant to Subchapter V of the federal Clean Air Act (42 U.S.C. Sec. 7661 et seq.) are in compliance with the requirements of this article.

(e) Notwithstanding subdivision (d) and paragraph (2) of subdivision (a) of Section 25404.1, if, after a public hearing, the agency determines that a unified program agency is not taking reasonable actions to enforce the statutory provisions and regulations pertaining to accidental releases of regulated substances, the agency may exercise any of the powers of that unified program agency as necessary to implement this article.

SEC. 38. Section 25534 of the Health and Safety Code is amended to read:

25534. (a) For any stationary source with one or more covered processes, the unified program agency shall make a preliminary determination as to whether there is a significant likelihood that the use of regulated substances by a stationary source may pose a regulated substances accident risk.

(b) (1) If the unified program agency determines that there is a significant likelihood of a regulated substances accident risk pursuant to this subdivision, it shall require the stationary source to prepare and submit an RMP, or may reclassify the covered process from program 2 to program 3, as specified in Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations.

(2) If the unified program agency determines that there is not a significant likelihood of a regulated substances accident risk pursuant to this subdivision, it may do either of the following:

(A) Require the preparation and submission of an RMP, but need not do so if it determines that the likelihood of a regulated substances accident risk is remote, unless otherwise required by federal law.

(B) Reclassify a covered process from program 3 to program 2 or from program 2 to program 1, as specified in Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations, unless the classification of the covered process is specified in those regulations.

(3) If the unified program agency determines that a pesticide, as defined in Section 12753 of the Food and Agricultural Code, used on a farm or nursery may pose a regulated substances accident risk pursuant to this article, the unified program agency shall first consult with the Department of Food and Agriculture or the county agricultural commissioner to evaluate whether the current RMP is adequate in relation to the regulated substances accident risk. This paragraph does not limit the authority of a unified program agency to conduct its duties under this article, or prohibit the exercise of that authority.

(c) The requirements of this section apply to a stationary source that is not otherwise required to submit an RMP pursuant to Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations.

SEC. 39. Section 25534.05 of the Health and Safety Code is amended to read:

25534.05. (a) The agency, in consultation with the unified program agencies, industry, the public, and other interested parties, shall adopt regulations for all of the following activities:

(1) The registration of stationary sources subject to this article.

(2) The receipt, review, revision, and audit of RMPs.

(3) The resolution of disagreements between stationary source operators and unified program agencies.

(4) Providing for the public availability of RMPs, consistent with subsection (c) of Section 114 of the federal Clean Air Act (42 U.S.C. Sec. 7414(c)).

(5) The provision of technical assistance to stationary sources subject to the accidental release prevention program.

(b) The regulations shall also require each stationary source to work closely with the unified program agency in deciding which process hazard review technique is best suited for each stationary source's covered processes.

(c) The regulations shall provide that the process hazard analysis shall include the consideration of external events, including seismic events, if applicable.

(d) The regulations shall also require each stationary source to work closely with the unified program agency in determining for each RMP an appropriate level of detail for the document elements specified in Section 68.150(a) of Title 40 of the Code of Federal Regulations and for documentation of the external events analysis.

(e) A unified program agency shall implement the regulations adopted pursuant to this section.

SEC. 40. Section 25534.06 of the Health and Safety Code is amended to read:

25534.06. (a) A city or county that adopts, amends, or repeals an ordinance related to the regulation of regulated substances pursuant to this article shall do so at a public meeting for which notice has been given in a newspaper of general circulation that is published and circulated in the affected city or county, and the city or county shall state in the ordinance the reasons for adopting, amending, or repealing the ordinance.

(b) A city or county required to provide notice pursuant to subdivision (a) may, in addition to publishing the notice in a newspaper of general circulation, submit the notice to the agency, which shall post that notice on the internet at a location established for notices that may be posted pursuant to this subdivision.

(c) A city or county required to provide notice pursuant to subdivision (a) may also submit the full text of the ordinance and a summary of any violations of the ordinance to the agency, which shall post the full text of the ordinance and the summary of any violations of the ordinance, or a link to the full text of the ordinance and the summary of any violations of the ordinance, on the agency's internet website.

SEC. 41. Section 25534.5 of the Health and Safety Code is amended to read:

25534.5. The unified program agency with jurisdiction over a stationary source or facility may have access to inspect the stationary source and review all technical and other information in the stationary source's possession that is reasonably necessary to allow the unified program agency to make a determination regarding the stationary source's compliance with this article. Upon request of the unified program agency, the stationary source shall provide to the unified program agency information regarding the stationary source's compliance with this article.

SEC. 42. Section 25535 of the Health and Safety Code is amended to read:

25535. (a) An owner or operator of a stationary source submitting an RMP pursuant to this article shall submit the RMP to the unified program agency after the RMP is certified as complete by a qualified person and the stationary source owner or operator. The unified program agency shall review the RMP and may authorize the air pollution control district or air quality management district in which the stationary source is located to conduct a technical review of the RMP. If, after review by the unified program agency and technical review, if any, by the air pollution control district or air quality management district, the unified program agency determines that the stationary source's RMP is deficient in any way, the unified program agency shall notify the stationary source of these defects. The stationary source shall submit a corrected RMP within 60 days of the notification of defects, unless granted a one-time extension of no more than 30 days, of the notice to correct the RMP by the unified program agency. Failure to fully comply with this notice or the unified program of this section shall be deemed a violation of this article for purposes of Section 25540.

(b) Upon implementation of an RMP, the stationary source shall notify the unified program agency that the RMP has been implemented and shall summarize the steps taken in preparation and implementation of the RMP.

(c) The stationary source shall continue to carry out the program and activities specified in the RMP at the stationary source after the unified program agency has been notified pursuant to subdivision (b).

(d) The owner or operator of the stationary source shall implement all programs and activities in the RMP before operations commence, in the case of a new stationary source, or before any new activities involving regulated substances are taken, in the case of a modified stationary source.

SEC. 43. Section 25535.1 of the Health and Safety Code is amended to read:

25535.1. (a) Except as otherwise provided in this article, an owner or operator of a stationary source shall prepare an RMP if an RMP is required pursuant to Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations or if the unified program agency makes a determination pursuant to Section 25534 that an RMP is required.

(b) An owner or operator of a stationary source required to prepare an RMP pursuant to this article shall submit the RMP to the United States Environmental Protection Agency and to the unified program agency.

(c) Notwithstanding subdivision (b), if an RMP is required only because the unified program agency has determined, pursuant to Section 25534, that an RMP is required, the RMP shall be submitted only to the unified program agency.

SEC. 44. Section 25535.2 of the Health and Safety Code is amended to read:

25535.2. Within 15 days after the unified program agency determines that an RMP is complete, the unified program agency shall make the RMP available to the public for review and comment for a period of at least 45 days. A notice briefly describing and stating that the RMP is available for public review at a certain location shall be placed in a daily local newspaper or placed on a unified program agency's internet website, and mailed to interested persons and organizations. The unified program agency shall review the RMP, and any comments received, following the regulations adopted pursuant to subdivision (a) of Section 25534.05.

SEC. 45. Section 25535.5 of the Health and Safety Code is amended to read:

25535.5. Any fee imposed on any stationary source to cover the unified program agency's cost of implementing the accidental release prevention program pursuant to this article shall be imposed only through the single fee system established pursuant to Section 25404.5.

SEC. 46. Section 25536 of the Health and Safety Code is amended to read:

25536. (a) A person or a stationary source with one or more covered processes shall comply with the requirements of this article no later than the latest date specified in Subpart A (commencing with Section 68.1) of Part 68 of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations.

(b) If the unified program agency makes a determination pursuant to Section 25534 that a person or stationary source is required to prepare and submit an RMP, the person or stationary source shall submit the RMP in accordance with a schedule established by the unified program agency after consultation with the stationary source. The unified program agency shall not require an RMP to be submitted earlier than 12 months or later than three years after the owner or operator has received a notice of that determination from the unified program agency.

SEC. 47. Section 25536.6 of the Health and Safety Code is amended to read:

25536.6. (a) Each local implementing agency shall develop an integrated alerting and notification system, in coordination with local emergency management agencies, unified program agencies, local first response agencies, petroleum refineries, and the public, to be used to notify the community surrounding a petroleum refinery in the event of an incident at the refinery warranting the use of the automatic notification system. The integrated alerting and notification system shall include the following when determined to be appropriate and consistent with the unified program agency area plan:

(1) Text messaging.

(2) Calls to landline and cellular telephones.

(3) Activation of the Emergency Alert System.

(4) National Weather Service alerts to National Oceanic and Atmospheric Administration radios.

(5) Social media communications.

(6) New technologies when developed.

(7) An audible alarm.

(b) (1) The integrated alerting and notification system shall alert and notify the communities surrounding a petroleum refinery, including schools, public facilities, hospitals, transient and special needs populations, and residential care homes.

(2) The area of the community that is to be alerted and notified shall be determined by the local implementing agency in coordination with unified program agencies, local first response agencies, petroleum refineries, and the public.

(c) If an integrated alerting and notification system has not been developed and implemented by January 1, 2018, the local implementing agency shall, in coordination with the unified program agency, local first response agencies, petroleum refineries, and the public, determine an appropriate integrated alerting and notification system to be developed consistent with subdivisions (a) and (b) and, on or before January 1, 2019, shall develop a schedule for developing and implementing the integrated alerting and notification system.

(d) The local implementing agency, through an interagency agreement or memorandum of understanding with the unified program agency and the county's operational area coordinator, shall manage, operate, coordinate, and maintain the integrated alerting and notification system developed pursuant to subdivisions (a) and (b).

(e) A unified program agency shall ensure that the integrated alerting and notification system required pursuant to subdivisions (a) and (b) is included in, or consistent with, the unified program agency area plan and Chapter 4.5 (commencing with Section 2735.1) of Division 2 of Title 19 of the California Code of Regulations.

(f) A petroleum refinery shall immediately call the emergency 9-1-1 telephone number and notify the unified program agency, pursuant to Section 25510, in the event of an incident warranting the use of the integrated alerting and notification system.

(g) A unified program agency shall make the RMP of a petroleum refinery available to the public at the unified program agency's office during normal business hours or by appointment, or both, consistent with Section 2775.5 of Title 19 of the California Code of Regulations.

(h) A unified program agency, in coordination with the local implementing agency, shall establish a fee that a petroleum refinery shall pay in an amount to cover the reasonable and necessary costs for the design, building, and installation of the integrated alerting and notification system developed pursuant to subdivisions (a) and (b). This fee shall be separate from the unified program single fee system levied pursuant to Section 25404.5 and shall be approved by the governing body of the local implementing agency. The money received from this fee shall be transferred to the local implementing agency for the design, building, and installation of the integrated alerting and notification system developed pursuant subdivisions (a) and (b).

(i) A unified program agency, in coordination with the local implementing agency, shall establish a fee, as part of the unified program single fee system levied on a petroleum refinery pursuant to Section 25404.5, in an amount sufficient to cover the reasonable and necessary costs for the ongoing operation and maintenance of the integrated alerting and notification system developed pursuant to subdivisions (a) and (b). The moneys collected from this fee shall be transferred to the local implementing agency for operating and maintaining the integrated alerting and notification system developed pursuant to subdivisions (a) and (b).

(j) The agency shall work with the local implementing agencies and the unified program agencies to develop a model memorandum of understanding between adjacent jurisdictions for integration of alerting and notification systems that will operate across jurisdictional boundaries.

(k) The local implementing agency shall ensure that there are agreements with adjacent jurisdictions to coordinate alerts, notifications, and messaging when a release crosses or threatens to cross jurisdictional boundaries. The agreements shall be documented in the unified program agency area plan.

SEC. 48. Section 25536.9 of the Health and Safety Code is amended to read:

25536.9. On or before February 1, 2018, an owner or operator of a stationary source that claims that it is exempt from the requirement in paragraph (1) of subdivision (a) of Section 25536.7 pursuant to the exception in paragraph (4) of subdivision (a) of Section 25536.7 shall file with the unified program agency a complete copy of the contract described in paragraph (4) of subdivision (a) of Section 25536.7 and a second copy of that contract that has been redacted only to the extent necessary to protect sensitive information and that shall include the identity of the contractor, the scope of the work covered by the contract, the date of execution of the contract, and the term of the contract. The complete copy of the contract that is not redacted is not a public record and shall be kept confidential by the unified program agency. The redacted copy of the contract shall be a public record available for inspection from the unified program agency.

SEC. 49. Section 25537 of the Health and Safety Code is amended to read:

25537. (a) (1) The unified program agency shall inspect every stationary source required to be registered pursuant to this article at least once every three years to determine whether the stationary source is in compliance with this article.

(2) The requirements of this section do not alter or affect the immunity provided a public entity pursuant to Section 818.6 of the Government Code.

(b) Subdivision (a) shall not be construed to affect the exemption from audit requirements established pursuant to Section 68.220(c) of Title 40 of the Code of Federal Regulations.

SEC. 50. Section 25537.5 of the Health and Safety Code is amended to read:

25537.5. (a) Where a stationary source has one or more covered processes, and is subject to the requirements of Article 1 (commencing with Section 25500) for the same substance, compliance with this article shall be deemed compliance with Article 1 (commencing with Section 25500) for that substance, to the extent not inconsistent with federal law and with Article 1 (commencing with Section 25500).

(b) Any stationary source that relies on subdivision (a) for compliance with the applicable requirements of Article 1 (commencing with Section 25500) shall annually submit to the unified program agency a statement that the stationary source has made no changes required to be reported pursuant to Article 1 (commencing with Section 25500), or identifying all reportable changes.

SEC. 51. Section 25538 of the Health and Safety Code is amended to read:

25538. (a) If a stationary source believes that any information required to be reported, submitted, or otherwise provided to the unified program agency pursuant to this article involves the release of a trade secret, the stationary source shall provide the information to the unified program agency and shall notify the unified program agency in writing of that belief. Upon receipt of a claim of trade secret related to an RMP, the unified program agency shall review the claim and shall segregate properly substantiated trade secret information from information that shall be made available to the public upon request in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of Government Code). As used in this section, “trade secret” has the same meaning as in subdivision (d) of Section 6254.7 of the Government Code and Section 1061 of the Evidence Code.

(b) Except as otherwise specified in this section, the unified program agency shall not disclose any properly substantiated trade secret that is so designated by the owner or operator of a stationary source.

(c) The unified program agency may disclose trade secrets received by the unified program agency pursuant to this article to authorized officers or employees of other governmental agencies only in connection with the official duties of that officer or employee pursuant to any law for the protection of health and safety.

(d) Any officer or employee or former officer or employee of the unified program agency or any other government agency who, because of that employment or official position, has possession of or access to information designated as a trade secret pursuant to this section shall not knowingly and willfully disclose the information in any manner to any person not authorized to receive the information pursuant to this section. Notwithstanding Section 25515, any person who violates this subdivision, and who knows that disclosure of this information to the general public is prohibited by the section, shall, upon conviction, be punished by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars ($1,000), or by both that fine and imprisonment.

(e) Any information prohibited from disclosure pursuant to any federal statute or regulation shall not be disclosed.

(f) This section does not authorize any stationary source to refuse to disclose to the unified program agency any information required pursuant to this article.

(g) (1) Upon receipt of a request for the release of information to the public that includes information that the stationary source has notified the unified program agency is a trade secret pursuant to subdivision (a), the unified program agency shall notify the stationary source in writing of the request by certified mail, return receipt requested. The owner or operator of the stationary source shall have 30 days from receipt of the notification to provide the unified program agency with any materials or information intended to supplement the information submitted pursuant to subdivision (a) and needed to substantiate the claim of trade secret. The unified program agency shall review the claim of trade secret and shall determine whether the claim is properly substantiated.

(2) The unified program agency shall inform the stationary source in writing, by certified mail, return receipt requested, of any determination by the unified program agency that some, or all, of a claim of trade secret has not been substantiated. Not earlier than 30 days after the receipt by a stationary source of notice of the determination, the unified program agency shall release the information to the public, unless, prior to the expiration of the 30-day period, the stationary source files an action in an appropriate court for a declaratory judgment that the information is subject to protection under subdivision (b) or for an injunction prohibiting disclosure of the information to the public, and promptly notifies the unified program agency of that action.

SEC. 52. Section 25539 of the Health and Safety Code is amended to read:

25539. The agency and each unified program agency, in implementing this article, shall, upon request, involve and cooperate with local and state government officials, emergency planning committees, and professional associations.

SEC. 53. Section 25541.5 of the Health and Safety Code is amended to read:

25541.5. If civil penalties are recovered pursuant to Section 25540 or 25540.5, the same offense shall not be the subject of a criminal prosecution pursuant to Section 25541 or 25541.3. When a unified program agency refers a violation to a prosecuting agency and a criminal complaint is filed, any civil action brought pursuant to this article for that offense shall be dismissed.

SEC. 54. Section 25542 of the Health and Safety Code is amended to read:

25542. (a) It is the intent of the Legislature that for those facilities with an RMP incorporating some, or all, of the federal or state process safety management program under the federal Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651 et seq.) and the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code), where a violation may be penalized pursuant to this article and the process safety management program, penalties shall be imposed under only one program.

(b) It is the further intent of the Legislature that for any facility described in subdivision (a), the Division of Occupational Safety and Health of the Department of Industrial Relations shall, to the maximum extent feasible, coordinate with the unified program agency and other agencies in accordance with paragraph (4) of subdivision (a) of Section 25404.2.

SEC. 55. Section 25543 of the Health and Safety Code is amended to read:

25543. The agency shall obtain and maintain state delegation of the federal accidental release prevention program established pursuant to subsection (r) of Section 7412 of Title 42 of the United States Code. Substances that are regulated under this article only because they are regulated substances pursuant to paragraph (2) of subdivision (i) of Section 25532 and state threshold quantities shall not be a part of the state program for which delegation of federal implementation and enforcement authority is sought pursuant to this section and subdivision (a) of Section 25533.

SEC. 56. Section 25543.1 of the Health and Safety Code is amended to read:

25543.1. (a) Any person may submit a petition to the agency for the addition of a material to, or for the deletion of a material from, the regulated substances list adopted pursuant to subparagraph (B) of paragraph (2) of subdivision (i) of Section 25532 or to revise the existing state threshold quantities that are used as the standards for registration and RMP compliance.

(b) A petition submitted pursuant to subdivision (a) shall be accompanied by a submission fee, to be established by the agency, in consultation with the Office of Environmental Health Hazard Assessment. The fee shall be in an amount that is sufficient to pay for the reasonable costs incurred by the agency and the Office of Environmental Health Hazard Assessment necessary to carry out this section. Upon the receipt of the petition and fee, the agency shall transmit to the Office of Environmental Health Hazard Assessment funds sufficient to pay for the reasonable costs incurred by the Office of Environmental Health Hazard Assessment to carry out this section.

(c) An owner or operator of a stationary source shall not delay implementation of this article in anticipation of a ruling on a petition to delist a regulated substance or to change a state threshold quantity.

(d) The agency shall notify unified program agencies of petitions for adding or delisting regulated substances or for changing state threshold quantities and shall take comments from unified program agencies on the petitions. All comments shall be responded to in writing.

(e) The agency shall notify the public of petitions for adding or delisting regulated substances or for changing state threshold quantities and shall take public comment on the petitions. All comments shall be responded to in writing.

(f) (1) The agency shall request the Office of Environmental Health Hazard Assessment to review the petitions and make recommendations to the agency regarding the petitions.

(2) Each recommendation made pursuant to paragraph (1) shall be based on current scientific knowledge and a sound and open scientific review and shall contain a finding whether a substance should be added to, or deleted from, the regulated substance list, or whether the state threshold quantity for a regulated substance should be revised.

(g) The petition review by the Office of Environmental Health Hazard Assessment shall take into consideration all of the following factors:

(1) The severity of any acute adverse health effect associated with an accidental release of the substance.

(2) The likelihood of an accidental release of the substance.

(3) The potential magnitude of human exposure to an accidental release of the substance.

(4) The results of other preexisting evaluations of the substances potential risks which take into account the factors specified in paragraphs (1), (2), and (3), including, but not limited to, studies or research undertaken by, or on behalf of, the United States Environmental Protection Agency for the purpose of complying with paragraph (3) of subsection (r) of Section 112 of the federal Clean Air Act (42 U.S.C. Sec. 7412 (r)(3)).

(5) The likelihood of the substance being handled in this state.

(6) The accident history of the substance.

(h) Upon receipt of a recommendation made pursuant to subdivision (f), the agency may add or remove a substance or change an existing state threshold quantity as a requirement for this article.

(i) In reviewing a petition under this section, the agency shall consider the views of unified program agencies that have indicated support or opposition to the petition.

SEC. 57. Section 25543.2 of the Health and Safety Code is amended to read:

25543.2. (a) A stationary source that intends to modify a facility that may result either in a significant increase in the amount of regulated substances handled by the facility or in a significantly increased risk in handling a regulated substance, as compared to the amount of substances and the amount of risk identified in the facility's RMP relating to the covered process proposed for modification, shall do all the following, prior to operating the modified facility:

(1) Where reasonably possible, notify the unified program agency in writing of the stationary source's intent to modify the facility at least five calendar days before implementing any modifications. As part of the notification process, the stationary source shall consult with the unified program agency when determining whether the RMP should be reviewed and revised. Where prenotification is not reasonably possible, the stationary source shall provide written notice to the unified program agency no later than 48 hours following the modification.

(2) Establish procedures to manage the proposed modification, which shall be substantially similar to the procedures specified in Section 1910.119 of Title 29 of the Code of Federal Regulations pertaining to process safety management, and notify the unified program agency that the procedures have been established.

(b) The stationary source shall revise the appropriate documents, as required pursuant to subdivision (a), expeditiously, but not later than 60 days from the date of the facility modification.

SEC. 58. Section 25543.3 of the Health and Safety Code is amended to read:

25543.3. The agency, in consultation with the Office of Environmental Health Hazard Assessment, shall periodically do all of the following:

(a) Review each regulated substance on the list established pursuant to subparagraph (B) of paragraph (2) of subdivision (i) of Section 25532 and, taking into consideration the factors specified in subdivision (g) of Section 25543.1, determine if the regulated substance should remain subject to regulation under this article or should be deleted from that list of regulated substances.

(b) Review the state threshold quantity for each regulated substance that the agency determines should remain on the list of regulated substances, and determine, taking into consideration the factors specified in subdivision (g) of Section 25543.1, if the state threshold quantity should be revised.

(c) Adopt regulations, which amend the list of regulated substances adopted pursuant to subparagraph (B) of paragraph (2) of subdivision (i) of Section 25532, and adopt state threshold quantities for regulated substances, based on the determinations of the agency under subdivisions (a) and (b).

SEC. 59. Section 25545 of the Health and Safety Code is amended to read:

25545. The Office of Emergency Services shall develop informational guidelines for facilities required to comply with Chapter 116 (commencing with Section 11001) of Title 42 of the United States Code and with this chapter, and shall assist the unified program

agencies in ensuring full distribution of these guidelines to those facilities.

SEC. 60. Section 41855.8 is added to the Health and Safety Code, to read:

41855.8. (a) Upon appropriation of moneys pursuant to Provision 1 of Item 3900-101-0001 of Section 2.00 of the Budget Act of 2021, the state board may administer a program to support incentives for alternatives to agricultural burning in the San Joaquin Valley.

(b) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to funding criteria or other guidelines expressly related to the granting of moneys under the program described in subdivision (a) adopted or used by the state board.

SEC. 61. Chapter 4.7 (commencing with Section 116773) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 4.7. Water and Wastewater System Payments Under the American Rescue Plan Act of 2021

116773. This chapter shall be known, and may be cited, as the Water and Wastewater System Payments Under the American Rescue Plan Act of 2021.

116773.2. For purposes of this chapter, the following definitions apply:

(a) “Community water system” has the same meaning as defined in Section 116275.

(b) “COVID-19 pandemic bill relief period” means the period from March 4, 2020, to June 15, 2021, inclusive, and includes any customer billing period that includes these dates.

(c) “Past-due bills” means customer water bills that are 60 days or more past due and includes both active and inactive accounts, and accounts that have payment plans or payment arrangements.

(d) “Proportional basis” means based on the percentage of the total statewide need for community water system reimbursement under this chapter, estimated by the state board, and the total assistance available for disbursement.

(e) “Small community water system” has the same meaning as defined in Section 116275.

(f) “State board” means the State Water Resources Control Board.

(g) “Wastewater treatment provider” means a city, county, special district, or joint powers authority that provides wastewater collection, treatment, or disposal service through a publicly owned treatment works.

116773.4. (a) The California Water and Wastewater Arrearage Payment Program is hereby established in the state board to implement this chapter.

(b) (1) Within 90 days of receiving funds pursuant to an appropriation in the annual Budget Act for this purpose, the state board shall survey community water systems to determine statewide arrearages and water enterprise revenue shortfalls and adopt a resolution establishing guidelines for application requirements and reimbursement amounts for those arrearages and shortfalls. Within 14 days of adopting the resolution, the state board shall begin accepting applications from community water systems for funds to assist customers who have past-due bills from the COVID-19 pandemic bill relief period.

(2) There shall be an initial 60-day application timeframe in which a community water system may apply to the state board for reimbursement. The state board shall contact any community water systems that do not apply during the initial application period to assist the community water systems in applying.

(3) The state board shall use the survey results to determine the total amount of residential and commercial arrearages from community water systems that have submitted that information. The survey shall also quantify revenue shortfalls for community water systems unable to disaggregate customer arrearages.

(4) (A) If there are insufficient funds in the appropriation described in paragraph (1) to reimburse the total amount of reported arrearages and revenue shortfalls of community water systems, the state board shall disburse the funds on a proportional basis to each community water system applicant based on reported arrearages and the state board’s estimation of customer arrearages for community water systems unable to report arrearages that report water enterprise revenue shortfalls.

(B) If there are sufficient funds in the appropriation described in paragraph (1) to reimburse the total amount of reported arrearages and revenue shortfalls of community water systems, the state board shall establish a program for funding wastewater treatment provider arrearages and shortfalls in accordance with this chapter with the remaining funds.

Notwithstanding the deadlines specified in subdivision (c), the wastewater service program shall commence following substantial completion of the water service program under this chapter, and in no instance later than February 1, 2022.

(5) A community water system applicant shall calculate or estimate, based on its billing frequency, the total amount of outstanding past-due bills that have accumulated during the COVID-19 pandemic bill relief period. The calculations shall include documentation to support the amount of outstanding customer arrearages that were incurred during that period, if available. Community water system applicants shall also report their water enterprise revenue shortfalls during the COVID-19 pandemic bill relief period. A community water system's authorized representative, or its designee, shall attest that the application is true and accurate.

(6) (A) The state board shall prioritize the timing of the disbursement of funding to small community water systems.

(B) The state board shall establish guidelines for community water systems to prioritize residential water customers and customers with the largest arrearages.

(7) If a community water system uses customer classes for purposes of its billing program, the following customer classes are eligible for funding under this chapter and may be included in the application:

(A) Residential customers.

(B) Commercial customers.

(c) The state board shall begin disbursing funds under this chapter to community water systems no later than November 1, 2021, and shall complete distribution of funds to community water systems no later than January 31, 2022.

(d) A community water system shall, within 60 days of receiving funds under this chapter, allocate payments as bill credits to customers to help address past-due bills incurred during the COVID-19 pandemic bill relief period and notify customers of the amounts credited to their accounts.

(e) (1) A community water system shall provide customers with arrearages accrued during the COVID-19 pandemic bill relief period a notice that they may enter into a payment plan and that they have 30 days from the date of the notice to enroll in the payment plan. A payment plan and its associated rules offered by a community water system of any size shall conform with Chapter 6 (commencing with Section 116900), notwithstanding limitations in that chapter relating to a community water system's size. A community water system shall not discontinue water service to a customer that remains current on a payment plan.

(2) A community water system receiving funds under this chapter shall not discontinue water service due to nonpayment of past-due bills before either of the following dates, whichever date is later:

(A) September 30, 2021.

(B) For a customer that has been offered an opportunity to participate in a payment plan, the date the customer misses the enrollment deadline for, or defaults on, the payment plan.

(f) A community water system shall remit any moneys disbursed to the community water system under this chapter not credited to customers within six months of receipt back to the state board.

(g) Customer information collected under this chapter is subject to Section 6254.16 of the Government Code.

(h) A community water system receiving assistance under this chapter may expend up to 3 percent, or up to one million dollars ($1,000,000), whichever amount is less, of that assistance for costs incurred in applying for the assistance or complying with use and reporting conditions of the assistance.

116773.6. (a) Actions by the state board to implement this chapter, including the adoption or development of any plan, handbook, guidelines, reporting and audit requirements, or forms, are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Actions by the state board to implement this chapter, including entering into contracts for services or equipment, are exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code. The state board may award a contract under this chapter on a noncompetitive bid basis as necessary to implement the purposes of this chapter.

(c) The state board shall coordinate with the Department of Community Services and Development in allocating funding under this chapter to community water systems that are publicly owned utilities providing electric and water services.

(d) The state board may use its authority granted pursuant to Chapter 4 (commencing with Section 116270) to implement the requirements of this chapter. For purposes of Article 7 (commencing with Section 116525), Article 8 (commencing with Section

116625), and Article 9 (commencing with Section 116650) of Chapter 4, a violation of any requirement imposed in connection with funding under this chapter or the associated program is a violation of Chapter 4.

(e) This chapter satisfies the requirement for subsequent legislation in Provision 2 of Item 3940-062-8506 and Provision 3 of Item 3940-162-8506 of Section 2.00 of the Budget Act of 2021.

116773.8. This chapter shall become inoperative on July 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 62. Section 7856 of the Labor Code is amended to read:

7856. By March 31, 2014, the board shall adopt process safety management standards for refineries, chemical plants, and other manufacturing facilities, as specified in Codes 28 (Chemical and Allied Products) and 29 (Petroleum Refining and Related Industries) of the Manual of Standard Industrial Classification Codes, published by the United States Office of Management and Budget, 1987 Edition, that handle regulated substances as defined in subdivision (i) of Section 25532 of the Health and Safety Code and pose a significant likelihood of accident risk, as determined by the board. Alternately, upon making a finding that there is a significant likelihood of risk to employees at a facility not included in Codes 28 and 29 resulting from the presence of acutely hazardous materials or explosives as identified in Part 172 (commencing with Section 172.1) of Title 49 of the Code of Federal Regulations, the board may require that these facilities be subject to the jurisdiction of the standards provided for in this section. When adopting these standards, the board shall give priority to facilities and areas of facilities where the potential is greatest for preventing severe or catastrophic accidents because of the size or nature of the process or business. The standards adopted pursuant to this section shall require that injury prevention programs of employers subject to this part and implemented pursuant to Section 6401.7 include the requirements of this part.

SEC. 63. Section 5010.2.5 is added to the Public Resources Code, to read:

5010.2.5. (a) On or before September 1, 2021, the department may establish a “California State Park Adventure Pass.” The pass shall be available, upon application to the department, to any child in the 4th grade, or 4th grade equivalent, who is a California resident.

(b) (1) On and after September 1, 2021, the department may waive the day use entrance fees to an eligible unit of the state park system, as determined by the department, for any child who holds a valid “California State Park Adventure Pass” as described in subdivision (a).

(2) The entrance fee waiver pursuant to paragraph (1) shall cover, where applicable, both of the following:

(A) A per vehicle entrance fee, including all passengers in the vehicle, as long as the vehicle is a single, private, noncommercial vehicle that is used to transport the 4th grade child to the unit of the state park system.

(B) A per person entrance fee, including up to three adults, 16 years of age and above, and all children, 15 years of age and younger, accompanying the 4th grade child.

(c) The department shall post on its internet website the list of state parks eligible for the waiver, pursuant to subdivision (b), and information on how to obtain the “California State Park Adventure Pass,” including a hyperlink.

(d) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 64. Section 5011 of the Public Resources Code is amended to read:

5011. (a) Any person receiving aid to the aged, blind, or disabled under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code, any person receiving aid to families with dependent children under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any person over 62 years of age whose total monthly income from all sources, including any old age assistance payments, does not exceed the amount specified in subdivision (c) of Section 12200 of the Welfare and Institutions Code for a single person, or in subdivision (d) of that section for married persons, as adjusted pursuant to Section 12201 of that code, upon application therefor and payment of five dollars ($5) to the Department of Parks and Recreation, shall be issued a “Golden Bear Pass” that is valid for the specified year and that entitles the bearer and spouse to free use on any day of the day-use facilities in units of the state park system, except Hearst San Simeon State Historical Monument, Sutter’s Fort State Historic Park, and the California State Railroad Museum, under limitations as may be determined by departmental regulation regarding peak hours and contractual arrangements with vendors. The pass shall entitle the bearer and spouse to have access only to day-use facilities and not to the use of any other facilities.

(b) The department shall not grant half price privileges or offer any discount for the use of state park system facilities on the basis of the pass authorized by this section.

(c) Notwithstanding subdivision (b), the department shall develop and implement, on or before January 1, 1986, a senior discount program for the use of state park system facilities. The program may be modified after January 1, 1991, to include a “Golden Bear Senior Pass” available to any person over 62 years of age for an annual fee fixed by the department, valid for the specified year, and entitling the bearer and spouse to the use of day and camping facilities as specified by the department. The department shall set the fee for the “Golden Bear Senior Pass” and shall specify the facilities and times for which the pass is valid so as to minimize any loss in total annual park revenues to the department.

(d) (1) Notwithstanding subdivision (b), on and after July 1, 2021, the department shall waive the five-dollar ($5) fee to obtain the “Golden Bear Pass” described in subdivision (a).

(2) This subdivision shall become inoperative on July 1, 2024.

SEC. 65. Section 8750 of the Public Resources Code is amended to read:

8750. Unless the context requires otherwise, the following definitions govern the construction of this division:

(a) “Administrator” means the administrator for oil spill response appointed by the Governor pursuant to Section 8670.4 of the Government Code.

(b) “Barges” means any vessel that carries oil in commercial quantities as cargo but is not equipped with a means of self-propulsion.

(c) (1) “Best achievable protection” means the highest level of protection which can be achieved through both the use of the best achievable technology and those manpower levels, training procedures, and operational methods which provide the greatest degree of protection achievable. The administrator’s determination of best achievable protection shall be guided by the critical need to protect valuable coastal resources and marine waters, while also considering (A) the protection provided by the measures, (B) the technological achievability of the measures, and (C) the cost of the measures.

(2) It is not the intent of the Legislature that the administrator use a cost-benefit or cost-effectiveness analysis or any particular method of analysis in determining which measures to require. Instead, it is the intent of the Legislature that the administrator give reasonable consideration to the protection provided by the measures, the technological achievability of the measures, and the cost of the measures when establishing the requirements to provide the best achievable protection for coastal and marine resources.

(d) “Best achievable technology” means that technology that provides the greatest degree of protection taking into consideration (1) processes that are being developed, or could feasibly be developed anywhere in the world, given overall reasonable expenditures on research and development, and (2) processes that are currently in use anywhere in the world. In determining what is best achievable technology, the administrator shall consider the effectiveness and engineering feasibility of the technology.

(e) “Commission” means the State Lands Commission.

(f) “Local government” means any chartered or general law city, chartered or general law county or any city and county.

(g) “Marine facility” means any facility of any kind, other than a vessel, that is or was used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, refining, or transporting oil and is located in marine waters, or is located where a discharge could impact marine waters unless the facility (1) is subject to Chapter 6.67 (commencing with Section 25270) or Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code or (2) is placed on a farm, nursery, logging site, or construction site and does not exceed 20,000 gallons in a single storage tank. For the purposes of this division, a drill ship, semisubmersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform is a “marine facility.” For the purposes of this division, a small craft refueling dock is not a “marine facility.”

(h) “Marine terminal” means any marine facility used for transferring oil to or from tankers or barges. For the purposes of this section, a marine terminal includes all piping not integrally connected to a tank facility as defined in subdivision (n) of Section 25270.2 of the Health and Safety Code.

(i) “Marine waters” means those waters subject to tidal influence, except for waters in the Sacramento-San Joaquin Rivers and Delta upstream from a line running north and south through the point where Contra Costa, Sacramento, and Solano Counties meet.

(j) “Nonpersistent oil” means a petroleum-based oil, such as gasoline, diesel, or jet fuel, that evaporates relatively quickly. Specifically, it is an oil with hydrocarbon fractions, at least 50 percent of which, by volume, distills at a temperature of 645 degrees Fahrenheit, and at least 95 percent of which, by volume, distills at a temperature of 700 degrees Fahrenheit.

(k) “Oil” has the same meaning as in subdivision (p) of Section 8670.3 of the Government Code.

(l) “Onshore facility” means any facility of any kind which is located entirely on lands not covered by marine waters.

(m) “Operator” when used in connection with vessels, marine terminals, pipelines, or facilities, means any person or entity that owns, has an ownership interest in, charters, leases, rents, operates, participates in the operation of or uses that vessel, terminal, pipeline, or facility. “Operator” does not include any entity that owns the land underlying the facility or the facility itself, where the entity is not involved in the operations of the facility.

(n) “Person” means an individual, trust, firm, joint stock company, or corporation, including, but not limited to, a government corporation, partnership, limited liability company, and association. “Person” also includes any city, county, city and county, district, and the state or any department or agency thereof, and the federal government, or any department or agency thereof, to the extent permitted by law.

(o) “Pipeline” means any pipeline used at any time to transport oil.

(p) “Responsible party” or “party responsible” means either of the following:

(1) The owner or transporter of oil or a person or entity accepting responsibility for the oil.

(2) The owner, operator, or lessee of, or person who charters by demise, any vessel or marine facility or a person or entity accepting responsibility for the vessel or marine facility.

(q) “Small craft refueling dock” means a fixed facility having tank storage capacity not exceeding 20,000 gallons in any single storage tank and that dispenses nonpersistent oil to small craft.

(r) “Spill” or “discharge” means any release of at least one barrel (42 gallons) of oil not authorized by any federal, state, or local government entity.

(s) “State oil spill contingency plan” means the California oil spill contingency plan prepared pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code.

(t) “Tanker” means any self-propelled, waterborne vessel, constructed or adapted for the carriage of oil in bulk or in commercial quantities as cargo.

(u) “Vessel” means a tanker or barge as defined in this section.

SEC. 66. Section 14515.8 of the Public Resources Code is amended to read:

14515.8. (a) “Pilot project recycler” means a recycling location established under Section 14571.9.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2027, deletes or extends that date.

SEC. 67. Section 14571.9 of the Public Resources Code is amended to read:

14571.9. (a) (1) Until June 30, 2025, the department may approve up to 10 recycling pilot projects that meet the requirements of this section.

(2) The pilot projects, which shall be submitted by applicant jurisdictions, shall be designed to improve redemption opportunities in unserved convenience zones. It is the intent of the Legislature to create new, convenient recycling opportunities to improve consumer redemption of eligible beverage containers and increase recycling rates in jurisdictions served by pilot projects and to provide recycling opportunities to improve consumer redemption of eligible containers in pilot project areas, including in rural areas.

(3) Unless otherwise specified in or authorized by the department under this section, a pilot project operator shall be subject to all requirements imposed on recycling centers as specified in this division and any implementing regulations, except for the requirements specified in Sections 14570 and 14571.

(4) If a pilot project ends before June 30, 2025, the department may consider additional pilot project proposals, but not more than 10 pilot projects may operate at the same time.

(b) (1) Notwithstanding Sections 14570, 14571, and 14571.6, a convenience zone that falls within the area of a pilot project approved by the department under this section shall be deemed served while the pilot project is operational.

(2) (A) A dealer within the jurisdiction of a pilot project shall post a clear and conspicuous sign of at least 10 inches by 15 inches at each public entrance to the dealer’s place of business that specifies the name of the pilot project location nearest to the dealer, as provided by the department, the days and hours of operation of the pilot project location, and the toll-free

telephone number established by the department under subparagraph (B). This information shall be kept accurate and up to date.

(B) The department shall establish a toll-free telephone number and an internet website to disseminate information regarding beverage container recycling opportunities.

(3) If a pilot project ceases operation or the pilot project's certification has been revoked by the department, a dealer in the convenience zone served by the pilot project shall comply with Sections 14570, 14571, and 14571.6. The department shall inform all dealers within a convenience zone of any change in status of a pilot project serving that convenience zone within 10 calendar days.

(c) The requirements for a pilot project shall include, but not be limited to, all of the following:

(1) A pilot project shall serve one of the following:

(A) At least three unserved convenience zones.

(B) One or more convenience zones impacting a total of at least 30 dealers in unserved convenience zones.

(C) A rural region.

(2) A pilot project shall be in a jurisdiction that, as of the effective date of the pilot project application, meets at least one of the following conditions:

(A) Had at least six unserved convenience zones.

(B) Had 75 percent of the convenience zones in the jurisdiction unserved.

(C) Is located in a rural region.

(3) A pilot project shall not establish a location for redeeming a beverage container for its refund value that is outside of the pilot project area.

(4) A pilot project recycler may be located anywhere within the pilot project area.

(5) A pilot project shall be served only by a pilot project recycler that meets all of the following requirements:

(A) The pilot project recycler shall be open a minimum of one weekday per week for at least eight hours.

(B) In addition to the requirement in subparagraph (C), the pilot project recycler shall be open at least five hours per week during periods other than from Monday through Friday from 9 a.m. to 5 p.m.

(C) The pilot project recycler shall be open at least eight hours per week during the weekend.

(D) The pilot project recycler shall accept and pay the refund value for all eligible beverage container types.

(E) The pilot project operator shall notify the department in writing 10 calendar days before any change of the location where redeemed empty beverage containers are stored.

(F) The pilot project recycler shall only redeem eligible empty beverage container material purchased from consumers for recycling, and shall not accept material from any other certified or noncertified person or entity, including, but not limited to, recycling centers, dropoff or collection programs, curbside programs, and processors.

(G) The pilot project operator shall keep separate transaction records for each location within the pilot project, and in the case of mobile collection programs, separate transaction records for each location served by the mobile unit.

(6) A processor shall not issue an authorization to cancel under subdivision (b) of Section 2110 of Title 14 of the California Code of Regulations to a pilot project recycler.

(7) Additional requirements as deemed necessary by the department.

(d) A pilot project established pursuant to this section may provide stationary dropoff locations or mobile collection programs.

(e) A jurisdiction that opts to be served by a pilot project shall submit its pilot project proposal to the department for approval. The proposal shall include all of the following elements:

(1) A map of the pilot project area, including intended locations for pilot project recyclers.

(2) A list of proposed operators of pilot project recyclers.

(3) Contact information for the jurisdiction.

(4) Planned dates of operation.

(5) A description of how the pilot project will meet the requirements of this section.

(6) Additional elements as determined by the department.

(f) The department may issue probationary certificates of operation to pilot project recyclers participating in an approved pilot project. A certificate issued under this section shall be valid, and shall specify that the certificate is valid, for a period of not more than five years or until the end of the pilot project, whichever comes first. Notwithstanding certification requirements imposed by this division or implementing regulations, the following application review timelines shall apply to pilot projects:

(1) The department shall notify each applicant and the appropriate pilot project contact within 30 calendar days of receipt of the proposal, or receipt of additional information if the proposal was initially deemed incomplete, that the proposal for certification is either complete and accepted for further review or incomplete and the reasons for incompleteness.

(2) Upon determining that a proposal is complete, the department shall notify the applicant and appropriate pilot project contact in writing within 30 calendar days that the application is either approved with probationary status or denied and the reasons for denial.

(g) In approving pilot projects, the department shall consider all of the following factors:

(1) The number of unserved convenience zones that will be served by the pilot project.

(2) The total number of hours per week the pilot project recycler will operate.

(3) The total number of locations that will be served under the pilot project.

(4) Whether the jurisdiction has actively prevented the siting or operation of a certified recycling center at a supermarket site.

(5) The geographic distribution of jurisdictions proposing a pilot project.

(6) Potential impacts to existing certified recycling centers.

(7) Additional factors deemed relevant by the department.

(h) (1) The department may revoke the approval of a pilot project or the associated probationary certification of a pilot project recycler participating in the pilot project, or both, at any time if the jurisdiction or pilot project operator fails to meet the conditions outlined in the department's approval of the application or violates this division or a regulation adopted under this division, except as to violations of the division or regulations that are inconsistent with the operation of an approved pilot project. If the department revokes a probationary certification of a pilot project recycler, the department may require the jurisdiction or the pilot project operator to take the steps necessary to ensure that the pilot project achieves its goals consistent with the approved pilot project application.

(2) If the approval of a pilot project is revoked, the review process described in Section 14571.7 shall apply to each convenience zone that was a part of the pilot project.

(i) (1) Notwithstanding paragraph (1) of subdivision (c) of Section 14585, a pilot project recycler that has been certified by the department on a probationary basis under an approved pilot project shall be eligible to apply for handling fees under Section 14585 and to receive from certified processors the amounts specified in subdivision (a) of Section 14573.5 for refund values, administrative costs, and processing payments.

(2) Notwithstanding paragraph (1) of subdivision (c) of Section 14585, the existence of a pilot project recycler shall not affect the handling fee eligibility of a recycling center.

(3) For purposes of handling fee eligibility, a pilot project recycler may be located anywhere within a pilot project area.

(j) The department may adopt emergency regulations to implement this section. Emergency regulations, if adopted, shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Emergency regulations adopted under this section shall be filed with, but

not be repealed by, the Office of Administrative Law and shall remain in effect until amended or repealed by the department or January 1, 2027, whichever comes first.

(k) This section shall become inoperative on June 30, 2026, and, as of January 1, 2027, is repealed.

SEC. 68. Section 14581 of the Public Resources Code is amended to read:

14581. (a) Subject to the availability of funds and in accordance with subdivision (b), the department shall expend the moneys set aside in the fund, pursuant to subdivision (c) of Section 14580, for the purposes of this section in the following manner:

(1) For each fiscal year, the department may expend the amount necessary to make the required handling fee payment pursuant to Section 14585.

(2) Fifteen million dollars ($15,000,000) shall be expended annually for payments for curbside programs and neighborhood dropoff programs pursuant to Section 14549.6.

(3) (A) Ten million five hundred thousand dollars ($10,500,000) may be expended annually for payments of five thousand dollars ($5,000) to cities and ten thousand dollars ($10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) Eligible activities for the use of these funds may include, but are not necessarily limited to, support for new or existing curbside programs, neighborhood dropoff programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional efforts among two or more cities or counties, or both, or other beverage container recycling programs.

(C) These funds shall not be used for activities unrelated to beverage container recycling or litter reduction.

(D) To receive these funds, a city, county, or city and county shall fill out and return a funding request form to the department. The form shall specify the beverage container recycling or litter reduction activities for which the funds will be used.

(E) The department shall annually prepare and distribute a funding request form to each city, county, or city and county. The form shall specify the amount of beverage container recycling and litter cleanup funds for which the jurisdiction is eligible. The form shall not exceed one double-sided page in length, and may be submitted electronically. If a city, county, or city and county does not return the funding request form within 90 days of receipt of the form from the department, the city, county, or city and county is not eligible to receive the funds for that funding cycle.

(F) For the purposes of this paragraph, per capita population shall be based on the population of the incorporated area of a city or city and county and the unincorporated area of a county. The department may withhold payment to any city, county, or city and county that has prohibited the siting of a supermarket site, caused a supermarket site to close its business, or adopted a land use policy that restricts or prohibits the siting of a supermarket site within its jurisdiction.

(4) One million five hundred thousand dollars ($1,500,000) may be expended annually in the form of grants for beverage container recycling and litter reduction programs.

(5) (A) The department shall expend the amount necessary to pay the processing payment established pursuant to Section 14575. The department shall establish separate processing fee accounts in the fund for each beverage container material type for which a processing payment and processing fee are calculated pursuant to Section 14575, or for which a processing payment is calculated pursuant to Section 14575 and a voluntary artificial scrap value is calculated pursuant to Section 14575.1, into which account shall be deposited both of the following:

(i) All amounts paid as processing fees for each beverage container material type pursuant to Section 14575.

(ii) Funds equal to the difference between the amount in clause (i) and the amount of the processing payments established in subdivision (b) of Section 14575, and adjusted pursuant to paragraph (2) of subdivision (c) of, and subdivision (f) of, Section 14575, to reduce the processing fee to the level provided in subdivision (e) of Section 14575, or to reflect the agreement by a willing purchaser to pay a voluntary artificial scrap value pursuant to Section 14575.1.

(B) Notwithstanding Section 13340 of the Government Code, the moneys in each processing fee account are hereby continuously appropriated to the department for expenditure without regard to fiscal years, for purposes of making processing payments pursuant to Section 14575.

(6) Up to five million dollars ($5,000,000) may be expended annually by the department for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers.

(7) Up to ten million dollars ($10,000,000) may be expended annually by the department for quality incentive payments for empty glass beverage containers pursuant to Section 14549.1.

(8) (A) For the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive, the department may expend up to ten million dollars ($10,000,000) each fiscal year for market development payments to reclaimers and product manufacturers, pursuant to Section 14549.2.

(B) For purposes of this paragraph, the definitions in subdivision (a) of Section 14549.2 apply.

(9) (A) For the 2019–20 fiscal year to the 2025–26 fiscal year, inclusive, the department may expend up to a total of five million dollars ($5,000,000) to support the pilot projects created pursuant to Section 14571.9.

(B) Taking into consideration the recent closure of many of California's recycling centers, the Legislature finds and declares that the appropriation provided for in Chapter 793 of the Statutes of 2019 is necessary in order to ensure the continued support of, and to bolster, consumer redemption opportunities.

(b) (1) If the department determines, pursuant to a review made pursuant to Section 14556, that there may be inadequate funds to pay the payments required by this division, the department shall immediately notify the appropriate policy and fiscal committees of the Legislature regarding the inadequacy.

(2) On or before 180 days, but not less than 80 days, after the notice is sent pursuant to paragraph (1), the department may reduce or eliminate expenditures, or both, from the funds as necessary, according to the procedure set forth in subdivision (c).

(c) If the department determines that there are insufficient funds to make the payments specified pursuant to this section and Section 14575, the department shall reduce all payments proportionally.

(d) Before making an expenditure pursuant to paragraph (6) of subdivision (a), the department shall convene an advisory committee consisting of representatives of the beverage industry, beverage container manufacturers, environmental organizations, the recycling industry, nonprofit organizations, and retailers to advise the department on the most cost-effective and efficient method of the expenditure of the funds for that education and information campaign.

SEC. 69. Section 21151.4 of the Public Resources Code is amended to read:

21151.4. (a) An environmental impact report shall not be certified or a negative declaration shall not be approved for any project involving the construction or alteration of a facility within one-fourth of a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (m) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

(1) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.

(2) The school district has been given written notification of the project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.

(b) As used in this section, the following definitions apply:

(1) "Extremely hazardous substance" means an extremely hazardous substance as defined pursuant to paragraph (2) of subdivision (i) of Section 25532 of the Health and Safety Code.

(2) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air of a substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

SEC. 70. Section 21151.8 of the Public Resources Code is amended to read:

21151.8. (a) An environmental impact report shall not be certified or a negative declaration shall not be approved for a project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless all of the following occur:

(1) The environmental impact report or negative declaration includes information that is needed to determine if the property proposed to be purchased, or to be constructed upon, is any of the following:

(A) The site of a current or former hazardous waste disposal site or solid waste disposal site and, if so, whether the wastes have been removed.

(B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(C) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools.

(D) A site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

(2) (A) The school district, as the lead agency, in preparing the environmental impact report or negative declaration has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste. The notification by the school district, as the lead agency, shall include a list of the locations for which information is sought.

(B) Each administering agency, air pollution control district, or air quality management district receiving written notification from a lead agency to identify facilities pursuant to subparagraph (A) shall provide the requested information and provide a written response to the lead agency within 30 days of receiving the notification. The environmental impact report or negative declaration shall be conclusively presumed to comply with subparagraph (A) as to the area of responsibility of an agency that does not respond within 30 days.

(C) If the school district, as a lead agency, has carried out the consultation required by subparagraph (A), the environmental impact report or the negative declaration shall be conclusively presumed to comply with subparagraph (A), notwithstanding any failure of the consultation to identify an existing facility or other pollution source specified in subparagraph (A).

(3) The governing board of the school district makes one of the following written findings:

(A) Consultation identified no facilities of this type or other significant pollution sources specified in paragraph (2).

(B) The facilities or other pollution sources specified in paragraph (2) exist, but one of the following conditions applies:

(i) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.

(ii) Corrective measures required under an existing order by another agency having jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes a finding pursuant to this clause, it shall also make a subsequent finding, prior to occupancy of the school, that the emissions have been so mitigated.

(iii) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(C) The facilities or other pollution sources specified in paragraph (2) exist, but conditions in clause (i), (ii), or (iii) of subparagraph (B) cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213 of the Education Code. If the governing board makes this finding, the governing board shall adopt a statement of overriding considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(b) As used in this section, the following definitions shall apply:

(1) "Hazardous substance" means any substance defined in Section 25316 of the Health and Safety Code.

(2) “Extremely hazardous substances” means an extremely hazardous substance as defined pursuant to paragraph (2) of subdivision (i) of Section 25532 of the Health and Safety Code.

(3) “Hazardous waste” means any waste defined in Section 25117 of the Health and Safety Code.

(4) “Hazardous waste disposal site” means any site defined in Section 25114 of the Health and Safety Code.

(5) “Hazardous air emissions” means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(6) “Administering agency” means an agency authorized pursuant to Section 25502 of the Health and Safety Code to implement and enforce Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code.

(7) “Handle” means handle as defined in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(8) “Facilities” means any source with a potential to use, generate, emit, or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the California Air Resources Board.

(9) “Freeway or other busy traffic corridors” means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

SEC. 71. Section 25620.8 of the Public Resources Code is amended to read:

25620.8. (a) The commission shall prepare and submit to the relevant policy committees of the Legislature and the Joint Legislative Budget Committee an annual report, not later than October 31 of each year, that includes, but is not limited to, all of the following information:

(1) Recommendations for improvements in the program.

(2) A summary of the Public Interest Research, Development, and Demonstration Program’s impacts and benefits.

(3) A summary of how funding is allocated to each of the Public Interest Research, Development, and Demonstration Program’s natural gas investment areas.

(4) A description of successful or promising projects funded in each of the Public Interest Research, Development, and Demonstration Program’s natural gas investment areas.

(5) A summary of expected Public Interest Research, Development, and Demonstration Program funding initiatives and activities over the next year.

(6) Information on Public Interest Research, Development, and Demonstration Program-approved project budgets and benefits, all active projects, and recently completed projects.

(7) A description of any recent changes to the Public Interest Research, Development, and Demonstration Program’s spending guidelines or eligible projects.

(b) As part of each annual report submitted pursuant to this section, the commission may include information that has been previously provided in reports submitted to the Public Utilities Commission.

(c) The commission shall establish procedures for protecting confidential or proprietary information and shall consult with all interested parties in the preparation of each annual report submitted pursuant to this section.

(d) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 72. Section 25711.5 of the Public Resources Code is amended to read:

25711.5. In administering moneys in the fund for research, development, and demonstration programs under this chapter, the commission shall develop and implement the Electric Program Investment Charge (EPIC) program to do all of the following:

(a) Award funds for projects that will benefit electricity ratepayers and lead to technological advancement and breakthroughs to overcome the barriers that prevent the achievement of the state’s statutory energy goals and that result in a portfolio of projects

that is strategically focused and sufficiently narrow to make advancement on the most significant technological challenges that shall include, but not be limited to, energy storage, renewable energy and its integration into the electrical grid, energy efficiency, integration of electric vehicles into the electrical grid, and accurately forecasting the availability of renewable energy for integration into the grid.

(b) In consultation with the Treasurer, establish terms that shall be imposed as a condition to receipt of funding for the state to accrue any intellectual property interest or royalties that may derive from projects funded by the EPIC program. The commission, when determining if imposition of the proposed terms is appropriate, shall balance the potential benefit to the state from those terms and the effect those terms may have on the state achieving its statutory energy goals. The commission shall require each reward recipient, as a condition of receiving moneys pursuant to this chapter, to agree to any terms the commission determines are appropriate for the state to accrue any intellectual property interest or royalties that may derive from projects funded by the EPIC program.

(c) Require each applicant to report how the proposed project may lead to technological advancement and potential breakthroughs to overcome barriers to achieving the state's statutory energy goals.

(d) Take into account, when applicable, the adverse localized health impacts of proposed projects to the greatest extent possible.

(e) Establish a process for tracking the progress and outcomes of each funded project, including an accounting of the amount of funds spent by program administrators and individual grant recipients on administrative and overhead costs and whether the project resulted in any technological advancement or breakthrough to overcome barriers to achieving the state's statutory energy goals.

(f) Notwithstanding Section 10231.5 of the Government Code, prepare and submit to the Legislature no later than April 30 of each year an annual report in compliance with Section 9795 of the Government Code that shall include all of the following:

(1) A brief description of each project for which funding was awarded in the immediately prior calendar year, including the name of the recipient and the amount of the award, a description of how the project is thought to lead to technological advancement or breakthroughs to overcome barriers to achieving the state's statutory energy goals, and a description of why the project was selected.

(2) A brief description of each project funded by the EPIC program that was completed in the immediately prior calendar year, including the name of the recipient, the amount of the award, and the outcomes of the funded project.

(3) A brief description of each project funded by the EPIC program for which an award was made in the previous years but that is not completed, including the name of the recipient and the amount of the award, and a description of how the project will lead to technological advancement or breakthroughs to overcome barriers to achieving the state's statutory energy goals.

(4) Identification of the award recipients that are California-based entities, small businesses, or businesses owned by women, minorities, or disabled veterans.

(5) Identification of which awards were made through a competitive bid, interagency agreement, or sole source method, and the action of the Joint Legislative Budget Committee pursuant to paragraph (2) of subdivision (h) for each award made through an interagency agreement or sole source method.

(6) Identification of the total amount of administrative and overhead costs incurred for each project.

(7) A brief description of the impact on program administration from the allocations required to be made pursuant to Section 25711.6, including any information that would help the Legislature determine whether to reauthorize those allocations beyond June 30, 2023.

(8) A brief description of each project for which follow-on funding was awarded in the immediately prior calendar year, including the amount of follow-on funding awarded for the project and the method and criteria used to select that project.

(g) Establish requirements to minimize program administration and overhead costs, including costs incurred by program administrators and individual grant recipients. Each program administrator and grant recipient, including a public entity, shall be required to justify actual administration and overhead costs incurred, even if the total costs incurred do not exceed a cap on those costs that the commission may adopt.

(h) (1) Use a competitive bid as the preferred method to solicit project applications and award funds pursuant to the EPIC program, except as specified in paragraphs (2) and (4).

(2) (A) The commission may use a sole source or interagency agreement method to noncompetitively award funding for a project if the project has a reasonable cost, the project satisfies one or more of the criteria described in subdivision (f) of

Section 25620.5, and both of the following conditions are met:

(i) The commission, at least 60 days before making an award pursuant to this subdivision, notifies the Joint Legislative Budget Committee and the relevant policy committees in both houses of the Legislature, in writing, of its intent to take the proposed action.

(ii) The Joint Legislative Budget Committee either approves or does not disapprove the proposed action within 60 days from the date of notification required by clause (i).

(B) It is the intent of the Legislature to enact this paragraph to ensure legislative oversight for awards made on a sole source basis, or through an interagency agreement.

(3) Notwithstanding any other law, standard terms and conditions that generally apply to contracts between the commission and any entities, including state entities, do not automatically preclude the award of moneys from the fund through the competitive bid method.

(4) (A) Notwithstanding any other law, the commission may award, through a noncompetitive method, follow-on funding for projects that meet all of the following requirements:

(i) The project is eligible to receive an award of funds from the EPIC program.

(ii) The project has been funded, at least in part, through the EPIC program.

(iii) The project has a prime recipient that is located in California.

(iv) The project will spend a minimum of 80 percent of its funding from the program in California.

(v) The project has received funding for the original project or technology through a competitive bid process from a state or federal agency.

(vi) The project has demonstrated significant results under its previous award.

(vii) The project has technology breakthrough potential that can enable the state to achieve its statutory energy policy goals on or ahead of schedule.

(viii) The project can address near-term priorities impacting the electricity sector and its ratepayers, such as mitigating wildfires and reducing the occurrence of deenergization events.

(ix) Absent follow-on funding, the project would experience a gap in funding that would likely prevent the technology from achieving significant advancement, negatively impact the ability of the project to attract sufficient private investment, or prevent the project's commercialization and associated sales revenue.

(x) The project has not previously received follow-on funding through a noncompetitive method.

(B) The commission shall approve any award of follow-on funding at a business meeting.

(C) follow-on funding is not subject to the requirements of paragraph (2).

(D) A project's follow-on funding shall not exceed the project's most recent competitively bid award through the EPIC program.

(E) The commission may adopt guidelines for follow-on funding awards. The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to the adoption of these guidelines.

(F) This paragraph shall become inoperative on July 1, 2025.

SEC. 73. Section 41821 of the Public Resources Code is amended to read:

41821. (a) (1) Each year following the department's approval of a jurisdiction's source reduction and recycling element, household hazardous waste element, and nondisposal facility element, the jurisdiction shall submit a report to the department summarizing the jurisdiction's progress in reducing solid waste as required by Section 41780, in accordance with the schedule set forth in this subdivision.

(2) The annual report shall be due on or before August 1 of the year following department approval of the source reduction and recycling element, the household hazardous waste element, and the nondisposal facility element, and on or before August 1 in

each subsequent year. The information in this report shall encompass the previous calendar year, January 1 to December 31, inclusive.

(b) Each jurisdiction's annual report to the department shall, at a minimum, include all of the following:

(1) Calculations of annual disposal reduction.

(2) A summary of progress made in implementing the source reduction and recycling element and the household hazardous waste element.

(3) An update of the jurisdiction's source reduction and recycling element and household hazardous waste element that includes any new or expanded programs the jurisdiction has implemented or plans to implement.

(4) An update of the jurisdiction's nondisposal facility element that reflects any new or expanded nondisposal facilities the jurisdiction is using or planning to use.

(5) A summary of progress made in diversion of construction and demolition of waste material, including information on programs and ordinances implemented by the local government and quantitative data, where available.

(6) Other information relevant to compliance with Section 41780.

(c) A jurisdiction may also include, in the report required by this section, all of the following:

(1) Information on disposal reported pursuant to Section 41821.5 that the jurisdiction believes may be relevant to the department's determination of the jurisdiction's per capita disposal rate.

(2) Disposal characterization studies or other completed studies that show the effectiveness of the programs being implemented.

(3) Factors that the jurisdiction believes would affect the accuracy of, or mitigate the amount of, solid waste disposed by the jurisdiction, including, but not limited to, either of the following:

(A) Whether the jurisdiction hosts a solid waste facility or regional diversion facility.

(B) The effects of self-hauled waste and construction and demolition waste.

(4) The extent to which the jurisdiction previously relied on biomass diversion credit and the extent to which it may be impacted by the lack of the credit.

(5) Information regarding the programs the jurisdiction is undertaking to address specific disposal challenges, and why it is not feasible to implement programs to respond to other factors that affect the amount of waste that is disposed.

(6) Other information that describes the good faith efforts of the jurisdiction to comply with Section 41780.

(d) The department shall use, but is not limited to the use of, the annual report to determine whether the jurisdiction's source reduction and recycling element needs to be revised or updated.

(e) (1) The department shall adopt procedures for requiring additional information in a jurisdiction's annual report. The procedures shall require the department to notify a jurisdiction of any additional required information no later than 120 days after the department receives the report from the jurisdiction.

(2) Paragraph (1) does not prohibit the department from making additional requests for information in a timely manner. A jurisdiction receiving a request for information shall respond in a timely manner.

(3) If the schedule for the submission of an annual report by a jurisdiction does not correspond with the scheduled review by the department specified in subdivision (a) of Section 41825, the department shall utilize the information contained in the annual report to assist the department in providing technical assistance and reviewing the jurisdiction's diversion program implementation.

(f) The department shall adopt procedures for conferring with a jurisdiction regarding the implementation of its diversion programs.

(g) Notwithstanding the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code), a jurisdiction shall submit the progress report required by this section to the department electronically, using the department's electronic reporting format system.

(h) Notwithstanding the reporting schedule required by this section, and in addition to the review required by Section 41825, the department may visit each jurisdiction once each year, but shall visit each jurisdiction no less than once every four years, to monitor the jurisdiction's implementation and maintenance of its diversion programs.

SEC. 74. Section 270 of the Public Utilities Code is amended to read:

270. (a) The following funds are hereby created in the State Treasury:

(1) The California High-Cost Fund-A Administrative Committee Fund.

(2) The California High-Cost Fund-B Administrative Committee Fund.

(3) The Universal Lifeline Telephone Service Trust Administrative Committee Fund.

(4) The Deaf and Disabled Telecommunications Program Administrative Committee Fund.

(5) The California Teleconnect Fund Administrative Committee Fund.

(6) The California Advanced Services Fund.

(b) Moneys in the funds are held in trust and may only be expended pursuant to this chapter and upon appropriation in the annual Budget Act or upon supplemental appropriation.

(c) The commission, in administering the universal service program funds listed in subdivision (a), and in administering state participation in federal universal service programs, is encouraged, consistent with the state's universal service policies and goals, to maximize the amount of federal funding to California participants in the federal programs.

(d) Moneys in each fund shall not be appropriated, or in any other manner transferred or otherwise diverted, to any other fund or entity, except as provided in Sections 19325 and 19325.1 of the Education Code and as provided in Section 282.

SEC. 75. Section 282 of the Public Utilities Code is amended to read:

282. Any moneys that are deposited in funds created pursuant to this chapter shall not be used by the state for any purpose other than as specified in this chapter. Notwithstanding any other provision of law, the Controller may use the funds created pursuant to this chapter for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code and, upon approval of the Director of Finance, moneys deposited in funds created pursuant to this chapter may be used to make transfers as loans to other funds created pursuant to this chapter.

SEC. 76. Section 895 of the Public Utilities Code is amended to read:

895. Notwithstanding Section 13340 of the Government Code, moneys in the Gas Consumption Surcharge Fund are continuously appropriated, without regard to fiscal years, as follows:

(a) To the commission or an entity designated by the commission to fund programs described in subdivision (a) of Section 890. If the commission designates the Energy Commission to receive funds for public interest research and development, both of the following shall apply:

(1) The Controller shall transfer the funds to a separate subaccount within the Public Interest Research, Development, and Demonstration Fund. Notwithstanding Section 384 of this code and Section 13340 of the Government Code, moneys in the subaccount are continuously appropriated, without regard to fiscal year, to pay the Energy Commission for its costs in carrying out its duties and responsibilities under this article.

(2) The Energy Commission may administer the program pursuant to Chapter 7.1 (commencing with Section 25620) of Division 15 of the Public Resources Code.

(b) To pay the commission for its costs in carrying out its duties and responsibilities under this article.

(c) To pay the State Board of Equalization for its costs in administering this article.

SEC. 77. Section 8385 of the Public Utilities Code is amended to read:

8385. (a) For purposes of this chapter, the following shall apply:

(1) "Compliance period" means a period of approximately one year.

(2) “Deenergization event” means the proactive interruption of electrical service for the purpose of mitigating or avoiding the risk of causing a wildfire.

(3) “Electrical cooperative” has the same meaning as defined in Section 2776.

(4) “Office” means the Office of Energy Infrastructure Safety, within the Natural Resources Agency.

(b) Beginning July 1, 2021, the office shall supervise an electrical corporation’s compliance with the requirements of this chapter pursuant to the Public Utilities Act (Part 1 (commencing with Section 201) of Division 1). Nothing in this chapter affects the commission’s authority or jurisdiction over an electrical corporation, electrical cooperative, or local publicly owned electric utility.

SEC. 78. Section 8386 of the Public Utilities Code is amended to read:

8386. (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.

(b) Each electrical corporation shall annually prepare and submit a wildfire mitigation plan to the Wildfire Safety Division for review and approval. In calendar year 2020, and thereafter, the plan shall cover at least a three-year period. The division shall establish a schedule for the submission of subsequent comprehensive wildfire mitigation plans, which may allow for the staggering of compliance periods for each electrical corporation. In its discretion, the division may allow the annual submissions to be updates to the last approved comprehensive wildfire mitigation plan; provided, that each electrical corporation shall submit a comprehensive wildfire mitigation plan at least once every three years.

(c) The wildfire mitigation plan shall include all of the following:

(1) An accounting of the responsibilities of persons responsible for executing the plan.

(2) The objectives of the plan.

(3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.

(4) A description of the metrics the electrical corporation plans to use to evaluate the plan’s performance and the assumptions that underlie the use of those metrics.

(5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.

(6) A description of the electrical corporation’s protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety. As part of these protocols, each electrical corporation shall include protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system that consider the impacts on all of the following:

(A) Critical first responders.

(B) Health and communication infrastructure.

(C) Customers who receive medical baseline allowances pursuant to subdivision (c) of Section 739. The electrical corporation may deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance for a customer who meets all of the following requirements:

(i) The customer relies on life-support equipment that operates on electricity to sustain life.

(ii) The customer demonstrates financial need, including through enrollment in the California Alternate Rates for Energy program created pursuant to Section 739.1.

(iii) The customer is not eligible for backup electrical resources provided through medical services, medical insurance, or community resources.

(D) Subparagraph (C) shall not be construed as preventing an electrical corporation from deploying backup electrical resources or providing financial assistance for backup electrical resources under any other authority.

(7) A description of the electrical corporation’s appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines, including procedures for those customers receiving medical baseline allowances as described in paragraph (6). The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of

potential deenergization for a given event. The procedures shall comply with any orders of the commission regarding notifications of deenergization events.

(8) Plans for vegetation management.

(9) Plans for inspections of the electrical corporation's electrical infrastructure.

(10) A description of the electrical corporation's protocols for the deenergization of the electrical corporation's transmission infrastructure, for instances when the deenergization may impact customers who, or entities that, are dependent upon the infrastructure. The protocols shall comply with any order of the commission regarding deenergization events.

(11) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory, including all relevant wildfire risk and risk mitigation information that is part of the commission's Safety Model Assessment Proceeding (A.15-05-002, et al.) and the Risk Assessment Mitigation Phase filings. The list shall include, but not be limited to, both of the following:

(A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.

(B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.

(12) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.

(13) A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event, including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulating of distribution wires, and replacing poles.

(14) A description of where and how the electrical corporation considered undergrounding electrical distribution lines within those areas of its service territory identified to have the highest wildfire risk in a commission fire threat map.

(15) A showing that the electrical corporation has an adequately sized and trained workforce to promptly restore service after a major event, taking into account employees of other utilities pursuant to mutual aid agreements and employees of entities that have entered into contracts with the electrical corporation.

(16) Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.

(17) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk that is consistent with the methodology used by other electrical corporations unless the commission determines otherwise.

(18) A description of how the plan is consistent with the electrical corporation's disaster and emergency preparedness plan prepared pursuant to Section 768.6, including both of the following:

(A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.

(B) Plans for community outreach and public awareness before, during, and after a wildfire, including language notification in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the commission based on the United States Census data.

(19) A statement of how the electrical corporation will restore service after a wildfire.

(20) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to electrical corporation representatives, and emergency communications.

(21) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(22) Any other information that the Wildfire Safety Division may require.

(d) The Wildfire Safety Division shall post all wildfire mitigation plans and annual updates on the commission's internet website before July 1, 2021, and on the office's internet website beginning July 1, 2021, for no less than two months before the division's or office's decision regarding approval of the plan. The division or office shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

SEC. 79. Section 8386.1 of the Public Utilities Code is amended to read:

8386.1. The commission shall assess penalties on an electrical corporation that fails to substantially comply with its plan. In determining an appropriate amount of the penalty, the commission shall consider all of the following:

(a) The nature and severity of any noncompliance with the plan, including whether the noncompliance resulted in harm.

(b) The extent to which the commission or office has found that the electrical corporation complied with its plans in prior years.

(c) Whether the electrical corporation self-reported the circumstances constituting noncompliance.

(d) Whether the electrical corporation implemented corrective actions with respect to the noncompliance.

(e) Whether the electrical corporation knew or in the exercise of reasonable care should have known of the circumstances constituting noncompliance.

(f) Whether the electrical corporation had previously engaged in conduct of a similar nature that caused significant property damage or injury.

(g) Any other factors established by the commission in a rulemaking proceeding, consistent with this chapter.

SEC. 80. Section 8386.3 of the Public Utilities Code is amended to read:

8386.3. (a) The Wildfire Safety Division shall approve or deny each wildfire mitigation plan and update submitted by an electrical corporation within three months of its submission, unless the division makes a written determination, which shall include reasons supporting the determination, that the three-month deadline cannot be met. Each electrical corporation's approved plan shall remain in effect until the division approves the electrical corporation's subsequent plan. The division shall consult with the Department of Forestry and Fire Protection on the review of each wildfire mitigation plan and update. In rendering its decision, the division shall consider comments submitted pursuant to subdivision (d) of Section 8386. Before approval, the division may require modifications of the plan. After approval by the division, the commission shall ratify the action of the division.

(b) The Wildfire Safety Division's approval of a plan is not a defense to any enforcement action by the office or for a violation of a commission enforcement action, decision, order, or rule.

(c) Following approval of a wildfire mitigation plan, the Wildfire Safety Division shall oversee compliance with the plan consistent with all of the following:

(1) Three months after the end of an electrical corporation's initial compliance period, as established by the Wildfire Safety Division pursuant to subdivision (b) of Section 8386, and annually thereafter, each electrical corporation shall file with the division a report addressing its compliance with the plan during the prior calendar year.

(2) (A) Before March 1, 2021, and before each March 1 thereafter, the Wildfire Safety Division, in consultation with the Department of Forestry and Fire Protection, shall make available a list of qualified independent evaluators with experience in assessing the safe operation of electrical infrastructure.

(B) (i) Each electrical corporation shall engage an independent evaluator listed pursuant to subparagraph (A) to review and assess the electrical corporation's compliance with its plan. The engaged independent evaluator shall consult with, and operate under the direction of, the office. The independent evaluator shall issue a report on July 1 of each year in which a report required by paragraph (1) is filed. As a part of the independent evaluator's report, the independent evaluator shall determine whether the electrical corporation failed to fund any activities included in its plan.

(ii) The Wildfire Safety Division shall consider the independent evaluator's findings, but the independent evaluator's findings are not binding on the division, except as otherwise specified.

(iii) The independent evaluator's findings shall be used by the Wildfire Safety Division to carry out its obligations under Article 1 (commencing with Section 451) of Chapter 3 of Part 1 of Division 1.

(iv) The independent evaluator's findings do not apply to events that occurred before the initial plan is approved for the electrical corporation.

(3) The commission shall authorize the electrical corporation to recover in rates the costs of the independent evaluator.

(4) The Wildfire Safety Division shall complete its compliance review within 18 months after the submission of the electrical corporation's compliance report.

(5) (A) An electrical corporation shall notify the Wildfire Safety Division, within one month after it completes a substantial portion of the vegetation management requirements in its wildfire mitigation plan, of the completion. Upon receiving the notice from the electrical corporation, the division shall, consistent with its authority pursuant to paragraph (1) of subdivision (a) of Section 326, promptly audit the work performed by, or on behalf of, the electrical corporation. The audit shall specify any failure of the electrical corporation to fully comply with the vegetation management requirements in the wildfire mitigation plan. The division shall provide the audit to the electrical corporation. The electrical corporation shall have a reasonable time, as determined by the division, to correct and eliminate any deficiency specified in the audit.

(B) The Wildfire Safety Division may engage its own independent evaluator, who shall be a certified arborist and shall have any other qualifications determined appropriate by the division, to conduct the audit specified in subparagraph (A). The independent evaluator shall consult with, and operate under the direction of, the division.

(C) Within one year of the expiration of the time period for an electrical corporation to correct and eliminate any deficiency identified in the audit, the independent evaluator shall issue a report to the electrical corporation, the Wildfire Safety Division, and the Safety and Enforcement Division of the commission specifically describing any failure of the electrical corporation to substantially comply with the substantial portion of the vegetation management requirements in the electrical corporation's wildfire mitigation plan. The report shall be made publicly available. The Wildfire Safety Division shall include the report in its compliance review prepared pursuant to paragraph (4).

(6) Each electrical corporation shall reimburse the Wildfire Safety Division for its costs to implement this section with respect to that electrical corporation.

(d) An electrical corporation shall not divert revenues authorized by the commission to implement the plan to any activities or investments outside of the plan. An electrical corporation shall notify the commission by advice letter of the date when it projects that it will have spent, or incurred obligations to spend, its entire annual revenue requirement for vegetation management in its wildfire mitigation plan not less than 30 days before that date, and provide the office with a copy of the advice letter at the same time it is submitted to the commission.

(e) The commission shall not allow a large electrical corporation to include in its equity rate base its share, as determined pursuant to the Wildfire Fund allocation metric specified in Section 3280, of the first five billion dollars ($5,000,000,000) expended in aggregate by large electrical corporations on fire risk mitigation capital expenditures included in the electrical corporations' approved wildfire mitigation plans. An electrical corporation's share of the fire risk mitigation capital expenditures and the debt financing costs of these fire risk mitigation capital expenditures may be financed through a financing order pursuant to Section 850.1 subject to the requirements of that financing order.

(f) This section does not impose any liability on the Wildfire Safety Division regarding the performance of its duties.

SEC. 81. Section 8386.5 of the Public Utilities Code is amended to read:

8386.5. The commission, the office, and the Department of Forestry and Fire Protection shall enter into a memorandum of understanding to cooperatively develop consistent approaches and share data related to fire prevention, safety, vegetation management, and energy distribution systems. The commission and the department shall share results from various fire prevention activities, including relevant inspections and fire ignition data.

SEC. 82. Section 8389 of the Public Utilities Code is amended to read:

8389. (a) For purposes of this section, the following definitions apply:

(1) "Board" means the California Wildfire Safety Advisory Board established pursuant to Section 326.1.

(2) "Division" means the Wildfire Safety Division established pursuant to Section 326.

(3) "Office" means the Office of Energy Infrastructure Safety, within the Natural Resources Agency.

(b) By June 30, 2020, and annually thereafter, the board shall make recommendations to the division on all of the following:

(1) Appropriate performance metrics and processes for determining an electrical corporation's compliance with its approved wildfire mitigation plan.

(2) Appropriate requirements in addition to the requirements set forth in Section 8386 for the wildfire mitigation plan.

(3) The appropriate scope and process for assessing the safety culture of an electrical corporation.

(c) By October 31, 2020, and annually thereafter, the division shall issue an analysis and recommendation to the commission on the recommendations provided by the board pursuant to subdivision (b).

(d) By December 1, 2020, and annually thereafter, the commission, after consultation with the division, shall adopt and approve all of the following:

(1) Performance metrics for electrical corporations.

(2) Additional requirements for wildfire mitigation plans.

(3) A wildfire mitigation plan compliance process.

(4) A process for the division to conduct annual safety culture assessments for each electrical corporation.

(e) The Director of the Office of Energy Infrastructure Safety shall issue a safety certification to an electrical corporation if the electrical corporation provides documentation of the following:

(1) The electrical corporation has an approved wildfire mitigation plan.

(2) The electrical corporation is in good standing, which can be satisfied by the electrical corporation having agreed to implement the findings of its most recent safety culture assessment performed pursuant to Section 8386.2 and paragraph (4) of subdivision (d), if applicable.

(3) The electrical corporation has established a safety committee of its board of directors composed of members with relevant safety experience.

(4) The electrical corporation has established an executive incentive compensation structure approved by the division and structured to promote safety as a priority and to ensure public safety and utility financial stability with performance metrics, including incentive compensation based on meeting performance metrics that are measurable and enforceable, for all executive officers, as defined in Section 451.5. This may include tying 100 percent of incentive compensation to safety performance and denying all incentive compensation in the event the electrical corporation causes a catastrophic wildfire that results in one or more fatalities.

(5) The electrical corporation has established board-of-director-level reporting to the commission and office on safety issues.

(6) (A) The electrical corporation has established a compensation structure for any new or amended contracts for executive officers, as defined in Section 451.5, that is based on the following principles:

(i) (I) Strict limits on guaranteed cash compensation, with the primary portion of the executive officers' compensation based on achievement of objective performance metrics.

(II) No guaranteed monetary incentives in the compensation structure.

(ii) It satisfies the compensation principles identified in paragraph (4).

(iii) A long-term structure that provides a significant portion of compensation, which may take the form of grants of the electrical corporation's stock, based on the electrical corporation's long-term performance and value. This compensation shall be held or deferred for a period of at least three years.

(iv) Minimization or elimination of indirect or ancillary compensation that is not aligned with shareholder and taxpayer interest in the electrical corporation.

(B) The division shall approve the compensation structure of an electrical corporation if it determines the structure meets the principles set forth in subparagraph (A) and paragraph (4).

(C) It is the intent of the Legislature, in enacting this paragraph and paragraph (4), that any approved bankruptcy reorganization plan of an electrical corporation should, in regards to compensation for executive officers of the electrical corporation, comply with the requirements of those paragraphs.

(7) The electrical corporation is implementing its approved wildfire mitigation plan. The electrical corporation shall file a notification of implementation of its wildfire mitigation plan with the office and an information-only submittal with the commission on a quarterly basis that details the implementation of both its approved wildfire mitigation plan and recommendations of the most recent safety culture assessments by the commission and office, and a statement of the recommendations of the board of directors safety committee meetings that occurred during the quarter. The notification and information-only submittal shall also summarize the implementation of the safety committee recommendations from the electrical corporation's previous notification and submission. If the office has reason to doubt the veracity of the statements contained in the notification or information-only submittal, it shall perform an audit of the issue of concern. The electrical corporation shall provide a copy of the information-only submittal to the office.

(f) (1) The office shall issue an initial safety certification within 30 days of receipt of a request for that certification by an electrical corporation if the electrical corporation provides documentation that it is meeting the requirements set forth in paragraphs (1), (2), (3), and (5) of subdivision (e). A safety certification shall be valid for the 12 consecutive months following the issuance of the certification.

(2) Before the expiration of a certification, an electrical corporation shall submit to the division a request for certification for the following 12 months. The division shall issue a safety certification within 90 days of a request if the electrical corporation has provided documentation that it has satisfied the requirements in subdivision (e).

(3) All documents submitted pursuant to this section shall be publicly available on the commission's internet website. Beginning July 1, 2021, all documents submitted pursuant to this section shall be publicly available on the office's internet website. The commission is no longer responsible for posting this information as of July 1, 2021; however, nothing in this section prevents the commission from posting this information.

(4) Notwithstanding paragraph (1), a safety certification shall remain valid until the division acts on the electrical corporation's pending request for safety certification.

(g) If the division determines an electrical corporation is not in compliance with its approved wildfire mitigation plan, it may recommend that the commission pursue an enforcement action against the electrical corporation for noncompliance with its approved plan.

SEC. 83. Section 46001.5 of the Revenue and Taxation Code is amended to read:

46001.5. (a) The California Department of Tax and Fee Administration may adopt regulations relating to the administration and enforcement of this part pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(b) An emergency regulation adopted pursuant to amendments made to this part by Senate Bill 861 of the 2013–14 Regular Session or by Assembly Bill 148 of the 2021–22 Regular Session shall be deemed an emergency and necessary to avoid serious harm to the public peace, health, safety, or general welfare for the purposes of Sections 11346.1 and 11349.6 of the Government Code, and the California Department of Tax and Fee Administration is hereby exempt from the requirement that it describe facts showing the need for immediate action and from review by the Office of Administrative Law.

SEC. 84. Section 46007 of the Revenue and Taxation Code is amended to read:

46007. "Barge" means a vessel carrying oil, petroleum products, or renewable fuel in commercial quantities as cargo but are not equipped with a means of self-propulsion.

SEC. 85. Section 46008 of the Revenue and Taxation Code is amended to read:

46008. "Barrel" means 42 gallons of crude oil, petroleum products, or renewable fuel.

SEC. 86. Section 46011 of the Revenue and Taxation Code is amended to read:

46011. (a) "Facility" means any of the following located in state waters or located where an oil spill may impact state waters:

(1) A building, structure, installation, or equipment used in oil exploration, oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, or oil transportation.

(2) A marine terminal.

(3) A pipeline that transports oil.

(4) A railroad that transports oil as cargo.

(5) A drill ship, semisubmersible drilling platform, jack-up type drilling rig, or any other floating or temporary drilling platform.

(6) A renewable fuel production facility.

(7) A renewable fuel receiving facility.

(b) “Facility” does not include any of the following:

(1) A vessel, except a vessel located and used for any purpose described in paragraph (5) of subdivision (a).

(2) An owner or operator subject to Chapter 6.67 (commencing with Section 25270) of or Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code.

(3) Operations on a farm, nursery, logging site, or construction site that are either of the following:

(A) Do not exceed 20,000 gallons in a single storage tank.

(B) Have a useable tank storage capacity not exceeding 75,000 gallons.

(4) A small craft refueling dock.

SEC. 87. Section 46017 of the Revenue and Taxation Code is amended to read:

46017. “Marine terminal” means any facility used for transferring crude oil, petroleum products, or renewable fuel to or from tankers or barges. For purposes of this part, a marine terminal includes all piping not integrally connected to a tank facility as defined in subdivision (n) of Section 25270.2 of the Health and Safety Code.

SEC. 88. Section 46021 of the Revenue and Taxation Code is amended to read:

46021. “Petroleum products” means any liquid hydrocarbon at atmospheric temperature and pressure that is the product of the fractionation, distillation, or other refining or processing of crude oil and that is used as, useable as, or may be refined as, a fuel or fuel blendstock, including, but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and renewable fuels containing more than 5 percent of petroleum products.

SEC. 89. Section 46023 of the Revenue and Taxation Code is amended to read:

46023. “Refinery” means a facility that refines crude oil, including condensate and natural gasoline, into petroleum products, lubricating oils, coke, or asphalt, and that may blend nonpetroleum products with the refined products either in the refinery or as the petroleum products are shipped from the refinery or from adjacent storage facilities.

SEC. 90. Section 46024 is added to the Revenue and Taxation Code, to read:

46024. (a) “Renewable fuel” means any liquid produced from nonpetroleum renewable resources that is used or useable as a fuel, or such liquid that may be blended with other types of fuels. Renewable fuel includes fuels that may contain up to 5 percent petroleum product.

(b) “Renewable fuel production facility” means a facility that produces renewable fuel for blending or shipment.

(c) “Renewable fuel receiving facility” means a facility that is the first point of receipt of renewable fuel in the state that originated from outside the state that receives renewable fuel delivered by railroad tank car, tank truck, pipeline, or vessel. A renewable fuel receiving facility may include, but is not limited to, a refinery, a marine terminal, a rail tank car to tank truck transfer facility, or other storage and distribution facility.

SEC. 91. Section 46025 is added to the Revenue and Taxation Code, to read:

46025. “Ship,” “shipment,” or “shipped” means any physical transfer of renewable fuel from a renewable fuel production facility. However, renewable fuel is not shipped when it evaporates or is otherwise lost or destroyed.

SEC. 92. Section 46028 of the Revenue and Taxation Code is amended to read:

46028. “Tanker” means a self-propelled waterborne vessel, constructed or adapted for the carriage of oil in bulk or in commercial quantities as cargo.

SEC. 93. Section 46053 of the Revenue and Taxation Code is amended to read:

46053. Any fees collected from an owner of crude oil, petroleum products, or renewable fuel pursuant to Section 46051 or 46052 that have not been remitted to the California Department of Tax and Fee Administration shall be deemed a debt owed to the State of California by the person required to collect and remit fees.

SEC. 94. Section 46101 of the Revenue and Taxation Code is amended to read:

46101. (a) Every person who operates a refinery in this state, a marine terminal in the state, or operates a pipeline to transport crude oil out of the state or petroleum products into the state shall register with the California Department of Tax and Fee Administration for the purposes of Section 8670.48 of the Government Code.

(b) Every person who operates a refinery in the state, a marine terminal in the state, a renewable fuel receiving facility in the state, or a renewable fuel production facility in the state shall register with the California Department of Tax and Fee Administration for the purposes of Section 8670.40 of the Government Code.

SEC. 95. Section 46151 of the Revenue and Taxation Code is amended to read:

46151. (a) The fees collected and administered under Sections 46051 and 46052 are due and payable to the California Department of Tax and Fee Administration monthly on or before the 25th day of the calendar month following the monthly period for which the fee is due. Each feepayer, on or before the 25th day of the month following each monthly period, shall file a return for the preceding monthly period, using electronic media, showing the information required to be reported by Sections 8670.40 and 8670.48 of the Government Code and any other information that the California Department of Tax and Fee Administration determines to be necessary to carry out this part. Returns shall be authenticated in a form, or pursuant to methods, as may be prescribed by the California Department of Tax and Fee Administration.

(b) The feepayer shall file the return, together with a remittance of the amount of fee due, if any, payable to the California Department of Tax and Fee Administration on or before the 25th day of the month following the monthly period for which the fee is due.

(c) In addition to the returns due pursuant to subdivision (a), each feepayer shall provide an annual information return, in the form as prescribed by the California Department of Tax and Fee Administration, which may include, but is not limited to, electronic media showing the information required to be reported by Section 8670.48 of the Government Code and any other information that the California Department of Tax and Fee Administration determines to be necessary to carry out this part. The feepayer shall deliver the return containing the required information for the preceding calendar year to the California Department of Tax and Fee Administration on or before February 1 of each year. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

SEC. 96. Section 46751 of the Revenue and Taxation Code is amended to read:

46751. (a) The California Department of Tax and Fee Administration shall provide any and all information obtained under this part to the administrator.

(b) The administrator and the California Department of Tax and Fee Administration may use any information obtained pursuant to this part to develop data on oil spill prevention, abatement, and cleanup within the state. Notwithstanding any other provision of this section, the administrator may make oil and renewable fuel spill prevention, abatement, and cleanup public.

(c) It shall be unlawful for the California Department of Tax and Fee Administration or any person having an administrative duty under Chapter 7.4 (commencing with Section 8670.1) of Division 1 of Title 2 of the Government Code or Division 7.8 (commencing with Section 8750) of the Public Resources Code to make known, in any manner whatever, the business affairs, operations, or any other information pertaining to a fee payer that was submitted to the California Department of Tax and Fee Administration in a report or return required by this part, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not expressly authorized by subdivision (a), subdivision (d), and this subdivision. However, the Governor may, by general or special order, authorize examination of the records maintained by the California Department of Tax and Fee Administration under this part by other state officers, by officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public.

(d) The California Department of Tax and Fee Administration may furnish to any state or federal agency investigating violations of or enforcing any state or federal law related to crude oil, petroleum products, and renewable fuel any crude oil, petroleum

products, and renewable fuel information in the possession of the California Department of Tax and Fee Administration that is deemed necessary for the enforcement of those laws.

(e) Notwithstanding subdivision (c), the successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information regarding the determination of any unpaid fee or the amount of fees, interest, or penalties required to be collected or assessed.

(f) Nothing in this section shall be construed as limiting or increasing the public's access to information on any aspect of oil spill prevention, abatement, and cleanup collected pursuant to other state or local laws, regulations, or ordinances.

SEC. 97. Article 6 (commencing with Section 13198) is added to Chapter 3 of Division 7 of the Water Code, to read:

Article 6. Drought Relief

13198. For purposes of this article, the following definitions apply:

(a) "Drought scenario" means either of the following:

(1) Circumstances for which the Governor has issued a proclamation of a state of emergency, pursuant to Section 8625 of the Government Code, based on drought conditions.

(2) (A) Circumstances for which the state board determines, consistent with subparagraph (B), that drought conditions necessitate urgent and immediate action to ensure availability of safe drinking water, to protect public health and safety, or, after consultation with the Department of Fish and Wildlife, to avoid serious and irreparable harm to fish or wildlife.

(B) Before determining a drought scenario exists pursuant to subparagraph (A), the state board shall do both of the following:

(i) Provide notice, including specific geographic areas in which a determination of a drought scenario is proposed, to the Joint Legislative Budget Committee, the secretaries of the implementing agencies, and the Director of Emergency Services.

(ii) To the extent feasible, conduct a public hearing for purposes of seeking public comment on the proposed declaration of a drought scenario, and any proposed actions.

(b) "Implementing agency" means any of the following:

(1) The Natural Resources Agency.

(2) The California Environmental Protection Agency.

(3) The Department of Food and Agriculture.

(4) The California Health and Human Services Agency.

(5) Boards, departments, and offices within the agencies specified in paragraphs (1) to (4), inclusive.

(6) The Office of Emergency Services.

(c) (1) "Interim or immediate relief" means any of the following:

(A) Hauled water.

(B) Temporary community water tanks.

(C) Bottled water.

(D) Water vending machines.

(E) Emergency water interties.

(F) New wells or rehabilitation of existing wells.

(G) Construction or installation of permanent connections to adjacent water systems, recycled water projects that provide immediate relief to potable water supplies, and other projects that support immediate drought response.

(H) Fish and wildlife rescue, protection, and relocation.

(2) Eligible costs for interim or immediate relief include technical assistance, site acquisitions, and costs directly related to the provision of the project.

13198.2. (a) Subject to an appropriation in the annual Budget Act or another statute for these purposes, an implementing agency may make grants and direct expenditures for interim or immediate relief in response to conditions arising from a drought scenario to do any of the following:

(1) Address immediate impacts on human health and safety, including providing or improving availability of food, water, or shelter.

(2) Address immediate impacts on fish and wildlife resources.

(3) Provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies.

(b) A contract entered into under this article by an implementing agency is exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code. An implementing agency may award a contract under this section on a noncompetitive bid basis as necessary to implement the purposes of this article.

(c) An implementing agency shall obtain approval from the Department of Finance before entering into a contract under this section.

(d) Actions of implementing agencies under this article shall be deemed to be within paragraph (2), (3), or (4) of subdivision (b) of Section 21080 of the Public Resources Code.

(e) Implementing agencies may adopt guidelines to implement this article. Those guidelines are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

13198.4. (a) This section applies and is subject to an appropriation in the annual Budget Act or another statute to an implementing agency to provide grants and direct expenditures for interim or immediate relief to drought scenarios.

(b) An implementing agency may provide grant funds and direct expenditures to or on behalf of affected public and private entities to provide interim or immediate relief.

(c) Notwithstanding Section 11019 of the Government Code, an implementing agency may provide advance payment of up to 25 percent of grant funds awarded to public agencies, nonprofit organizations, public utilities, mobilehome parks, mutual water companies, farmers and ranchers, federally recognized California Native American tribes, nonfederally recognized Native American tribes on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, administrators, and groundwater sustainability agencies that have demonstrated cashflow problems according to the satisfaction of the implementing agency.

(d) An implementing agency may authorize funding of up to ten thousand dollars ($10,000) without a written agreement.

13198.6. (a) This article does not limit, alter, or expand any provision of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(b) This article does not expand or alter the authority of an implementing agency to take regulatory action other than the actions explicitly described in this article.

13198.8. This article shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 98. Section 81023 of the Water Code is amended to read:

81023. (a) Consistent with Division 26.7 (commencing with Section 79700), the sum of three million dollars ($3,000,000) of the proceeds of bonds authorized to be issued and available for the purposes of Section 79746 shall be transferred to the fund and used by the department, upon appropriation, for loans for water conservation and water use efficiency projects and programs to achieve urban water use targets developed pursuant to Section 10608.20.

(b) The department may implement this section by providing to a local agency a zero-interest loan.

(c) A local agency that receives a loan pursuant to this section shall exercise reasonable efforts to recover the costs of the loan. However, the department may waive up to 10 percent of the repayment amount for costs that could not be recovered by the local agency.

(d) The department and a local agency that is an urban retail water supplier and that receives a loan pursuant to this section may enter into a mutually agreeable schedule for making loan repayments into the fund.

SEC. 99. The Legislature finds and declares that Section 16 of this act, which amends Section 15475 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The addition of subdivision (c) to Section 15475 of the Government Code is necessary to protect the confidentiality of records, the protection of proprietary information, and the protection of the reasonable expectation of privacy for customer-specific records maintained by electrical corporations.

SEC. 100. With respect to Section 60 of this act, which adds Section 41855.8 to the Health and Safety Code, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances in the San Joaquin Valley.

SEC. 101. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 102. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.