AB-203 Public resources. (2021-2022)

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Assembly Bill No. 203

CHAPTER 60

An act to amend Sections 7381 and 7382 of, and to add Section 1588 to, the Fish and Game Code, to amend Sections 11705, 11706, 11904, 12021, 12103, 12104, 12107, 12202, 12203, 12203.1, 12252, 12402, 12403, 14092, 14152, 14153, 14153.1, and 29044 of, and to add Sections 11456 and 29057 to, the Food and Agricultural Code, to amend Section 12802.10 of the Government Code, to amend Section 65.5 of the Harbors and Navigation Code, to amend Sections 13105.6, 25205.2, 25205.21, 25214.8.11.2, 25214.8.12, 25214.8.19, and 25215.2 of the Health and Safety Code, to amend Sections 10204 and 10214 of the Public Contract Code, to amend Sections 4137, 14547, 14585, 31113, and 42357 of the Public Resources Code, to amend Sections 43152.7 and 43160 of the Revenue and Taxation Code, to amend Sections 10736.2, 13476, and 13480 of the Water Code, and to amend Section 106 of Chapter 73 of the Statutes of 2021, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 203, Committee on Budget. Public resources.

(1) Existing law requires a person taking steelhead trout in inland waters, in addition to a valid California sport fishing license and any applicable sport license stamp, to have in their possession a valid nontransferable steelhead trout fishing report-restoration card issued by the Department of Fish and Wildlife. Under existing law, the base fee for the fishing report-restoration card was $5 for the 2004 license year and is authorized to be adjusted annually pursuant to a specified index. Existing law makes a violation of the fishing report-restoration card requirements a crime. Existing law requires revenues to be deposited in the Fish and Game Preservation Fund and to be available for expenditure, upon appropriation by the Legislature, to monitor, restore, or enhance steelhead trout resources consistent with specified law, and to administer the fishing report-restoration card program. Existing law requires the department to report to the Legislature on or before July 1, 2021, regarding the steelhead trout fishing report-restoration card program's projects undertaken using these revenues derived pursuant to that program, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. These provisions become inoperative as of July 1, 2022, and are repealed as of January 1, 2023.

This bill would instead require the above-described provisions to be repealed as of January 1, 2025. The bill would require the department to report to the Legislature regarding the fishing report-restoration card program's projects on or before July 1, 2023.

Because this bill would extend the operation of the fishing report-restoration card requirements, the violation of which would be a crime, it would impose a state-mandated local program.

(2) Existing law authorizes the Department of Fish and Wildlife, with the approval of the Fish and Game Commission, to, among other things, maintain, use, and administer land suitable for the purpose of establishing ecological reserves. The Budget Act of 2021 appropriated $50,000 from the General Fund to the department to rename the “Eden Landing Ecological Reserve” the “Congressman Pete Stark Ecological Reserve.”

This bill would rename the “Eden Landing Ecological Reserve,” as specified in certain regulations, the “Congressman Pete Stark Ecological Reserve at Eden Landing.” The bill would require the department to implement that name change and would provide that commission approval is not required for implementation of the name change.

(3) Existing law, the Apiary Protection Act, requires an owner or a person in possession of an apiary to comply with certain requirements, including to register the number of colonies in each apiary and pay an annual apiary registration fee of $10 to the county agricultural commissioner of the county where the bees reside, as specified. Under existing law, failure to comply with any requirement under the Apiary Protection Act is a crime. Existing law also authorizes serial brand number registration and transfer fees to be paid to the Secretary of Food and Agriculture, as specified.

This bill would instead require the annual apiary registration fee to be an amount not to exceed $250 and paid to the secretary, and would apply the annual apiary registration fee to brokers, as defined. By extending this requirement to brokers, the violation of which would be a crime, this bill would create a state-mandated local program. The bill would authorize the secretary to enter into contracts with counties to reimburse the counties for costs incurred by the county agricultural commissioner in the administration and enforcement of these provisions using the apiary registration fees, as specified, and would require the secretary to establish standards of performance for administration and enforcement.

This bill would also require any funds collected by the secretary pursuant to the above-described provisions to be deposited in the Department of Food and Agriculture Fund, and would continuously appropriate these funds for administration, research, control of pests, and enforcement of these provisions, as provided. By continuously appropriating these funds, the bill would make an appropriation.

(4) Existing law, added by the Governor’s Reorganization Plan No. 1 of 1991, creates the Department of Pesticide Regulation and authorizes the Director of Pesticide Regulation, among other things, to adopt regulations that are reasonably necessary to carry out specified provisions of law and to provide, by rule or regulation, for the issuance and renewal on a 2-year basis of licenses, certificates of registration, or other indicia of authority that the director is required or authorized to administer or enforce. Existing law requires the director to issue various types of licenses and certificates that authorize the holder of the license or certificate to engage in specified pest control activities.

This bill would specifically authorize the director to adopt regulations for the issuance and renewal of licenses and certificates for pest control operations. The bill would require the director, on or after January 1, 2025, to issue and renew licenses and certificates for pest control operations for a 3-year period and would make various conforming changes for these purposes.

Under existing law, applicants for licensing or certification as qualified applicators are required to elect to be examined for licensing or certification in one or more specified categories. Existing law also authorizes an applicant to elect to be trained in the handling, control, and techniques of removal of Africanized honey bees and authorizes the director to develop or approve a program to train applicants in this specialty.

This bill would eliminate the specified categories and would instead authorize the director to establish the categories. The bill would also eliminate the above-described provisions relating to Africanized honey bees.

This bill would also eliminate an authorization to administer an oral examination for a specified examination required to obtain a private applicator certificate.

(5) Existing law establishes the Natural Resources Agency within state government and sets forth the duties of the Secretary of the Natural Resources Agency. Existing law requires the secretary to support the development of sustainable communities and by managing and awarding financial assistance in accordance with specified procedures and criteria for the preparation and implementation of green infrastructure projects that reduce emissions of greenhouse gases and provide multiple benefits to specified entities, including, among others, a city, county, nonprofit organization, or special district. Existing law requires moneys from the Greenhouse Gas Reduction Fund to be available, upon appropriation by the Legislature, for allocation by the secretary pursuant to those provisions.

This bill would define “special district,” for purposes of those provisions, to mean an agency of the state, formed pursuant to general law or a special act, for the performance of governmental or proprietary functions, with limited geographic boundaries, including, but not limited to, a school district and a community college district.

(6) Existing law establishes the Division of Boating and Waterways within the Department of Parks and Recreation to, among other things, study and monitor beach erosion. Existing law declares the policy of the state to bear 1 /2 the costs of required local

participation for beach erosion control projects authorized by specified federal law, subject to any affected city, county, or other public agency meeting specified conditions.

This bill would change that declaration to make the policy that the state shall consider bearing 1 /2 the costs of required local participation for these beach erosion control projects, subject to the same conditions.

(7) Existing law authorizes, upon the approval of a county board of supervisors, a county agricultural commissioner, or other designated agency, to establish within the county a livestock pass program for the purpose of issuing identification documents granting any qualifying livestock producer or a managerial employee of the qualifying livestock producer access to the qualifying livestock producer's ranch property, or to the ranch property owned by another holder of a livestock pass with permission, during or following a flood, storm, fire, earthquake, or other disaster, as provided. Existing law requires the State Fire Marshal, with the involvement of the Statewide Training and Education Advisory Committee, to develop a curriculum for livestock producers eligible for this livestock pass program on or before January 1, 2023.

This bill would extend that date to July 1, 2023.

(8) Existing law requires, with exceptions, a generator of hazardous waste to pay a generation and handling fee to the California Department of Tax and Fee Administration, as specified. Existing law requires an operator of a hazardous waste facility to pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of facility, and limits the maximum facility fee required to be paid by a disposal facility operator that is a government agency. Existing law requires the filing with the California Department of Tax and Fee Administration of an annual return with specified fee payments and a closing return upon the transfer or discontinuance of hazardous waste operations, as provided. Existing law, operative on July 1, 2022, requires a facility with a postclosure permit to pay specified facility fees based on the length of the postclosure period and the size of the facility. A violation of the hazardous waste control provisions is a crime.

This bill would enact various conforming and technical changes related to those hazardous waste fee provisions. The bill would define a small, medium, and large facility for purposes of those postclosure permit facility fees. Because the bill would change the scope of a crime with respect to postclosure permit facility fees, the bill would impose a state-mandated local program.

Existing law appropriates to the Department of Toxic Substances Control the total sum of $822,400,000 from the General Fund and the Toxic Substances Control Account, with $500,000,000 of that total amount appropriated from the General Fund for allocation over the 2021–22, 2022–23, and 2023–24 fiscal years, as prescribed, for, among other things, the discovery, cleanup, and investigation of contaminated properties. Existing law transfers the remaining $322,400,000 of that total amount as a loan from the General Fund to the Toxic Substances Control Account and appropriates those funds from the account for allocation over the 2021–22, 2022–23, and 2023–24 fiscal years, as prescribed, for activities, including job training activities, related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon. Existing law requires funds recovered from potentially responsible parties for the former Exide Technologies facility to be used to repay those loans and authorizes forgiveness of the remaining loan balance under certain circumstances. Existing law requires certain appropriated funds to be available for encumbrance for 3 fiscal years after the fiscal year in which the funds are released.

This bill would instead require that all of the appropriated amounts described above be available for encumbrance for 4 years after the fiscal year in which the funds are released. By extending the date to encumber funds appropriated from the General Fund, the bill would make an appropriation.

(9) Existing law, the Mercury Thermostat Collection Act of 2021, until January 1, 2030, requires each manufacturer of mercury-added thermostats, or group of manufacturers, on or before March 1, 2022, to contract with or retain a qualified third party to develop and implement a convenient, cost-effective, and efficient program for the collection, transportation, recycling, and disposal of out-of-service mercury-added thermostats. The act requires each manufacturer, or group of manufacturers, on or before March 30, 2022, and on or before March 30 of each year thereafter until March 30, 2028, to pay to the qualified third party specified costs and pay to the Department of Toxic Substances Control an aggregate total of $400,000, as provided, which shall not exceed the department's actual and reasonable regulatory costs to administer, implement, and enforce the act. The act requires the department to deposit these moneys into the Mercury Thermostat Collection Program Fund, which the act establishes. The act prescribes the purposes for which the department can expend moneys from the fund. The act subjects the thermostats of a manufacturer that fails to make the required payments or comply with the act to a sales ban, as provided.

This bill would change to September 30, 2022, and to September 30 of each year thereafter until September 30, 2028, the dates by which payments from a manufacturer, or a group of manufacturers, are required. The bill would revise the fee provisions to require a manufacturer, or group of manufacturers, to pay to the department, based on a specified calculation, an annual aggregate total not to exceed $400,000 to cover the actual and reasonable regulatory costs incurred by the department to administer, implement, and enforce the act. The bill would require each manufacturer, or a group of manufacturers, on or before

September 30, 2022, to also pay to the department an amount equal to the actual and reasonable regulatory costs incurred by the department to administer, implement, and enforce the act from January 1, 2022, to June 30, 2022, inclusive. The bill, by the operation of the act, would subject the thermostats of a manufacturer that fails to make this additional payment to the sales ban. Because this bill would impose an additional payment obligation on a manufacturer, or group of manufacturers, a violation of which would be a crime, this bill would impose a state-mandated local program.

This bill would expand the purposes for which fund moneys can be expended to include repayment of any expenditures made from any other fund to finance the department's actual and reasonable regulatory costs incurred to administer, implement, and enforce the act from January 1, 2022, to June 30, 2022, inclusive.

This bill would change the repeal date of the act to January 1, 2033, but would provide that the obligations imposed by the act remain in effect only until January 1, 2030, unless otherwise provided by the act. By extending the operation of the act, a violation of which would be a crime, this bill would impose a state-mandated local program. The bill would abolish the fund on November 30, 2032, and require the department to reimburse to a manufacturer, or group of manufacturers, any unencumbered moneys remaining in the fund on that date.

(10) The Lead-Acid Battery Recycling Act of 2016, as part of the hazardous waste control laws, prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, but authorizes a person to dispose of a lead-acid battery at certain locations. The act imposes a California battery fee on a person for specified types of replacement lead-acid batteries purchased from a dealer in the amount of $1 until March 31, 2022, and in the amount of $2 commencing April 1, 2022. The act requires a dealer to post a written notice or include on the purchaser's receipt for one of these lead-acid batteries specified language, including language stating that the dealer is required by law to charge a nonrefundable $1 California battery fee.

This bill would revise the language required to be included in that notice or on the purchaser's receipt by increasing the stated amount of the California battery fee from $1 to $2.

(11) Existing law authorizes the Director of Water Resources, following specified notification to the California Water Commission, to procure design-build contracts for public works projects in excess of $1,000,000 that are necessary for the construction, maintenance, or operation of elements of State Water Facilities, as defined. Existing law sets forth required procedures when procuring pursuant to this authorization. Existing law provides that the authority to perform water resources projects pursuant to these provisions is for no more than 7 projects.

This bill would additionally authorize the director, following any required notification as described, to procure design-build contracts for public works projects in excess of $1,000,000 that are at the Salton Sea. The bill would also instead provide that the authority to procure design-build contracts for State Water Facilities, as defined, is for no more than 7 projects.

(12) Existing law requires the Department of Forestry and Fire Protection to annually provide a report to the Legislature detailing the department's fire prevention activities, as provided. Existing law, for purposes of the report, defines "fire prevention activities" to include fire prevention education and hazardous fuel reduction and vegetation management.

This bill would revise the definition of "fire prevention activities" by specifying that "hazardous fuel reduction and vegetation management" includes fuel breaks, forest thinning, prescribed fire, reforestation, fuel treatments in the wildland-urban interface, dead fuel removal, roadside fuel reduction activities, and other activities that reasonably could be considered vegetation management. The bill would require the department, on or before December 31, 2023, to post on its internet website certain information regarding hazardous fuel reduction and vegetation management projects funded or conducted by the department for the preceding fiscal year, beginning with funding included in the 2022–23 fiscal year. The bill would require the department, on or before December 31, 2022, to develop a standardized protocol for monitoring implementation and evaluating the positive and negative ecological and fire behavior impacts from vegetation management projects undertaken by the state, as provided. The bill would expand the requirement to post certain information and the monitoring protocol to other state agencies undertaking or funding hazardous fuel reduction and vegetation management projects by December 31, 2024.

(13) The California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum refund value. Under the act, the Department of Resources Recycling and Recovery is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a distributor or dealer. The act requires beverage manufacturers to annually report to the department the amount of virgin plastic and postconsumer recycled plastic used by the manufacturer for any plastic beverage containers subject to the California Redemption Value for sale in the state in the previous calendar year, as provided. The act requires the total number of filled plastic beverage containers sold by a beverage manufacturer to contain specified amounts of postconsumer recycled plastic content per year, as provided, but exempts from this requirement beverage manufacturers that have projected processing fee payments for a calendar year that are less than specified amounts. A violation of the act is a crime.

This bill would delete the above-described exemption and would instead exempt from the postconsumer recycled plastic content requirement beverage manufacturers that sell or transfer a specified maximum number of plastic beverage containers to a distributor, dealer, or consumer located in the state during the calendar year for which the manufacturer is required to report the amount of virgin plastic and postconsumer recycled plastic used by that manufacturer.

Because this bill would change the scope of a crime, this bill would impose a state-mandated local program to the extent that it expands the scope of an existing crime.

(14) The California Beverage Container Recycling and Litter Reduction Act requires the Department of Resources Recycling and Recovery to annually designate convenience zones statewide and requires at least one certified recycling center or location within every convenience zone that accepts all types of empty beverage containers and pays the refund value, if any, at one location. The act establishes the California Beverage Container Recycling Fund and, except for administrative costs, continuously appropriates moneys in the fund to the department for specified purposes, including the amount necessary to pay handling fees to provide an incentive for the redemption of empty beverage containers in convenience zones. The act requires the department to set the amount of the handling fee using a specified method, which includes adjusting the statewide average cost for each beverage container annually to reflect changes in the cost of living. The act authorizes the department to update the method used for calculating the handling fee if it finds that the handling fee does not accurately represent the actual cost incurred for the redemption of empty beverage containers by those certified recycling centers, as provided. The act formerly required the per-container handling fee to be set until March 1, 2013, at an amount not less than the amount of the per-container handling fee that was in effect on July 1, 2011.

This bill would require the per-container handling fee to be set until June 30, 2024, at an amount that is not less than the amount of the per-container handling fee that was in effect on July 1, 2021, and would set the cost-of-living adjustment for the 2022–23 fiscal year at 9%. The bill would delete the provision authorizing the department to update the method used for calculating the handling fee. The bill would make an appropriation by changing the terms and conditions under which the department is authorized to make payments from a continuously appropriated fund.

(15) Existing law establishes in the Natural Resources Agency the State Coastal Conservancy. Existing law establishes the Climate Ready Program, administered by the conservancy, in order to address the impacts and potential impacts of climate change on resources within the conservancy's jurisdiction. Existing law requires the conservancy, when allocating specified funds, to do specified things, including prioritizing projects that use natural infrastructure in coastal communities to help adapt to climate change.

This bill would delete the reference to the specified funds.

(16) Existing law prohibits a person from selling or offering for sale a product, as defined, that is labeled with the term "compostable" or "home compostable" unless the product satisfies specified criteria. As part of that criteria, existing law requires the Department of Resources Recycling and Recovery, by January 1, 2024, to determine whether it would be feasible to separate the collection of products in order to recover organic waste that is suitable for use in organic agricultural applications from the collection of products not suitable for use in organic agricultural applications, and on or before January 1, 2026, to adopt regulations to establish a bifurcated approach depending on the results of that determination.

This bill would specify that the regulations the department is required to adopt on or before January 1, 2026, depending on the results of that determination, are to establish a bifurcated approach to product labeling.

(17) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Under existing law, the court holds that CEQA does not apply to a public agency's failure to act.

The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate a groundwater basin as a probationary basin if the state board makes a certain determination and to adopt an interim plan for the probationary basin, as specified. Existing law exempts any action or failure to act by the board to effectuate the Sustainable Groundwater Management Act from the requirements of CEQA, except for the board's adoption or amendment of an interim plan.

This bill would revise the above exemption to apply to actions taken by the board to designate a groundwater basin as a probationary basin and the adoption or amendment of an interim plan. The bill would specify that the exemption is not to be interpreted to exempt from CEQA projects that would implement actions taken pursuant to an adopted interim plan. The bill would make a conforming change.

(18) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act (federal act) and the Porter-Cologne Water Quality Control Act. Existing law establishes the State Water Pollution Control Revolving Fund program, pursuant to which

state and federal funds are continuously appropriated from the State Water Pollution Control Revolving Fund to the state board for loans and other financial assistance for purposes related to the federal act.

Existing law authorizes moneys in the fund to be used for loans that meet specified requirements and authorizes loan forgiveness to the extent authorized by a federal grant deposited in the fund to the extent authorized and funded by that grant. Existing law also authorizes moneys in the fund to be used for grants, principal forgiveness, negative interest rates, and any other type of, or variation on those types of, assistance authorized by a federal grant deposited in the fund, to the extent authorized and funded by that grant.

This bill would delete the provision that authorizes loan forgiveness to the extent authorized by a federal grant deposited in the fund to the extent authorized. The bill would delete the restriction in the latter provision that authorizes as expenditures from the fund those types of financial assistance only to the extent authorized and funded by a federal grant. By deleting a restriction on the use of moneys in a continuously appropriated fund, the bill would make an appropriation by authorizing expenditures from the fund for a new purpose.

(19) Existing law, the Disaster Preparedness and Flood Prevention Bond Act of 2006, approved by the voters as Proposition 1E at the November 7, 2006, statewide general election, establishes the Disaster Preparedness and Flood Prevention Bond Fund of 2006 and authorizes the issuance of bonds in the amount of $4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. The act makes $300,000,000 of that amount available, upon appropriation to the Department of Water Resources, for grants for stormwater flood management projects, as specified. Existing law appropriates $300,000,000 to the department for those purposes and makes those funds available for encumbrance until June 30, 2020, and for liquidation until June 30, 2023.

This bill would instead make all funds available for liquidation until June 30, 2028, subject to certain conditions. By extending the period of time in which funds encumbered under an existing appropriation may be liquidated, the bill would make an appropriation.

(20) 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 a specified reason.

(21) 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

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

SECTION 1. Section 1588 is added to the Fish and Game Code, to read:

1588. (a) The “Eden Landing Ecological Reserve,” as specified in paragraph (52) of subdivision (b) of Section 630 of Title 14 of the California Code of Regulations, as that section read on January 1, 2022, is hereby renamed the “Congressman Pete Stark Ecological Reserve at Eden Landing.”

(b) The department shall implement the name change and, notwithstanding Section 1580 or any other law, is not required to obtain commission approval for implementation of the name change.

SEC. 2. Section 7381 of the Fish and Game Code is amended to read:

7381. (a) Revenue received pursuant to Section 7380 may be expended, upon appropriation by the Legislature, only to monitor, restore, or enhance steelhead trout resources consistent with Sections 6901 and 6902, and to administer the fishing report-restoration card program. The department shall submit all proposed expenditures, including proposed expenditures for administrative purposes, to the Advisory Committee on Salmon and Steelhead Trout for review and comment before submitting a request for inclusion of the appropriation in the annual Budget Act. The committee may recommend revisions in any proposed expenditure to the Legislature and the commission.

(b) The department shall report to the Legislature on or before July 1, 2023, regarding the steelhead trout fishing report-restoration card program’s projects undertaken using revenues derived pursuant to that program, the benefits derived, and its recommendations for revising the fishing report-restoration card requirement, if any. The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. Section 7382 of the Fish and Game Code is amended to read:

7382. This article shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 4. Section 11456 is added to the Food and Agricultural Code, to read:

11456. The director may do all of the following:

(a) Adopt regulations that are reasonably necessary to carry out the provisions of this code that the director is required or authorized to administer or enforce.

(b) Enter upon any premises to inspect the premises or any plant, appliance, or thing that is on those premises.

(c) Notwithstanding any other provision of law, and except as provided in subdivision (d), provide, by rule or regulation, for the issuance and renewal on a two-year basis of licenses, certificates of registration, or other indicia of authority issued pursuant to the provisions of this code that the director is required or authorized to administer or enforce.

(d) Adopt regulations for the issuance and renewal of licenses and certificates for pest control operations. On or after January 1, 2025, the director shall issue and renew these licenses and certificates for three years; provided, however, a license or certificate may be issued for less than three years based on when the applicant enters the three-year cycle.

(e) Arrange for the services of any individual employed by the United States, the state, or a county on a collaborative basis and allow that person a reasonable fee and necessary expenses that are incurred when serving the department in a collaborative capacity.

SEC. 5. Section 11705 of the Food and Agricultural Code is amended to read:

11705. The director shall issue to each applicant that satisfies the requirements of this article a license that authorizes the applicant to perform the type or types of pest control activities specified in the license during the calendar years for which the license is issued, unless the license is sooner revoked or suspended.

SEC. 6. Section 11706 of the Food and Agricultural Code is amended to read:

11706. The license may be renewed before its expiration through application in the form prescribed by the director and upon payment of the proper fee as prescribed by the director pursuant to Section 11502.5.

SEC. 7. Section 11904 of the Food and Agricultural Code is amended to read:

11904. Every certificate shall expire on December 31 of the last year for which it is issued. Certificates may be renewed before their expiration through application in the form prescribed by the director and upon payment of the proper fee as prescribed by the director pursuant to Section 11502.5. A penalty as prescribed by the director pursuant to Section 11502.5 shall be assessed against any applicant who applies for renewal after the expiration date.

SEC. 8. Section 12021 of the Food and Agricultural Code is amended to read:

12021. An application for an agricultural pest control adviser license shall be in the form prescribed by the director. Each application shall state the name and address of the applicant specified on the application and any other information required by the director. The application shall be accompanied by a fee as prescribed by the director pursuant to Section 11502.5 to be paid into the State Treasury to the credit of the Department of Pesticide Regulation Fund. All licenses issued under this article shall expire on December 31 of the last year for which they are issued. Licenses may be renewed before their expiration through application in the form prescribed by the director and upon payment of a fee as prescribed by the director pursuant to Section 11502.5. A penalty as prescribed by the director pursuant to Section 11502.5 shall be assessed against any applicant who applies for a renewal of the license after the expiration date.

SEC. 9. Section 12103 of the Food and Agricultural Code is amended to read:

12103. (a) An application for a license shall be in the form prescribed by the director. Each application shall state the name and address of the applicant specified on the application and any other information required by the director. The application shall be accompanied by a fee as prescribed by the director pursuant to Section 11502.5 to be paid into the State Treasury to the credit of the Department of Pesticide Regulation Fund. All licenses issued under this article shall expire on December 31 of the last year for which they are issued.

(b) To the amount of the license fee shall be added an additional fee, in an amount prescribed by the director pursuant to Section 11502.5, for each branch salesyard, store, or sales location that is owned and operated by the applicant in this state or in other

states when doing business from that out-of-state location regarding pesticides to be sold or delivered into or within this state.

SEC. 10. Section 12104 of the Food and Agricultural Code is amended to read:

12104. The license for a pest control dealer may be renewed before its expiration through application in the form prescribed by the director, accompanied by a fee as prescribed by the director pursuant to Section 11502.5, for each license and for each branch salesyard, store, or sales location that does business in the state, or that does business in this state from an out-of-state location as specified in Section 12103. These fees shall be paid into the State Treasury to the credit of the Department of Pesticide Regulation Fund.

SEC. 11. Section 12107 of the Food and Agricultural Code is amended to read:

12107. The director shall issue to each applicant that satisfies the requirements of this article a license that entitles the applicant to conduct the business described in the application for the calendar years for which the license is issued, unless the license is sooner revoked or suspended.

SEC. 12. Section 12202 of the Food and Agricultural Code is amended to read:

12202. (a) All licenses issued pursuant to this chapter expire on December 31 of the last year for which they are issued. Licenses may be renewed before their expiration through application in the form prescribed by the director and upon payment of a fee as prescribed by the director pursuant to Section 11502.5.

(b) A penalty as prescribed by the director pursuant to Section 11502.5 shall be assessed against any applicant who applies for renewal after the expiration date.

SEC. 13. Section 12203 of the Food and Agricultural Code is amended to read:

12203. Applicants shall be examined on the requirements of laws and regulations concerning pesticide use and shall elect to be examined for licensing in one or more of the categories established by the director.

SEC. 14. Section 12203.1 of the Food and Agricultural Code is amended to read:

12203.1. The director may designate subcategories within the categories established pursuant to Section 12203, as determined to be necessary.

SEC. 15. Section 12252 of the Food and Agricultural Code is amended to read:

12252. (a) An application for a pest control dealer designated agent license shall be in the form prescribed by the director. Each application shall state the name and address of the applicant specified on the application and any other information required by the director. The application shall be accompanied by a fee as prescribed by the director pursuant to Section 11502.5.

(b) All licenses issued pursuant to this chapter shall expire on December 31 of the last year for which they are issued.

(c) Licenses may be renewed before their expiration through application in the form prescribed by the director and upon payment of a fee as prescribed by the director pursuant to Section 11502.5. A penalty as prescribed by the director pursuant to Section 11502.5 shall be added to any license renewal fee that is not paid by the date of expiration.

SEC. 16. Section 12402 of the Food and Agricultural Code is amended to read:

12402. The director shall issue to each applicant that satisfies the requirements of this chapter a pesticide broker license that entitles the applicant to conduct the business described in the application for the calendar years for which the license is issued unless the license is revoked or suspended in the interim.

SEC. 17. Section 12403 of the Food and Agricultural Code is amended to read:

12403. All licenses issued pursuant to this chapter may be renewed before their expiration through application to the director.

SEC. 18. Section 14092 of the Food and Agricultural Code is amended to read:

14092. (a) Applicants shall be examined on the requirements of statutes and regulations concerning pesticide use and pest control operations, including, but not limited to, knowledge of all of the following:

(1) Label directions and restrictions on use.

(2) Calibration.

(3) Pest control equipment.

(4) Pest problems and identification.

(5) Worker protection, including protective clothing and equipment.

(6) Environmentally sensitive areas.

(b) The examination shall be in written form and shall be prepared by the director and administered by the commissioner, or the director in any county where there is no commissioner.

(c) A passing score for the examination is 70 percent or above.

SEC. 19. Section 14152 of the Food and Agricultural Code is amended to read:

14152. An application for a qualified applicator certificate shall be in the form prescribed by the director. Each application shall state the name and address of the applicant specified on the application and any other information required by the director. The application shall be accompanied by a fee as prescribed by the director pursuant to Section 11502.5. All certificates issued under this chapter shall expire on December 31 of the last year for which they are issued. Certificates may be renewed before their expiration through application in the form prescribed by the director and upon payment of a fee as prescribed by the director pursuant to Section 11502.5. A penalty shall be assessed against any applicant who applies for renewal after the expiration date as prescribed by the director pursuant to Section 11502.5.

SEC. 20. Section 14153 of the Food and Agricultural Code is amended to read:

14153. Applicants shall be examined on the requirements of laws and regulations concerning pesticide use and shall elect to be examined for certification in one or more of the categories established by the director.

SEC. 21. Section 14153.1 of the Food and Agricultural Code is amended to read:

14153.1. The director may designate subcategories within the categories established pursuant to Section 14153, as determined to be necessary.

SEC. 22. Section 29044 of the Food and Agricultural Code is amended to read:

29044. (a) Each beekeeper, apiary owner, apiary operator, broker, or person in possession of any apiary, shall pay, in addition to any other fees imposed under this chapter, an annual registration fee not to exceed two hundred fifty dollars ($250) to the secretary on January 1 of each year, to cover the cost of apiary registration. The secretary shall by regulation adopt and periodically update a schedule of the registration fees that shall include late fees for anyone who fails to register an apiary under Sections 29041 and 29042. The board of supervisors of any county, with the approval of the secretary, may waive the registration fee for any beekeeper, apiary owner, apiary operator, or person, who is a hobbyist not in the business of beekeeping and who possesses nine or fewer colonies.

(b) The secretary may enter into contracts with counties to reimburse the counties for costs incurred by the commissioner in the administration and enforcement of this chapter. The source for reimbursement shall be the funds received from the registration fees described in subdivision (a). The reimbursement shall be apportioned to the commissioner in relation to each county's expenditure. The secretary shall make the payments to each county only if the commissioner acts in compliance with the contract entered into pursuant to this subdivision.

(c) The secretary, after consulting with the board, shall establish standards of performance for administration and enforcement.

(d) For purposes of this section, "broker" means a person or entity that receives a monetary profit from the managing of beehives, hive equipment, or honeybees that they do not own, but have control of, through a private or public agreement between one or more parties.

SEC. 23. Section 29057 is added to the Food and Agricultural Code, to read:

29057. Any funds collected by the secretary pursuant to this article shall be deposited in the Department of Food and Agriculture Fund, and notwithstanding Section 13340 of the Government Code, are hereby continuously appropriated, without regard to fiscal

years, for administration, research, control of pests, and enforcement of this chapter, as advised by the board and approved by the secretary, less the funds used to reimburse counties pursuant to subdivision (b) of Section 29044.

SEC. 24. Section 12802.10 of the Government Code is amended to read:

12802.10. (a) For purposes of this section, the following terms have the following meanings:

(1) “Critically underserved community” has the same meaning as defined in Section 5642 of the Public Resources Code.

(2) “Disadvantaged community” means a community identified pursuant to Section 39711 of the Health and Safety Code or pursuant to Section 75005 of the Public Resources Code.

(3) “Multiple benefits” includes, but is not limited to, a decrease in air and water pollution or a reduction in the consumption of natural resources and energy, including, but not limited to, the establishment and enhancement of projects listed in subdivision (e).

(4) “Secretary” means the Secretary of the Natural Resources Agency.

(5) “Special district” means an agency of the state, formed pursuant to general law or a special act, for the performance of governmental or proprietary functions, with limited geographic boundaries, including, but not limited to, a school district and a community college district.

(b) To support the development of sustainable communities, the secretary shall manage and award financial assistance, for the preparation and implementation of green infrastructure projects that reduce greenhouse gas emissions and provide multiple benefits, to any of the following:

(1) A city.

(2) A county.

(3) A special district.

(4) A nonprofit organization.

(5) An agency or entity formed pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) if at least one of the parties to the joint powers agreement qualifies as an eligible applicant, notwithstanding the Joint Exercise of Powers Act.

(c) Moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8, shall be available, upon appropriation by the Legislature, for allocation by the secretary pursuant to this section.

(d) The secretary shall develop minimum requirements for awarding moneys for eligible projects pursuant to this section. Those requirements shall require a project, in addition to reducing greenhouse gas emissions, to do at least one of the following:

(1) Acquire, create, enhance, or expand community parks and green spaces.

(2) Use natural systems or systems that mimic natural systems to achieve multiple benefits.

(e) The multiple benefits of a project may include, but are not limited to, the establishment or enhancement of at least two of the following:

(1) The greening of existing public lands and structures, including schools.

(2) Multiobjective stormwater projects, including the construction of permeable surfaces and collection basins and barriers.

(3) Green streets and alleys that integrate green infrastructure elements into the street or alley design, including permeable surfaces, bioswales, and trees.

(4) Urban heat island mitigation and energy conservation efforts through greening, including green roof projects.

(5) Nonmotorized urban trails that provide safe routes for both recreation and travel between residences, workplaces, commercial centers, and schools.

(6) Tree canopy.

(7) Wetlands.

(8) Neighborhood, city, regional, or county parks and open space.

(9) Climate resilience and adaptation of urban areas that reduce vulnerability to climate impacts and improve the ability of natural systems to buffer the impacts of climate change.

(10) Economic, social, and health benefits, including, but not limited to, recreational opportunities, workforce education and training, contracting, and job opportunities for disadvantaged communities.

(f) The secretary shall give additional consideration to awarding moneys for a project pursuant to this section that meets at least two of the following criteria:

(1) Provides park or recreational benefits to a critically underserved community or disadvantaged community.

(2) Is proposed by a critically underserved community or disadvantaged community.

(3) Develops partnerships with local community organizations and businesses in order to strengthen outreach to disadvantaged communities, provides access to quality jobs for residents of disadvantaged communities, or provides access to workforce education and training.

(4) Uses interagency cooperation and integration.

(5) Uses existing public lands and facilitates the use of public resources and investments, including schools.

(g) The secretary shall allocate at least 75 percent of the moneys available for the purposes of this section to projects that are located in, and that provide benefits to, disadvantaged communities.

(h) In implementing this section, the secretary shall maximize the expenditure of funds made available pursuant to the Statewide Park Development and Community Revitalization Act of 2008 (Chapter 3.3 (commencing with Section 5640) of Division 5 of the Public Resources Code).

(i) The secretary shall hold at least two public hearings to gather public input on program development before establishing the program guidelines and selection criteria. The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1) does not apply to the development and adoption of guidelines and selection criteria adopted pursuant to this section.

SEC. 25. Section 65.5 of the Harbors and Navigation Code is amended to read:

65.5. Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with Public Law 727, 79th Congress, 2nd Session, as amended by Public Law 826, 84th Congress, 2nd Session, or as it may be later amended, or any other act of Congress relating to beach erosion control in which local participation is required, it is the policy of the state to consider bearing one-half the costs of local participation required by the authorizing federal legislation, including construction costs and costs of lands, easements, and rights-of-way; provided that state participation may only be provided if any affected city, county, or other public agency furnishes assurances satisfactory to the division that it will provide all other local cooperation required by the authorizing federal legislation, will hold and save the state free from damages for all time due to the construction, operation, and maintenance of the project, and will maintain and operate the project during its useful life, as may be required to serve its intended purpose, subject to relevant regulations that may be prescribed by the division.

SEC. 26. Section 13105.6 of the Health and Safety Code is amended to read:

13105.6. On or before July 1, 2023, the State Fire Marshal, with the involvement of the Statewide Training and Education Advisory Committee, shall develop a curriculum for livestock producers eligible for the livestock pass program described in Section 2350 of the Food and Agricultural Code. The curriculum shall, at a minimum, provide education regarding basic fire behavior, communications during a disaster emergency, and incident command structure. The curriculum shall provide for the initial certification as well as the continuing education or recertification of livestock producers eligible for the livestock pass program. It is the intent of the Legislature that any certification training utilizing the curriculum developed pursuant to this section be no more than four hours in duration, ensuring that commercial livestock producers may avail themselves of the curriculum.

SEC. 27. Section 25205.2 of the Health and Safety Code, as added by Section 50 of Chapter 73 of the Statutes of 2021, is amended to read:

25205.2. (a) (1) For purposes of subdivisions (c) and (d), a facility or unit is “small” if 0.5 tons (1,000 pounds) or less of hazardous waste remain after closure, “medium” if more than 0.5 tons (1,000 pounds), but less than 1,000 tons, of hazardous waste remain after closure, and “large” if 1,000 or more tons of hazardous waste remain after closure.

(2) Except as provided in subdivisions (h) and (k), and in accordance with Section 43152.6 of the Revenue and Taxation Code, the operator of a facility shall pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of the facility, as specified in this section. The fee rate

shall be the rate established for the fiscal year in which the payment is due. On or before October 1 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known facility operators by facility type and size. The department shall also notify the California Department of Tax and Fee Administration of any operator who is issued a permit or grant of interim status within 30 days from the date that a permit or grant of interim status is issued to the operator.

(3) For the 2022–23 fiscal year, the fee rates established in this section shall apply. Commencing July 1, 2023, the fee rates established pursuant to Section 25205.2.1 shall apply.

(b) (1) The base rate for the fee imposed by this section is ninety-four thousand nine hundred ten dollars ($94,910).

(2) Except as provided in subdivision (c), in computing the facility fees, all of the following shall apply:

(A) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.

(B) The fee to be paid by a small storage facility shall equal the base facility rate.

(C) The fee to be paid by a large storage facility shall equal twice the base facility rate.

(D) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility rate.

(E) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

(F) The fee to be paid by a large onsite treatment facility shall equal three times the base facility rate.

(G) The fee to be paid by a large offsite treatment facility shall be three times the base facility rate.

(H) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

(c) The fee to be paid by a facility with a postclosure permit during the first five years of the postclosure period shall be:

(1) Twenty-six thousand nine hundred eighty dollars ($26,980) annually for a small facility.

(2) Fifty-three thousand nine hundred sixty dollars ($53,960) annually for a medium facility.

(3) Eighty thousand nine hundred forty dollars ($80,940) annually for a large facility.

(d) The fee to be paid by a facility with a postclosure permit after the first five years of the postclosure care period shall be:

(1) Fourteen thousand three hundred seventy-five dollars ($14,375) annually for a small facility.

(2) Twenty-eight thousand seven hundred fifty dollars ($28,750) annually for a medium facility.

(3) Forty-eight thousand five hundred fifty dollars ($48,550) annually for a large facility.

(e) If a facility falls into more than one category listed in either subdivision (b) or (d), or any combination of categories, or if multiple operations under a single hazardous waste facilities permit or grant of interim status fall into more than one category listed in subdivision (b) or (d), or any combination of categories, the facility operator shall pay only the rate for the facility category that is the highest rate.

(f) Notwithstanding subdivision (b), the fee for a facility that has been issued a standardized permit shall be as follows:

(1) The fee to be paid for a facility that has been issued a Series A standardized permit shall be fifty-five thousand two hundred eighty dollars ($55,280).

(2) The fee to be paid for a facility that has been issued a Series B standardized permit shall be twenty-five thousand nine hundred ten dollars ($25,910).

(3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued a Series C standardized permit shall be twenty-one thousand seven hundred sixty dollars ($21,760).

(4) The fee for a facility that has been issued a Series C standardized permit is ten thousand eight hundred eighty dollars ($10,880) if the facility meets all of the following conditions:

(A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not more than 3,000 pounds of solid hazardous waste in any calendar month.

(B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous waste and 30,000 pounds of solid hazardous waste.

(C) If the facility both treats and stores hazardous waste, the facility does not exceed the volume limitations specified in subparagraphs (A) and (B) for each individual activity.

(g) The California Department of Tax and Fee Administration shall deposit all fees collected pursuant to this section into the Hazardous Waste Facilities Account in the Hazardous Waste Control Account. The fees so deposited may be expended by the department, upon appropriation by the Legislature, for the purposes specified in Section 25174.01.

(h) Notwithstanding subdivision (a), a person who is issued a variance by the department from the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not subject to the fee, for any reporting period following the reporting period in which the variance was granted by the department.

(i) Operators subject to facility fee liability pursuant to this section shall pay the following amounts:

(1) The operator shall pay the applicable facility fee for each reporting period in which the facility actually engaged in the treatment, storage, or disposal of hazardous waste.

(2) The operator shall pay the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in that treatment or storage. The facility's size for that additional reporting period shall be deemed to be the largest size at which the facility has ever been subject to the fee. If the department previously approved a unit or portion of the facility for a variance, closure, or permit-by-rule, the facility's size for that reporting period shall be deemed to be its largest size since the department granted the approval.

(3) The operator of a disposal facility shall pay twice the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in disposal of hazardous waste.

(4) A facility shall not be deemed to have stopped treating, storing, or disposing of hazardous waste unless it has actually ceased that activity and has notified the department of its intent to close.

(j) (1) Except as provided in Section 25404.5, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the California Department of Tax and Fee Administration per facility or transportable treatment unit for each reporting period, or portion of a reporting period. The fee for the 2022–23 fiscal year reporting period shall be four thousand six hundred dollars ($4,600). The department shall notify the California Department of Tax and Fee Administration of all known owners or operators operating pursuant to a permit-by-rule who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any owner or operator authorized to operate pursuant to a permit-by-rule, who is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or operator is authorized.

(2) Except as provided in Section 25404.5, a generator operating under a grant of conditional authorization pursuant to Section 25200.3 shall pay a fee to the California Department of Tax and Fee Administration per facility for each reporting period, or portion of a reporting period, unless the generator is subject to a fee under a permit-by-rule. The fee for the 2022–23 fiscal year reporting period shall be four thousand six hundred dollars ($4,600). The department shall notify the California Department of Tax and Fee Administration of all known generators operating pursuant to a grant of conditional authorization under Section 25200.3 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator authorized to operate under a grant of conditional authorization, who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of notification.

(3) Except as provided in Section 25404.5, the fee for a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 for the 2022–23 fiscal year reporting period shall be one hundred eighty dollars ($180) to the California Department of Tax and Fee Administration per facility for each reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. The department shall notify the California Department of Tax and Fee Administration of all known facilities performing treatment conditionally exempted by Section 25144.6 or subdivision (a) or (c) of Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator who notifies the department that the generator is conducting a conditionally exempt treatment operation, and who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of the notification.

(k) A treatment facility is not subject to the facility fee established pursuant to this section, if the facility engages in treatment exclusively to accomplish a removal or remedial action or a corrective action in accordance with an order issued by the United States Environmental Protection Agency pursuant to the federal act or in accordance with an order issued by the department pursuant to Section 25187, or if the removal or remedial action is carried out pursuant to a removal action work plan or a remedial

action plan prepared pursuant to Section 25356.1 and is authorized to operate pursuant to Section 25358.9, if the facility was put in operation solely for purposes of complying with that order. The department shall instead assess a fee for that facility for the actual time spent by the department for the inspection and oversight of that facility. The department shall base the fee on the department's work standards and shall assess the fee on an hourly basis.

(l) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(m) This section shall become operative on July 1, 2022, and shall apply to the annual facility fees due for the 2022–23 fiscal year, and each fiscal year thereafter.

SEC. 28. Section 25205.21 of the Health and Safety Code is amended to read:

25205.21. (a) Notwithstanding Section 25205.2, a disposal facility operator that is a government agency shall be subject to a maximum facility fee of ten thousand dollars ($10,000) for any reporting period of 12 months and five thousand dollars ($5,000) for any reporting period of six months, for that disposal facility for any reporting period in which it did not at any time dispose of hazardous waste during the reporting period. This section shall apply to all reporting periods since the inception of the facility fee up to and including the reporting period ending December 31, 1998.

(b) This section shall not affect the imposition of the annual postclosure facility fee imposed pursuant to Section 25205.2.

SEC. 29. Section 25214.8.11.2 of the Health and Safety Code is amended to read:

25214.8.11.2. (a) (1) (A) On or before September 30, 2022, and on or before September 30 of each year thereafter until September 30, 2028, each manufacturer shall, in accordance with this section, individually, or collectively with a group of manufacturers, do both of the following:

(i) Pay to the department an aggregate total, calculated in accordance with paragraph (2), and not to exceed four hundred thousand dollars ($400,000), to cover the actual and reasonable regulatory costs incurred by the department to administer, implement, and enforce this act for the fiscal year in which the payment is made.

(ii) Pay to the qualified third party the amount required pursuant to the annual payment schedule outlined in paragraph (1) of subdivision (e) and provide to the department written notice of each payment.

(B) On or before September 30, 2022, each manufacturer shall, in accordance with this section, individually, or collectively with a group of manufacturers, pay to the department an amount equal to the department's actual and reasonable regulatory costs incurred to administer, implement, and enforce this act from January 1, 2022, to June 30, 2022, inclusive.

(C) If September 30 falls on a Saturday or Sunday, a payment required pursuant to subparagraphs (A) and (B) shall be due on the following Monday.

(D) A late payment pursuant to clause (i) of subparagraph (A) or subparagraph (B) shall be subject to interest beginning October 1 at a rate of 10 percent per annum pursuant to subdivision (a) of Section 25360.1.

(2) The total aggregate amount required to be paid to the department pursuant to clause (i) of subparagraph (A) of paragraph (1) shall be based on the sum of both of the following, less the amount of any fees paid by a manufacturer, or group of manufacturers, for the prior fiscal year that exceeded the department's actual and reasonable regulatory costs to administer, implement, and enforce this act for that prior fiscal year:

(A) An amount that conforms to the total amount of moneys appropriated by the Legislature for expenditure that fiscal year from the fund, which shall not exceed the department's actual and reasonable regulatory costs to administer, implement, and enforce this act for that fiscal year.

(B) An amount necessary to ensure a reasonable reserve in the fund that fiscal year for contingencies, including to ensure that funded programs will not be adversely affected by additional baseline expenditure adjustments that may occur in that fiscal year, as determined by the Department of Finance.

(3) (A) The department shall deposit all moneys paid by a manufacturer, or group of manufacturers, to the department pursuant to clause (i) of subparagraph (A) of paragraph (1) and subparagraph (B) of paragraph (1) into the Mercury Thermostat Collection Program Fund, which is hereby established.

(B) Upon appropriation by the Legislature, moneys in the Mercury Thermostat Collection Program Fund shall be used only for the following purposes:

(i) The department's actual and reasonable regulatory costs in administering, implementing, and enforcing this act.

(ii) Reimbursement of any loans made to the Mercury Thermostat Collection Program Fund or repayment of any expenditures made from any other fund to finance the department's actual and reasonable regulatory costs incurred to administer, implement, and enforce this act from January 1, 2022, to June 30, 2022, inclusive.

(iii) The actual and reasonable regulatory costs incurred by any other agency assisting the department in administering, implementing, and enforcing this act.

(C) Notwithstanding any other law, moneys in the Mercury Thermostat Collection Program Fund shall not be loaned to, or borrowed by, any other special fund or the General Fund.

(D) Moneys in the Mercury Thermostat Collection Program Fund shall not be expended for any purpose not enumerated in this act.

(b) (1) A manufacturer may individually remit a payment required pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a), or a group of manufacturers may remit a payment on behalf of a group of manufacturers. Manufacturers shall apportion a payment or payments required pursuant to subparagraphs (A) and (B) of paragraph (1) of subdivision (a) among themselves in a fair and reasonable manner.

(2) If a payment required pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) is made on behalf of a group of manufacturers, the names of the manufacturers shall be included with the payment and in the written notice to the department required pursuant to clause (ii) of subparagraph (A) of paragraph (1) of subdivision (a) so the department can determine each manufacturer's compliance with this act. If a manufacturer that is part of a group of manufacturers making a payment required pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) fails to make a payment, the group of manufacturers shall provide to the department a written notice of the nonpaying manufacturer's identity and the apportioned payment amount for which the nonpaying manufacturer is responsible.

(c) If a manufacturer fails to make a payment pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) in accordance with this section, or pursuant to subdivision (f), the manufacturer's thermostats shall be subject to a sales ban pursuant to subdivision (b) of Section 25214.8.12.

(d) (1) The Legislature intends that, by timely making all payments required pursuant to subparagraphs (A) and (B) of paragraph (1) of subdivision (a) and all payments required pursuant to subdivision (f), a manufacturer shall be deemed to have satisfied, and will have discharged or be released from, any liability, obligation, or violation established or alleged pursuant to this article, including the regulations adopted by the department pursuant to former Section 25214.8.17, as it existed before January 1, 2022.

(2) If a manufacturer timely makes all payments required pursuant to subparagraphs (A) and (B) of paragraph (1) of subdivision (a) and all payments required pursuant to subdivision (f), any consent order, summary of violation or violations, or other instrument or document, including, but not limited to, the February 10, 2016, Consent Order entered into between the department and 25 mercury-added thermostat manufacturers pursuant to Section 25187 and former Section 25214.8.17, establishing or alleging liability, obligations, or violations of that manufacturer pursuant to this article, including the regulations adopted by the department pursuant to former Section 25214.8.17, as it existed before January 1, 2022, shall be deemed stayed prior to the expiration of this act and deemed satisfied, discharged, released, or terminated upon the expiration of this act.

(e) (1) A manufacturer, or group of manufacturers, shall do all of the following:

(A) Provide to the qualified third party two million dollars ($2,000,000) in the first program year to effectively and efficiently develop and implement the education and outreach campaign required pursuant to subdivisions (c) to (f), inclusive, of Section 25214.8.11.5.

(B) Provide to the qualified third party one million two hundred thousand dollars ($1,200,000) annually in each of the subsequent five program years to carry out the education and outreach campaign required pursuant to subdivisions (c) to (f), inclusive, of Section 25214.8.11.5.

(C) Provide to the qualified third party one million one hundred thousand dollars ($1,100,000) in the seventh program year to carry out the education and outreach campaign required pursuant to subdivisions (c) to (f), inclusive, of Section 25214.8.11.5.

(D) Provide to the qualified third party an amount equal to the annual costs estimated by the qualified third party to develop and implement the program pursuant to this act.

(2) Any funds provided to the qualified third party pursuant to paragraph (1) that are not expended by the qualified third party in the program year in which the funds were received may be used by the qualified third party the following program year for the education and outreach campaign required pursuant to subdivisions (c) to (f), inclusive, of Section 25214.8.11.5.

(f) A manufacturer, or group of manufacturers, on or before January 1, 2023, and on or before January 1 of each year thereafter until January 1, 2029, shall provide to the qualified third party an amount equal to the actual costs incurred by the qualified third party that exceed the amount provided to the qualified third party pursuant to subparagraph (D) of paragraph (1) of subdivision (e).

SEC. 30. Section 25214.8.12 of the Health and Safety Code is amended to read:

25214.8.12. (a) Except for a manufacturer that fails to have a plan submitted by the qualified third party approved by the department pursuant to Section 25214.8.11.6, or a manufacturer that fails to make a payment pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) or subdivision (f) of Section 25214.8.11.2, which shall solely be addressed pursuant to subdivision (c) of Section 25214.8.11.2 and subdivisions (b) and (c) of this section, the department shall determine whether a manufacturer, or group of manufacturers, has made a good faith effort to comply with this act. For the purpose of this subdivision, "good faith effort" means all reasonable and feasible efforts by a manufacturer, or a group of manufacturers, through the qualified third party that has been retained by the manufacturer, or group of manufacturers, to comply with this act.

(b) (1) A person shall not sell or offer for sale in this state a thermostat that is produced by a manufacturer that is not in compliance with this act.

(2) The sales prohibition in paragraph (1) shall be effective on the 120th day after the notice described in subdivision (c) listing noncompliant manufacturers is posted on the department's internet website and shall remain in effect until the manufacturer is no longer listed on the department's internet website.

(c) On or before July 1, 2023, and on or before January 1 and July 1 of each year thereafter, the department shall post a notice on its internet website listing manufacturers that are not in compliance with this act.

(d) A wholesaler or a retailer that distributes or sells mercury-added thermostats shall monitor the department's internet website to determine if the sale of a manufacturer's thermostats is in compliance with subdivision (b).

SEC. 31. Section 25214.8.19 of the Health and Safety Code is amended to read:

25214.8.19. (a) Unless otherwise provided in this article, the obligations imposed by this article shall remain in effect until January 1, 2030.

(b) The Mercury Thermostat Collection Program Fund created by subparagraph (A) of paragraph (3) of subdivision (a) of Section 25214.8.11.2 shall be abolished on November 30, 2032.

(c) Any unencumbered moneys remaining in the fund on November 30, 2032, shall be refunded to the manufacturer, or group of manufacturers, that paid to the department the fees required pursuant to clause (i) of subparagraph (A) of paragraph (1) of subdivision (a) and subparagraph (B) of paragraph (1) of subdivision (a) of Section 25214.8.11.2.

(d) This article shall remain in effect only until January 1, 2033, and as of that date is repealed.

SEC. 32. Section 25215.2 of the Health and Safety Code is amended to read:

25215.2. (a) A dealer shall accept from a person at the point of transfer a used lead-acid battery of a type listed in paragraph (1), (2), or (4) of subdivision (f) of Section 25215.1, but shall not be required to accept from any person more than six used lead-acid batteries per day. A dealer shall not charge a fee to receive a used lead-acid battery.

(b) On and after April 1, 2017, a dealer shall charge to a person who purchases a replacement lead-acid battery of a type listed in paragraph (1), (2), or (4) of subdivision (f) of Section 25215.1 and who does not simultaneously provide the dealer with a used lead-acid battery of the same type and size a refundable deposit for each such battery purchased. The dealer shall display the amount of the deposit separately on the receipt provided to the purchaser. The dealer shall refund the deposit to that person if, within 45 days of the sale of the replacement lead-acid battery, the person presents to the dealer a used lead-acid battery of the same type and size. A dealer may require the person to provide a receipt documenting the payment of the deposit before refunding any deposit. A dealer may keep any lead-acid battery deposit moneys that are not properly claimed within 45 days after the date of sale of the replacement lead-acid battery, not including any sales tax reimbursement charged to the consumer. Sales tax reimbursement charged to the consumer on the amount of the deposit shall be remitted to the California Department of Tax and Fee Administration.

(c) A dealer shall post a written notice that is clearly visible in the public sales area of the establishment, or include on the purchaser's receipt, the following language:

This dealer is required by law to charge a nonrefundable $2 California battery fee and a refundable deposit for each lead-acid battery purchased.

A credit of the same amount as the refundable deposit will be issued if a used lead-acid battery is returned at the time of purchase or up to 45 days later along with this dealer's receipt.

(d) The department shall provide notice of an alleged violation of subdivision (c) to any person alleged to be in violation of that subdivision no less than 60 days before the issuance of an order or filing an action imposing a civil penalty pursuant to subdivision (b) of Section 25189.2. If the person corrects the alleged violation before the order is issued or the action is filed, the department shall not impose the civil penalty.

(e) Subdivision (c) does not apply to any of the following:

(1) A person whose ordinary course of business does not include the sale of lead-acid batteries.

(2) A person that does not sell lead-acid batteries directly to consumers, such as over-the-counter, but instead removes nonfunctional or damaged batteries and installs new lead-acid batteries as a part of an automotive repair dealer service.

(3) A business that removes lead-acid batteries and installs new lead-acid batteries as a part of roadside services. "Roadside services," for purposes of this paragraph, means the services performed upon a motor vehicle for the purpose of transporting the vehicle or to permit it to be operated under its own power, by or on behalf of a motor club holding a certificate of authority pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code.

(f) Except as authorized by this article, a dealer shall not collect a refundable deposit for a lead-acid battery from a person.

SEC. 33. Section 10204 of the Public Contract Code is amended to read:

10204. (a) (1) Notwithstanding any other law, the director, following any required notification made pursuant to Section 10206, may procure design-build contracts for public works projects in excess of one million dollars ($1,000,000) that are at the Salton Sea or that are necessary for the construction, maintenance, or operation of elements of State Water Facilities, as defined in Section 12934 of the Water Code, and may award the contract using either the low bid or best value, provided that this article shall not apply to any projects on the state highway system.

(2) Notwithstanding paragraph (1), this article does not apply to the design or construction of through-Delta water conveyances in the Sacramento-San Joaquin Delta.

(b) The director shall develop guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity, that performs services for the department relating to the solicitation of a design-build project, to submit a proposal as a design-build entity, or to join a design-build team. This conflict-of-interest policy shall apply to each department entering into design-build contracts authorized under this article.

SEC. 34. Section 10214 of the Public Contract Code is amended to read:

10214. (a) The authority to procure design-build contracts for State Water Facilities, as defined in Section 12934 of the Water Code, pursuant to this article is for no more than seven projects.

(b) This article shall remain in effect only until January 1, 2033, and as of that date is repealed.

SEC. 35. Section 4137 of the Public Resources Code is amended to read:

4137. (a) For purposes of this section, "fire prevention activities" include, but are not limited to, all of the following:

(1) Fire prevention education.

(2) Hazardous fuel reduction and vegetation management, including fuel breaks, forest thinning, prescribed fire, reforestation, fuel treatments in the wildland-urban interface, dead fuel removal, roadside fuel reduction activities, and all other activities that reasonably could be considered vegetation management.

(3) Fire investigation.

(4) Civil cost recovery.

(5) Forest and fire law enforcement.

(6) Fire prevention engineering.

(7) Prefire planning.

(8) Risk analysis.

(9) Volunteer programs and partnerships.

(b) It is the intent of the Legislature that the year-round staffing and the extension of the workweek that has been provided to the department pursuant to memorandums of understanding with the state will result in significant increases in the department's current level of fire prevention activities. It is also the intent of the Legislature that the budgetary augmentations for year-round staffing not reduce the reimbursements that the department receives from contracts with local governments for the department to provide local fire protection and emergency services pursuant to Section 4144, commonly referred to as "Amador agreements."

(c) On or before January 10 of each year, the department shall provide a report to the Legislature, including to the budget, fiscal, and appropriate policy committees of the Assembly and the Senate, in accordance with Section 9795 of the Government Code, detailing the department's fire prevention activities, including the increased activities described in subdivision (b). The report shall display the fire prevention activities of the previous fiscal year, as well as the information from previous reports for purposes of a comparison of data. The report shall include all of the following:

(1) Fire prevention activities performed by the department on lands designated as state responsibility areas, and by counties, where, pursuant to a contract with the department, a county has agreed to provide fire protection services in state responsibility areas within county boundaries on behalf of the department. The fire prevention activities included in the report pursuant to this paragraph shall include, but not be limited to, all of the following:

(A) The number of hours of fire prevention education performed.

(B) The number of defensible space inspections conducted, including statewide totals and totals for each region.

(C) The number of citations issued for noncompliance with Section 4291.

(D) The number of acres treated by mechanical fuel reduction.

(E) The number of acres treated by prescribed burns.

(F) The funding sources and estimated amounts for the fire prevention activities described in this paragraph, itemized by the activity categories described in subparagraphs (A) to (E), inclusive.

(G) Any other data or qualitative information deemed necessary by the department in order to provide the Legislature with a clear and accurate accounting of fire prevention activities, particularly with regard to variations from one year to the next.

(2) The fire prevention performance measures described in paragraph (1) shall be reported for each region annually, including activities performed from December 15 to April 15, inclusive.

(3) Projected fire prevention activities for the following fiscal year.

(4) Information on each of the "Amador contracts" described in subdivision (b), including an annual update on the number of those contracts and reimbursements received from the contracts that are in effect.

(d) The department shall post on its internet website on or before December 31, 2023, and annually thereafter, all of the following information regarding hazardous fuel reduction and vegetation management projects funded or conducted by the department, including, but not limited to, projects funded under the department's Forest Health Program, California Forest Improvement Program, and Wildfire Prevention Grants Program, as well as funding for CAL FIRE unit wildfire prevention projects and prescribed fire and fuel crews, for the preceding fiscal year, beginning with funding included in the 2022–23 fiscal year:

(1) What permitting mechanism was used for each project.

(2) How the collaboration with the Department of Fish and Wildlife and the State Water Resources Control Board, as required by Section 4123, was achieved for both agencies, including whether the agency reviewed the project grant proposal or project description or permit.

(3) A description of any maintenance plan or other mechanism, if available, that is in place to support maintenance of vegetation improvements over time.

(4) A description of any mitigation required for each project, and whether the mitigation has been completed.

(e) On or before December 31, 2022, the department shall develop a standardized protocol for monitoring implementation and evaluating the positive and negative ecological and fire behavior impacts from vegetation management projects undertaken by the state, consistent with the requirements of Chapter 387 of the Statutes of 2021.

(f) The department shall provide links to all documents relevant to subdivisions (d) and (e) on its internet website.

(g) The reporting and monitoring requirements in subdivisions (d) and (e) shall be expanded to other state agencies that undertake or fund hazardous fuel reduction and vegetation management projects by December 31, 2024, including, but not limited to, projects funded or conducted by state conservancies, the Department of Fish and Wildlife, or the Department of Parks and Recreation.

SEC. 36. Section 14547 of the Public Resources Code, as amended by Section 375 of Chapter 615 of the Statutes of 2021, is amended to read:

14547. (a) (1) Between January 1, 2022, and December 31, 2024, inclusive, the total number of plastic beverage containers filled with a beverage sold by a beverage manufacturer subject to the California Redemption Value, pursuant to Chapter 5 (commencing with Section 14560), for sale in the state shall, on average, contain no less than 15 percent postconsumer recycled plastic per year.

(2) Between January 1, 2025, and December 31, 2029, inclusive, the total number of plastic beverage containers filled with a beverage sold by a beverage manufacturer subject to the California Redemption Value, pursuant to Chapter 5 (commencing with Section 14560), for sale in the state shall, on average, contain no less than 25 percent postconsumer recycled plastic per year.

(3) On and after January 1, 2030, the total number of plastic beverage containers filled with a beverage sold by a beverage manufacturer subject to the California Redemption Value, pursuant to Chapter 5 (commencing with Section 14560), for sale in the state shall, on average, contain no less than 50 percent postconsumer recycled plastic per year.

(4) (A) Beginning January 1, 2025, the director may, on an annual basis, review and determine to adjust the minimum postconsumer recycled content percentage required pursuant to paragraphs (2) and (3). The director's review may be initiated by the director or at the petition of the beverage manufacturing industry not more than annually. The department shall adopt regulations to establish the petition process and requirements. The director shall not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages required pursuant to paragraphs (2) and (3). In making a determination pursuant to this paragraph, the director shall consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability both domestically and globally.

(ii) Recycling rates.

(iii) The availability of recycled plastic suitable to meet the minimum recycled content requirements pursuant to paragraphs (2) and (3), including the availability of high-quality recycled plastic, and food-grade recycled plastic from the state's and other beverage container recycling programs.

(iv) The capacity of recycling or processing infrastructure.

(v) The progress made by beverage manufacturers in achieving the goals of this subdivision.

(B) Notwithstanding subparagraph (A), the director shall not review or adjust a minimum postconsumer recycled content standard while the department is reducing payments pursuant to subdivision (c) of Section 14581.

(C) The department may enter into a contract for the services required to implement this section and related regulations developed by the department.

(D) For purposes of this paragraph, "beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(b) (1) Beginning January 1, 2023, a beverage manufacturer that does not meet the minimum recycled plastic content requirements pursuant to subdivision (a) shall be subject to an annual administrative penalty pursuant to this subdivision. Beginning March 1, 2024, the administrative penalty shall be collected annually, if a reduction has not been approved pursuant to subdivision (e), and calculated in accordance with subdivision (c).

(2) A beverage manufacturer that is assessed penalties pursuant to this subdivision may pay those penalties to the department in quarterly installments or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment plan unless an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(c) Beginning March 1, 2024, and annually thereafter, the department shall invoice any assessed administrative penalties for the previous calendar year based on the postconsumer recycled plastic content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amount in pounds in the aggregate of virgin and

postconsumer recycled plastic material used by the beverage manufacturer to produce beverage containers sold or offered for sale in the state, in accordance with the following:

(1) The annual administrative penalty amount assessed to a beverage manufacturer shall equal the product of both of the following:

(A) The total pounds of plastic used multiplied by the relevant minimum postconsumer recycled plastic percentage, less the pounds of postconsumer recycled plastic used.

(B) Twenty cents ($0.20).

(2) For purposes of paragraph (1), both of the following shall apply:

(A) The total pounds of plastic used shall equal the sum of the amount of virgin plastic and postconsumer recycled plastic used by the beverage manufacturer, as reported pursuant to subdivision (a) of Section 14549.3.

(B) If the product calculated pursuant to paragraph (1) is equal to or less than zero, an administrative penalty shall not be assessed.

(d) (1) The department may conduct audits and investigations and take an enforcement action against a beverage manufacturer for the purpose of ensuring compliance with this section and the information reported pursuant to Section 14549.3. The department may take an enforcement action against a beverage manufacturer that fails to pay or underpays the assessed or audited administrative penalty only after notice and hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to paragraph (1). Business trade secrets and proprietary information obtained pursuant to this subdivision shall not be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(3) A beverage manufacturer may obtain a copy of the department’s audit of that beverage manufacturer conducted pursuant to paragraph (1).

(e) (1) The department shall consider granting a reduction of the administrative penalties assessed pursuant to subdivision (b) for the purpose of meeting the minimum recycled content requirements required pursuant to paragraphs (1) to (3), inclusive, of subdivision (a).

(2) In determining whether to grant the reduction pursuant to paragraph (1), the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions.

(B) Disruption in, or lack of supply of, recycled plastics.

(C) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(3) In order to receive a reduction of the administrative penalty, a beverage manufacturer shall submit to the department a corrective action plan detailing the reasons why the beverage manufacturer will fail to meet or has failed to meet the minimum postconsumer recycled content standard and the steps the beverage manufacturer will take to comply with the minimum postconsumer recycled content standard within the next reporting year. The department may approve the corrective action plan, and may reduce the administrative penalties once it approves the corrective action plan and the beverage manufacturer implements the plan. Administrative penalties shall accrue from the point of noncompliance with the minimum postconsumer recycled content standard if the department disapproves the corrective action plan or if the beverage manufacturer fails to implement the plan.

(f) The Recycling Enhancement Penalty Account is hereby created in the State Treasury. Notwithstanding subdivision (d) of Section 14580 and paragraph (3) of subdivision (a) of Section 14591.1, administrative penalties collected pursuant to this section shall be deposited into the Recycling Enhancement Penalty Account. Moneys in the Recycling Enhancement Penalty Account shall be expended upon appropriation by the Legislature in the annual Budget Act for the sole purpose of supporting the recycling, infrastructure, collection, and processing of plastic beverage containers in the state.

(g) (1) If the Legislature makes an appropriation in the annual Budget Act before June 15, 2027, for this purpose, the department may contract with a research university to study the polyethylene terephthalate and high-density polyethylene markets for all of the following:

(A) Analyzing market conditions and opportunities in the state's recycling industry for meeting the minimum recycled plastic content requirements for plastic beverage containers required pursuant to subdivision (a).

(B) Determining the data needs and tracking opportunities to increase the transparency and support of a more effective, fact-based public understanding of the recycling industry.

(C) Recommending further policy modifications and measures to achieve the state's recycling targets with the least cost and optimal efficiency.

(2) If the Legislature makes the appropriation specified in paragraph (1) and the department undertakes the study, the study shall be completed no later than May 1, 2028.

(3) The department may allocate moneys from the fund, upon appropriation by the Legislature as specified in paragraph (1), for the study by June 30, 2027, if all of the following apply:

(A) The department finds that there are sufficient moneys in the fund.

(B) The fund is not operating at a deficit.

(C) The director is not exercising authority to implement proportional reductions subject to the requirements of subdivision (c) of Section 14581.

(h) A city, county, or other local government jurisdiction shall not adopt an ordinance regulating the minimum recycled plastic content requirements for plastic beverage containers.

(i) This section does not apply to either of the following:

(1) A refillable plastic beverage container.

(2) A beverage manufacturer that sells or transfers 16,000,000 or fewer plastic beverage containers to a distributor, dealer, or consumer located in the State of California during the calendar year for which the beverage manufacturer is reporting pursuant to Section 14549.3.

(j) The Legislature encourages beverage manufacturers to use plastic beverage containers that contain 100 percent recycled plastic content.

SEC. 37. Section 14585 of the Public Resources Code is amended to read:

14585. (a) The department shall adopt guidelines and methods for paying handling fees to supermarket sites, nonprofit convenience zone recyclers, or rural region recyclers to provide an incentive for the redemption of empty beverage containers in convenience zones. The guidelines shall include, but not be limited to, all of the following:

(1) Handling fees shall be paid on a monthly basis, in the form and manner adopted by the department. The department shall require that claims for the handling fee be filed with the department not later than the first day of the second month following the month for which the handling fee is claimed as a condition of receiving any handling fee.

(2) The department shall determine the number of eligible containers per site for which a handling fee will be paid in the following manner:

(A) Each eligible site's combined monthly volume of glass and plastic beverage containers shall be divided by the site's total monthly volume of all empty beverage container types.

(B) If the quotient determined pursuant to subparagraph (A) is equal to, or more than, 10 percent, the total monthly volume of the site shall be the maximum volume that is eligible for a handling fee for that month.

(C) If the quotient determined pursuant to subparagraph (A) is less than 10 percent, the department shall divide the volume of glass and plastic beverage containers by 10 percent. That quotient shall be the maximum volume that is eligible for a handling fee for that month.

(3) (A) On and after the effective date of the act amending this section during the 2021–22 Regular Session, and until June 30, 2024, the department shall pay a handling fee per eligible container in the amount determined pursuant to subdivisions (f) and (g).

(B) On and after July 1, 2024, the department shall pay a handling fee per eligible container in the amount determined pursuant to subdivision (f).

(4) If the eligible volume in any given month would result in handling fee payments that exceed the allocation of funds for that month, as provided in subdivision (b), sites with higher eligible monthly volumes shall receive handling fees for their entire eligible monthly volume before sites with lower eligible monthly volumes receive any handling fees.

(5) (A) If a dealer where a supermarket site, nonprofit convenience zone recycler, or rural region recycler is located ceases operation for remodeling or for a change of ownership, the operator of that supermarket site, nonprofit convenience zone recycler, or rural region recycler shall be eligible to apply for handling fees for that site for a period of three months following the date of the closure of the dealer.

(B) Every supermarket site operator, nonprofit convenience zone recycler, or rural region recycler shall promptly notify the department of the closure of the dealer where the supermarket site, nonprofit convenience zone recycler, or rural region recycler is located.

(C) Notwithstanding subparagraph (A), any operator who fails to provide notification to the department pursuant to subparagraph (B) shall not be eligible to apply for handling fees.

(b) The department may allocate the amount authorized for expenditure for the payment of handling fees pursuant to paragraph (1) of subdivision (a) of Section 14581 on a monthly basis and may carry over any unexpended monthly allocation to a subsequent month or months. However, unexpended monthly allocations shall not be carried over to a subsequent fiscal year for the purpose of paying handling fees but may be carried over for any other purpose pursuant to Section 14581.

(c) (1) The department shall not make handling fee payments to more than one certified recycling center in a convenience zone. If a dealer is located in more than one convenience zone, the department shall offer a single handling fee payment to a supermarket site located at that dealer. This handling fee payment shall not be split between the affected zones. The department shall stop making handling fee payments if another recycling center certifies to operate within the convenience zone without receiving payments pursuant to this section, if the department monitors the performance of the other recycling center for 60 days and determines that the recycling center is in compliance with this division. Any recycling center that locates in a convenience zone, thereby causing a preexisting recycling center to become ineligible to receive handling fee payments, is ineligible to receive any handling fee payments in that convenience zone.

(2) The department shall offer a single handling fee payment to a rural region recycler located anywhere inside a convenience zone, if that convenience zone is not served by another certified recycling center and the rural region recycler does either of the following:

(A) Operates a minimum of 30 hours per week in one convenience zone.

(B) Serves two or more convenience zones, and meets all of the following criteria:

(i) Is the only certified recycler within each convenience zone.

(ii) Is open and operating at least eight hours per week in each convenience zone and is certified at each location.

(iii) Operates at least 30 hours per week in total for all convenience zones served.

(d) The department may require an operator of a supermarket site, or an operator of a rural region recycler, receiving handling fees to maintain records for each location where beverage containers are redeemed, and may require the supermarket site or rural region recycler to take any other action necessary for the department to determine that the supermarket site or rural region recycler does not receive an excessive handling fee.

(e) The department may determine and use a standard container per pound rate, for each material type, for purposes of calculating volumes and making handling fee payments.

(f) (1) On or before January 1, 2008, and every two years thereafter, the department shall conduct a survey pursuant to this subdivision of a statistically significant sample of certified recycling centers that receive handling fee payments to determine the actual cost incurred for the redemption of empty beverage containers by those certified recycling centers. The department shall conduct these cost surveys in conjunction with the cost surveys performed by the department pursuant to subdivision (b) of Section 14575 to determine processing payments and processing fees. The department shall include, in determining the actual costs, only those allowable costs contained in the regulations adopted pursuant to this division that are used by the department to conduct cost surveys pursuant to subdivision (b) of Section 14575.

(2) Using the information obtained pursuant to paragraph (1), the department shall then determine the statewide weighted average cost incurred for the redemption of empty beverage containers, per empty beverage container, at recycling centers that receive handling fees.

(3) Except as provided in subdivision (g), the department shall determine the amount of the handling fee to be paid for each empty beverage container by subtracting the amount of the statewide weighted average cost per container to redeem empty beverage containers by recycling centers that do not receive handling fees from the amount of the statewide weighted average cost per container determined pursuant to paragraph (2).

(4) The department shall adjust the statewide average cost determined pursuant to paragraph (2) for each beverage container annually to reflect changes in the cost of living, as measured by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency of the United States government.

(5) The cost information collected pursuant to this section at recycling centers that receive handling fees shall not be used in the calculation of the processing payments determined pursuant to Section 14575.

(g) (1) On and after the effective date of the act amending this section during the 2021–22 Regular Session, and until June 30, 2024, the per-container handling fee shall not be less than the amount of the per-container handling fee that was in effect on July 1, 2021. If the effective date of the act amending this section during the 2021–22 Regular Session is after July 1, 2022, the department shall pay eligible recycling centers the difference between the handling fee in effect on July 1, 2022, and the handling fee that was in effect on July 1, 2021, so that the per-container handling fee for the 2022–23 fiscal year is no less than the handling fee that was in effect on July 1, 2021.

(2) The department shall adjust the handling fee established by this subdivision annually to reflect changes in the cost of living, as measured by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency of the United States government. For the 2022–23 fiscal year, the cost-of-living adjustment shall be 9 percent.

SEC. 38. Section 31113 of the Public Resources Code is amended to read:

31113. (a) The Climate Ready Program is hereby established and shall be administered by the conservancy to address the impacts and potential impacts of climate change on resources within the conservancy's jurisdiction.

(b) In implementing this division, the conservancy may undertake projects within its jurisdiction, including, but not limited to, those that reduce greenhouse gas emissions, address extreme weather events, sea level rise, storm surge, beach and bluff erosion, salt water intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.

(c) Pursuant to the Climate Ready Program, the conservancy may award grants to public agencies and nonprofit organizations for activities authorized pursuant to subdivision (b). In awarding the grants, the conservancy shall, to the extent allowed, prioritize projects that maximize public benefits and that accomplish either of the following:

(1) Reduce emissions of greenhouse gases, reduce hazards to harbors and ports, preserve and enhance coastal wetlands and natural lands, conserve biodiversity, and provide recreational opportunities.

(2) Reduce flood risk and enhance fish and wildlife habitat, including projects with multiple benefits that remove sediment where the excavated material can be used to enhance shorelines or ecosystems.

(d) (1) The conservancy shall do all of the following:

(A) Prioritize projects that use natural infrastructure in coastal communities to help adapt to climate change.

(B) Prioritize projects that provide multiple public benefits, including, but not limited to, protection of communities, natural resources, and recreational opportunities.

(C) Give consideration to projects in a variety of ecosystems along the state's coastline, including, but not limited to, the protection and expansion of coastal estuaries and lagoons that provide critical feeding and nursery habitat for juvenile fish species and foraging habitat for migratory waterfowl and other waterbirds, including eelgrass habitat.

(2) The conservancy shall provide information to the Office of Planning and Research on any projects funded pursuant to this subdivision to be considered for inclusion into the clearinghouse for climate adaption information, established pursuant to Section 71360.

(3) The conservancy may provide technical assistance to coastal communities to better assist them with their projects that use natural infrastructure.

(4) For purposes of this subdivision, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to, the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and

practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

SEC. 39. Section 42357 of the Public Resources Code is amended to read:

42357. (a) (1) Except as provided in paragraph (3), a person shall not sell or offer for sale a product in this state that is labeled with the term “compostable” or “home compostable” unless, at the time of sale or offering for sale, the product meets the applicable ASTM standard specification, as specified in paragraph (1) of subdivision (b) of Section 42356, or, if applicable, the product has OK compost HOME certification, as provided in paragraph (4).

(2) Compliance with only a section or a portion of a section of an applicable ASTM standard specification does not constitute compliance with paragraph (1).

(3) Notwithstanding paragraph (1), a person may sell or offer for sale a product in this state that is labeled with a qualified claim for a term specified in paragraph (1), if the product meets the relevant standard adopted by the department pursuant to Section 42356.2.

(4) (A) A product shall not be labeled with the term “home compostable” unless the manufacturer of that product holds OK compost HOME certification with regard to that product, except as provided in subparagraph (B) or (C).

(B) Notwithstanding paragraph (1), if the ASTM adopts a standard specification for the term “home compostable” on or before January 1, 2016, and the department determines that the ASTM standard specification is at least equal to, or more stringent than, the OK compost HOME certification, a product labeled with the term “home compostable” shall meet that ASTM standard specification. The department may also take the actions specified in Section 42356.1 with regard to an ASTM standard for home compostability.

(C) If the department adopts a standard pursuant to Section 42356.2, a product labeled with the term “home compostable” shall meet the standard adopted by the department and not the standard specified in subparagraph (A) or (B).

(b) Except as provided in subdivision (a) or (f), a person shall not sell or offer for sale a product in this state that is labeled with the term “biodegradable,” “degradable,” or “decomposable,” or any form of those terms, or in any way imply that the product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(c) The director may issue guidelines, consistent with this chapter, for determining whether a product is not compliant with the labeling requirements of this section, and whether a product is designed, pigmented, or advertised in a manner that is misleading to consumers.

(d) A manufacturer or supplier, upon the request of a member of the public, shall submit to that member, within 90 days of the request, information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(e) A product that is in compliance with this chapter shall not, solely as a result of that compliance, be deemed to be in compliance with any other applicable marketing requirement or guideline established under state law or by the Federal Trade Commission.

(f) (1) The department may adopt the European Committee for Standardization’s standard specification EN 17033:2018 entitled “Plastics—Biodegradable mulch films for use in agriculture and horticulture—Requirements and test methods” or may adopt a standard that is equivalent to, or more stringent than, that standard, as it read on January 1, 2020.

(2) A person may sell or offer for sale commercial agricultural mulch film labeled with the term “soil biodegradable” only if the department has adopted the standard specification, or an equivalent or more stringent standard, pursuant to paragraph (1) and the commercial agricultural mulch film is certified to meet both that specification and the ASTM standard specification for compostability.

(3) For purposes of this subdivision, “commercial agricultural mulch film” means film plastic that is used only as a technical tool in commercial farming applications.

(g) (1) A person shall not sell or offer for sale a product in this state that is labeled with the term “compostable” or “home compostable” unless the product satisfies all of the following:

(A) If any standard specification is applicable to the product pursuant to this chapter and the department has approved a third-party certification entity to certify products according to that standard specification, the product shall have certification that it meets at least one such standard from an approved third-party certification entity for the standard. This requirement shall only apply on and after January 1, 2024, and it shall not apply unless there is, and has been for at least one year

immediately prior to the product being sold or offered for sale, a third-party certification entity approved by the department to provide the applicable certification.

(B) On and after January 1, 2026, is an allowable agricultural organic input under the requirements of the United States Department of Agriculture National Organic Program. By January 1, 2024, the department, through a public stakeholder process, shall determine whether, for purposes of this section, it would be feasible to separate the collection of products in order to recover organic waste that is suitable for use in organic agricultural applications from the collection of products not suitable for use in organic agricultural applications. If the department determines that such bifurcation is feasible and would enable efficient processing by solid waste processing facilities, the department shall adopt regulations on or before January 1, 2026, to establish a bifurcated approach to product labeling, and products that are not collected for the purpose of recovering organic waste that is suitable for use in organic agricultural applications shall comply with the department's regulations and are not subject to the requirements of this subparagraph. The director may grant a five-year extension for complying with this requirement if either of the following apply:

(i) The product or substance has or will soon be, as determined by the director, included as allowed on the National List of Allowed and Prohibited Substances (Sections 205.600 to 205.607, inclusive, of Title 7 of the Code of Federal Regulations).

(ii) The product or substance has or will soon be, as determined by the director, included as an allowable organic input for compost under federal law.

(C) Does not have a total organic fluorine concentration of greater than 100 parts per million, unless the department adopts a different standard that it determines would more effectively limit the presence of perfluoroalkyl or polyfluoroalkyl substances.

(D) Is labeled in a manner that distinguishes the product from a noncompostable product upon reasonable inspection by consumers and to help enable efficient processing by solid waste processing facilities.

(E) Is designed to be associated with the recovery of desirable organic wastes, such as food scraps and yard trimmings, that are collected for composting, unless the product complies with the department's regulations pursuant to subparagraph (B), if the department adopts such regulations.

(2) The department may adopt regulations for determining whether products comply with the requirements of subparagraph (D) of paragraph (1). The department, in adopting regulations pursuant to this subdivision, may consider whether the regulations are consistent with the product labeling requirements of other states, stakeholder input, and industry-standard guidelines. The regulations may include requirements that products are not designed, pigmented, or advertised in a manner that is misleading to consumers.

SEC. 40. Section 43152.7 of the Revenue and Taxation Code, as added by Section 97 of Chapter 73 of the Statutes of 2021, is amended to read:

43152.7. (a) The fee imposed pursuant to Section 25205.5 of the Health and Safety Code that is collected and administered under Section 43053 is due and payable in two equal installments, on or before November 30 and February 28 of each fiscal year.

(b) Every generator subject to the fee imposed pursuant to Section 25205.5 of the Health and Safety Code shall file an annual return, accompanying the second installment payment required pursuant to subdivision (a), in the form prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due. Returns shall be filed with the California Department of Tax and Fee Administration using electronic media and authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) This section shall become operative on July 1, 2022.

SEC. 41. Section 43160 of the Revenue and Taxation Code is amended to read:

43160. Every person who is required to file the returns and make the payments specified in Section 43151, 43152.6, 43152.7, 43152.9, 43152.13, or 43152.14 shall, upon transfer or discontinuance of operations, file closing returns on forms prescribed by the California Department of Tax and Fee Administration. The closing returns shall be due and payable on the last day of the month following the end of the quarterly period in which the transfer or discontinuance takes place.

SEC. 42. Section 10736.2 of the Water Code is amended to read:

10736.2. (a) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to either of the following:

(1) An action by the board pursuant to Section 10735.2.

(2) The adoption or amendment of an interim plan pursuant to this chapter.

(b) This section shall not be interpreted as exempting from Division 13 (commencing with Section 21000) a project that would implement actions taken pursuant to an interim plan adopted pursuant to this chapter.

SEC. 43. Section 13476 of the Water Code is amended to read:

13476. Unless the context otherwise requires, the following definitions govern the construction of this chapter:

(a) “Administration fund” means the State Water Pollution Control Revolving Fund Administration Fund.

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

(c) “Federal Clean Water Act” or “federal act” means the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) and acts amendatory thereof or supplemental thereto.

(d) (1) “Financial assistance” means assistance authorized under Section 13480. Financial assistance includes loans, refinancing, installment sales agreements, purchase of debt, and loan guarantees for municipal revolving funds, but excludes grants.

(2) Notwithstanding paragraph (1), financial assistance may include grants or other assistance directed by a federal grant deposited in the fund to the extent authorized.

(e) “Fund” means the State Water Pollution Control Revolving Fund.

(f) “Grant fund” means the State Water Pollution Control Revolving Fund Small Community Grant Fund.

(g) “Matching funds” means money that equals that percentage of federal contributions required by the federal act to be matched with state funds.

(h) “Municipality” has the same meaning and construction as in the federal act and also includes all state, interstate, and intermunicipal agencies.

(i) “Publicly owned” means owned by a municipality.

(j) “Severely disadvantaged community” means a community with a median household income of less than 60 percent of the statewide median household income.

SEC. 44. Section 13480 of the Water Code is amended to read:

13480. (a) Moneys in the fund shall be used only for the permissible purposes allowed by the federal act or a federal grant deposited in the fund, to the extent authorized and funded by that grant.

(b) Consistent with expenditure for authorized purposes, moneys in the fund may be used for the following purposes:

(1) Loans that meet all of the following requirements:

(A) Are made at or below market interest rates.

(B) Require annual payments of principal and any interest, with repayment commencing not later than one year after completion of the project for which the loan is made and full amortization not later than 30 years after project completion unless otherwise authorized by a federal grant deposited in the fund to the extent authorized.

(C) Require the loan recipient to establish an acceptable dedicated source of revenue for repayment of a loan.

(D) (i) Contain other terms and conditions required by the board or the federal act or applicable rules, regulations, guidelines, and policies. To the extent permitted by federal law, the combined interest and loan service rate shall be set at a rate that does not exceed 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds and the combined interest and loan service rate shall be computed according to the true interest cost method. If the combined interest and loan service rate so determined is not a multiple of one-tenth of 1 percent, the combined interest and loan service rate shall be set at the multiple of one-tenth of 1 percent next above the combined interest and loan service rate so determined. A loan from the fund used to finance costs of facilities planning, or the preparation of plans, specifications, or estimates for construction of publicly owned treatment works shall comply with Section 603(e) of the federal act (33 U.S.C. Sec. 1383(e)).

(ii) Notwithstanding clause (i), if the loan applicant is a municipality, an applicant for a loan for the implementation of a management program pursuant to Section 319 of the federal act (33 U.S.C. Sec. 1329), or an applicant for a loan for nonpoint source or estuary enhancement pursuant to Section 320 of the federal act (33 U.S.C. Sec. 1330), and the applicant provides matching funds, the combined interest and loan service rate on the loan shall be 0 percent. A loan recipient that returns to the fund an amount of money equal to 20 percent of the remaining unpaid federal balance of an existing loan shall have the remaining unpaid loan balance refinanced at a combined interest and loan service rate of 0 percent over the time remaining in the original loan contract.

(2) To buy or refinance the debt obligations of municipalities within the state at or below market rates if those debt obligations were incurred after March 7, 1985.

(3) To guarantee, or purchase insurance for, local obligations where that action would improve credit market access or reduce interest rates.

(4) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of the sale of those bonds will be deposited in the fund.

(5) To establish loan guarantees for similar revolving funds established by municipalities.

(6) To earn interest.

(7) For payment of the reasonable costs of administering the fund and conducting activities under Subchapter VI (commencing with Section 601) of the federal act (33 U.S.C. Sec. 1381 et seq.). Those costs shall not exceed 4 percent of all federal contributions to the fund, four hundred thousand dollars ($400,000) per year, or one-fifth of 1 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the state for this purpose regardless of the source.

(8) For financial assistance toward the nonfederal share of the costs of grant-funded treatment works projects, to the extent permitted by the federal act.

(9) Grants, principal forgiveness, negative interest rates, and any other type of, or variation on the above types of, assistance authorized by a federal grant deposited in the fund.

SEC. 45. Section 106 of Chapter 73 of the Statutes of 2021 is amended to read:

SEC. 106. (a) The total sum of eight hundred twenty-two million four hundred thousand dollars ($822,400,000) is hereby appropriated from the General Fund and the Toxic Substances Control Account established pursuant to Section 25173.6 of the Health and Safety Code to the Department of Toxic Substances Control to be released according to the following schedule and for the following purposes:

(1) (A) For the 2021–22 fiscal year, four hundred thirty-one million four hundred thousand dollars ($431,400,000).

(B) Of the amount specified in subparagraph (A), three hundred million dollars ($300,000,000) shall be allocated from the General Fund for the following:

(i) The discovery, cleanup, and investigation of contaminated properties with a priority on sites that are in communities with high cumulative environmental burdens and proximity to sensitive receptors. The Department of Toxic Substances Control shall, to the extent feasible, require the use of community benefit agreements for those sites where a responsible party has been identified and is available.

(ii) A grant program, modeled after the grant program established under Section 9604(k) of Title 42 of the United States Code, to fund response actions, as defined by Section 25323.3 of the Health and Safety Code, at brownfield sites.

(iii) A job and development training program prioritizing local hires to promote public health and community engagement, promote equity and environmental justice, and support the local economy.

(iv) A program to provide technical assistance grants to groups of individuals in communities impacted by a release or a potential release of a hazardous material. The goal of these grants is to provide community members with technical information to understand and contribute to response actions that comply with applicable laws. The Department of Toxic Substances Control may award the grants to pay for any of the following:

(I) A qualified, independent entity to assist in the creation or interpretation of information on the nature of the hazard or potential hazard of a release or potential release of a hazardous material.

(II) A qualified, independent entity to assist in the interpretation of information produced as part of a site investigation or as part of any other type of response action for a release or potential release, including the operation and

maintenance of a response action.

(III) A qualified, independent entity to conduct confirmation sampling related to a release or potential release of a hazardous material.

(v) To assist in the development of a forum that represents communities across California impacted by the Department of Toxic Substances Control's programs and activities and to provide environmental justice advice, consultation, and recommendations to the Director of Toxic Substances Control and the Board of Environmental Safety.

(vi) To implement Section 25135 of the Health and Safety Code in the 2021–22 fiscal year.

(C) Of the amount specified in subparagraph (A), the Director of Finance may transfer up to one hundred thirty-one million four hundred thousand dollars ($131,400,000) as a loan from the General Fund to the Toxic Substances Control Account. The loaned moneys are hereby appropriated in that same amount from the account for use by the Department of Toxic Substances Control for the following purposes:

(i) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(ii) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(2) (A) For the 2022–23 fiscal year, two hundred million dollars ($200,000,000).

(B) Of the amount specified in subparagraph (A), one hundred million dollars ($100,000,000) shall be allocated from the General Fund for the following:

(i) The discovery, cleanup, and investigation of contaminated properties with a priority on sites that are in communities with high cumulative environmental burdens and proximity to sensitive receptors. The Department of Toxic Substances Control shall, to the extent feasible, require the use of community benefit agreements for those sites where a responsible party has been identified and is available.

(ii) A grant program, modeled after the grant program established under Section 9604(k) of Title 42 of the United States Code, to fund response actions, as defined by Section 25323.3 of the Health and Safety Code, at brownfield sites.

(C) Of the amount specified in subparagraph (A), the Director of Finance may transfer up to one hundred million dollars ($100,000,000) as a loan from the General Fund to the Toxic Substances Control Account. The loaned moneys are hereby appropriated in that same amount from the account for use by the Department of Toxic Substances Control for the following purposes:

(i) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(ii) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(3) (A) For the 2023–24 fiscal year, one hundred ninety-one million dollars ($191,000,000).

(B) Of the amount specified in subparagraph (A), one hundred million dollars ($100,000,000) shall be allocated from the General Fund for the following:

(i) The discovery, cleanup, and investigation of contaminated properties with a priority on sites that are in communities with high cumulative environmental burdens and proximity to sensitive receptors. The Department of Toxic Substances Control shall, to the extent feasible, require the use of community benefit agreements for those sites where a responsible party has been identified and is available.

(ii) A grant program, modeled after the grant program established under Section 9604(k) of Title 42 of the United States Code, to fund response actions, as defined by Section 25323.3 of the Health and Safety Code, at brownfield sites.

(C) Of the amount specified in subparagraph (A), the Director of Finance may transfer up to ninety-one million dollars ($91,000,000) as a loan from the General Fund to the Toxic Substances Control Account. The loaned moneys are hereby appropriated in that same amount from the account for use by the Department of Toxic Substances Control for the following purposes:

(i) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(ii) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(b) (1) All funds recovered from potentially responsible parties for the former Exide Technologies facility in the City of Vernon shall be used to repay the loans made pursuant to subdivision (a). If the amount of moneys received from the cost recovery efforts is insufficient to fully repay the loans made pursuant to subdivision (a), the Director of Finance may forgive any remaining balance if, at least 90 days before forgiving any balance, the Director of Finance submits a notification to the Joint Legislative Budget Committee.

(2) Notwithstanding any other law, the funding appropriated pursuant to subdivision (a) shall be available for encumbrance for four fiscal years after the fiscal year in which the funds are released.

(c) The Department of Toxic Substances Control may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) It is the intent of the Legislature that the funds appropriated pursuant to subdivision (a) be used to decrease environmental burdens on disadvantaged communities and not create an increased obligation to the state to fund the cleanup of orphan sites.

(e) The Board of Environmental Safety shall conduct an analysis of the expenditure of funds allocated by the Department of Toxic Substances Control for the purposes specified in subparagraph (B) of paragraph (1) of, subparagraph (B) of paragraph (2) of, and subparagraph (B) of paragraph (3) of, subdivision (a), on an annual basis until the funds have been entirely liquidated by the Department of Toxic Substances Control. This analysis shall include the subsequent uses of the sites that have undergone investigation or cleanup in order to make recommendations to the Legislature on future expenditures of state funds for cleanup. In its analysis, the board shall also evaluate the public health benefits that those investigations or cleanups have created for the communities in which the sites are located.

(f) This section does not expand any obligation of the state to provide resources for cleanup of orphan sites beyond the funds appropriated in subdivision (a).

SEC. 46. Notwithstanding any other law, the period to liquidate encumbrances of any prior year appropriations as of June 30, 2022, from the Disaster Preparedness and Flood Prevention Bond Fund of 2006, created by Section 5096.806 of the Public Resources Code, shall be available for liquidation until June 30, 2028, to the extent indebtedness for those moneys was authorized by the Disaster Preparedness and Flood Prevention Bond Finance Committee, created by Section 5096.957 of the Public Resources Code, as of February 19, 2020. Remaining appropriated moneys, if any, shall not be available for liquidation until after the Department of Water Resources certifies the total amount of indebtedness authorized by Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code, pursuant to Section 5096.828 of the Public Resources Code, and the Disaster Preparedness and Flood Prevention Bond Finance Committee has authorized indebtedness for those remaining appropriated moneys for liquidation, pursuant to Section 5096.958 of the Public Resources Code.

SEC. 47. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only 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. 48. 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.