

AMENDED IN SENATE JUNE 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 77**

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**Introduced by Committee on Budget (Blumenfield (Chair), Bloom, Bonilla, Chesbro, Daly, Dickinson, Gordon, Jones-Sawyer, Mitchell, Mullin, Muratsuchi, Nazarian, Rendon, Stone, and Ting)**

January 10, 2013

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*An act relating to the Budget Act of 2013.—An act to amend Section 1352 of, to add Section 2850.5 to, and to repeal Section 712.5 of, the Fish and Game Code, to amend Sections 927.9, 11549.3, and 51018 of, and to add Section 1304 to, the Government Code, to amend Sections 25178.1, 25189.3, 25205.4, 25205.7, 25205.12, 25205.14, 25205.18, 25205.19, 25205.21, 25247, and 44299.91 of, to amend and repeal Sections 25174.1, 25174.2, 25174.6, 25174.7, and 25205.15 of, to amend, repeal, and add Sections 25160, 25174, 25175, 25205.2, 25205.3, 25205.5, 25205.5.1, 25205.16, 25205.22, 25207.12, and 25250.24 of, to add Section 25205.5.2 to, and to repeal Sections 25174.11, 25205.9, and 25205.20 of, the Health and Safety Code, to amend Section 12211 of the Public Contract Code, to amend Sections 4785, 5018.1, 5080.18, 5096.650, 14538, 14539, 14549.5, 14553, 14572, 14591, 25751, 26052, 26055, 26060, 26062, 26063, 35600, 35605, 35625, 42977, 48704, 71300, 71301, 71302, 71303, 71304, and 71305 of, to add Sections 25711.5 and 25711.7 to, and to repeal Sections 4124 and 4515 of, the Public Resources Code, to amend Sections 309.5, 2851, and 5900 of, and to add Sections 318, 740.5, 854.5, and 2120 to, the Public Utilities Code, to amend Sections 43053, 43101, 43152, 43152.7, and 43152.10 of, to amend and repeal Sections 43002.3, 43051, and 43151 of, to amend, repeal, and add Sections 43012 and 43152.15 of, and to repeal Sections 43005.5, 43055, 43152.11, and 43152.16 of, the*

*Revenue and Taxation Code, to add Section 104.22 to the Streets and Highways Code, to amend Section 85200 of, and to add Section 10001.7 to, the Water Code, and to repeal Section 34 of Chapter 718 of the Statutes of 2010, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 77, as amended, Committee on Budget. ~~Budget Act of 2013.~~  
*Budget Act of 2013: public resources.*

*(1) Existing law requires that any moneys appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs to protect, restore, enhance, or maintain waterfowl habitat be transferred to the Department of Fish and Wildlife for expenditure for those same purposes.*

*Existing law requires that any moneys appropriated to the Department of Fish and Wildlife from the California Environmental License Plate Fund in an amount not to exceed the amount transferred to the Department of Fish and Wildlife pursuant to the above provisions be transferred to the Department of Parks and Recreation for expenditure for exclusive trust purposes that include, among other things, the acquisition, preservation, restoration, or any combination thereof, of natural areas or ecological reserves.*

*This bill would repeal these provisions.*

*(2) The Wildlife Conservation Law of 1947 authorizes the Wildlife Conservation Board to, among other things, authorize the Department of Fish and Wildlife to lease, sell, exchange, or otherwise transfer any real property, interest in real property, or option acquired by or held under the jurisdiction of the board or the department. The law also authorizes the board to authorize the department to lease degraded potential wildlife habitat real property to nonprofit organizations, local governmental agencies, or state and federal agencies if specified conditions are met. The law requires proceeds from specified transactions, including leases, entered into pursuant to these provisions to be deposited into the Wildlife Restoration Fund, except as provided.*

*This bill would require any moneys received in the Wildlife Restoration Fund from leases pursuant to these provisions to be expended, upon appropriation, by the Department of Fish and Wildlife*

*for the purposes of managing, maintaining, restoring, or operating lands owned and managed by the department.*

*(3) The California Prompt Payment Act dictates that a state agency that fails to make a timely payment for goods or services acquired pursuant to a contract with a specified business or organization is subject to a late payment penalty. The act requires state agencies, on an annual basis within 90 calendar days following the end of each fiscal year, to provide the Director of General Services with a report on late payment penalties that were paid by the agency during the preceding fiscal year.*

*This bill would exclude the Department of Forestry and Fire Protection from the above-described reporting requirements.*

*(4) Existing law provides for the appointment of Members of the Legislature to various state boards, commissions, and similar multimember bodies.*

*This bill would authorize a Member of the Legislature appointed to a state board, commission, or similar multimember body within the Natural Resources Agency to designate an alternate to serve on the board, commission, or body in the Member's absence.*

*(5) Existing law creates the Office of Information Security in the Department of Technology, to ensure the confidentiality, integrity, and availability of state systems and applications, and to promote and protect consumer privacy to ensure the trust of the residents of the state. The office is under the direction of a director. Existing law authorizes the office to conduct, or require to be conducted, independent security assessments of any state agency, department, or office, the cost of which is required to be funded by the state agency, department, or office being assessed.*

*This bill would prohibit the office from requiring an independent security assessment of the Department of Forestry and Fire Protection.*

*(6) Existing law requires the State Fire Marshal to issue a report identifying pipeline leak incident rate trends, reviewing current regulatory effectiveness with regard to pipeline safety, and recommending any necessary changes to the Legislature. Existing law requires a pipeline operator, within 30 days of a pipeline rupture, explosion, or fire, to file a report with the State Fire Marshal.*

*This bill would delete these requirements.*

*(7) Existing law requires a generator of hazardous waste to complete, sign, and provide to certain persons a manifest containing specific information under certain circumstances when hazardous waste is to*

*be transported and, with certain exceptions, imposes a fee on the use of the hazardous waste manifest.*

*This bill would, on and after January 1, 2014, eliminate the fee on the use of the manifest.*

*(8) Existing law requires the State Board of Equalization to provide to the Legislature quarterly reports on various hazardous waste fees collected.*

*This bill would make conforming changes with regard to those reports.*

*(9) Existing law requires the Department of Toxic Substances Control (DTSC) to suspend the permit of a facility for nonpayment of facility fees if the State Board of Equalization certifies in writing specified facts.*

*This bill would additionally authorize DTSC to certify in writing those facts.*

*(10) Existing law exempts from the hazardous waste facility fee a treatment facility engaged in treatment to accomplish a removal or remedial action or a corrective action in accordance with an order issued by the United States Environmental Protection Agency.*

*This bill would, on and after January 1, 2014, exempt from the hazardous waste facility fee a treatment facility engaged in removal or remedial actions pursuant to a removal action work plan or a remedial action plan that meets specific requirements and is authorized to operate by DTSC.*

*(11) Existing law establishes a base rate for the 1997 reporting period for a hazardous waste facility fee at \$19,761 and requires for each reporting period thereafter that the State Board of Equalization adjust the base rate annually to reflect changes in the cost of living during the prior fiscal year.*

*This bill would, instead, establish the base rate for the 2013 reporting period for that fee at \$30,005, and would require the State Board of Equalization to adjust the base rate and other specified rates related to hazardous waste annually to reflect increases or decreases in the cost of living during the prior fiscal year.*

*(12) Existing law requires a person who disposes of hazardous waste to pay a disposal fee. Existing law assesses a hazardous waste generator fee with a base rate of \$2,748.*

*This bill would revise and recast these provisions to eliminate the disposal fee, and instead the bill would assess, on and after January 1, 2014, a generation and handling fee of \$31.52 per ton of hazardous waste generated, except as specified. The bill would require the State*

*Board of Equalization to adjust the fee schedule to reflect changes in the cost of living during the prior fiscal year.*

*(13) Existing law provides a hazardous waste generator with a credit toward the generator fee if the generator pays an inspection fee to a Certified Unified Program Agency with jurisdiction over the facility or transfers hazardous materials offsite for recycling.*

*This bill would, on and after January 1, 2014, repeal those credits.*

*(14) Existing law provides a person who applies for, or requests, specified permits, variances, or waste classification determinations with the option of paying a flat fee or entering into a reimbursement agreement to reimburse DTSC for costs incurred in processing the application or response to the request.*

*This bill would eliminate the flat fee option. The bill would additionally require the reimbursement agreement to provide for the reimbursement of the costs incurred by DTSC in reviewing and overseeing corrective action.*

*(15) Existing law imposes an annual verification fee upon generators, transporters, and facility operators with more than 50 employees that possess a valid identification number issued by DTSC or the United States Environmental Protection Agency.*

*This bill would, on and after January 1, 2014, eliminate that fee.*

*(16) Existing law exempts from certain reimbursement requirements an application to modify a permit for a facility's allowable capacity for treatment or storage of hazardous waste. Existing law exempts, from fees assessed on used oil, used oil removed from a motor vehicle that is subsequently recycled by a permitted recycler.*

*This bill would eliminate those exemptions. Because a failure to pay this fee is a crime, this bill would impose a state-mandated local program.*

*(17) Existing law exempts from the hazardous waste generator fee a person transporting, importing, or receiving certain hazardous waste imported into the state.*

*This bill would, on and after January 1, 2014, eliminate this exemption. Because a failure to pay this fee is a crime, this bill would impose a state-mandated local program.*

*(18) This bill would make conforming changes and delete obsolete provisions pertaining to the state's hazardous waste programs.*

*(19) Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, statewide general election,*

*authorizes the issuance of \$19,925,000,000 of general obligation bonds for specified purposes, including schoolbus retrofit and replacement purposes. Existing law also establishes various programs for the reduction of vehicular air pollution, including the Lower-Emission School Bus Program adopted by the State Air Resources Board. Existing law appropriates funds to the state board and requires the state board to allocate these bond funds in specified ways, including funding to local air pollution control and air quality management districts.*

*This bill would require funds authorized by the State Air Resources Board during or subsequent to the 2013–14 fiscal year to be allocated to local air pollution control and air quality management districts by prioritizing to retrofit or replace the most polluting schoolbuses in small local air pollution control and air quality management districts first and then medium local air pollution control and air quality management districts as defined by the state board. The bill would require each allocation to provide sufficient funding for at least one project to be implemented pursuant to the Lower-Emission School Bus Program. The bill, if a local air pollution control or air quality management district has unspent funds within 6 months of the expenditure deadline, would require the local air pollution control or air quality management district to work with the state board to transfer those funds to an alternative local air pollution control or air quality management district with existing demand.*

*(20) Existing law requires a state agency to report annually to the Department of Resources Recycling and Recovery on its progress in meeting recycled product purchasing requirements and requires the Department of Resources Recycling and Recovery to provide this reported information to the Legislature in an agency-specific report.*

*This bill would exempt the Department of Forestry and Fire Protection from this reporting requirement and would delete the requirement that the Department of Resources Recycling and Recovery provide the report to the Legislature.*

*(21) Existing law requires the Department of Forestry and Fire Protection to submit an annual report to the Joint Legislative Budget Committee regarding emergency incidents.*

*This bill would delete this requirement and other obsolete reporting provisions.*

*(22) Existing law requires the State Board of Forestry and Fire Protection to submit a report to the Legislature on the actions taken by the board relating to forest practices, as provided. Existing law requires*

*the Department of Forestry and Fire Protection to prepare reports for the board setting forth data as to the experiments conducted by the department, and existing law requires the board to make these reports available to the Legislature.*

*This bill would delete the requirements that the board provide these reports to the Legislature.*

*(23) Existing law authorizes the Department of Finance to delegate to the Department of Parks and Recreation the right to exercise the same authority granted to the Division of the State Architect and the Real Estate Services Division in the Department of General Services, to plan, design, construct, and administer contracts and professional services for legislatively approved capital outlay projects. This provision is repealed as of January 1, 2014.*

*This bill would extend the repeal date to January 1, 2019.*

*(24) Existing law authorizes the Department of Parks and Recreation to enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system. Existing law requires those concession contracts to contain certain specified provisions, including a provision that the maximum term shall be 10 years, except that a term of more than 10 years may be provided if the Director of Parks and Recreation determines that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire, to facilitate the full utilization of a structure that is scheduled by the department for replacement or redevelopment, or to serve the best interests of the state. Existing law prohibits, with certain exceptions, the term of a concession contract from exceeding 20 years without specific authorization by statute.*

*This bill would authorize the term to exceed 20 years for a concession agreement at Will Rogers State Beach executed prior to December 31, 1997, as provided, without specific authorization by statute upon approval by the director and pursuant to a determination by the director that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed \$1,500,000 in capital improvements. The bill would prohibit the extension of the term from exceeding 15 years.*

*(25) Existing law, the California Clean Water, Clean Air, and Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of*

\$2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources, as specified.

Proposition 40 requires that a specified sum from the proceeds of bonds issued and sold under its provisions, which is available upon appropriation by the Legislature, be allocated to the State Air Resources Board for grants to air pollution control and air quality management districts pursuant to the Carl Moyer Memorial Air Quality Standards Attainment Program for projects that reduce air pollution that affects air quality in state and local park and recreation areas.

This bill would require that allocations of these funds to the Lower-Emission School Bus Program be prioritized to retrofit or replace the most polluting schoolbuses in small local air quality management districts first and then to medium local air quality management districts as defined by the state board. The bill would require that each allocation for this purpose provide enough funding for at least one project to be implemented pursuant to the Lower-Emission School Bus Program. The bill, if a local air quality management district has unspent funds within 6 months of the expenditure deadline, would require the local air quality management district to work with the state board to transfer funds to an alternative local air quality management district with existing demand.

(26) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery. The act requires that every convenience zone be served by at least one certified recycling center and the department is required to certify recycling centers and processors for purposes of the act. The Director of Resources Recycling and Recovery is required to adopt, by regulation, procedures for the certification of recycling centers and processors.

This bill would require the Department of Resources Recycling and Recovery to review whether an application for certification as a recycling center or processor, or renewal of a certification, is complete within 30 working days of receipt and if the department deems an application complete, the department would be required to approve or deny the application no later than 60 calendar days after the date when the application was deemed complete. The bill would also require, on and after January 1, 2014, an applicant for certification as a recycling

center or processor, or for renewal of a certification, to complete a precertification training program and meet all other qualification requirements prescribed by the department, which would be authorized to include requiring the applicant to obtain a passing score on an examination administered by the department.

(27) Existing law specifies requirements for the reports, claims, and information required to be submitted to the Department of Resources Recycling and Recovery pursuant to the act.

This bill would instead require a person otherwise subject to these requirements to use the Division of Recycling Integrated Information System (DORIIS) or other system designated by the Department of Resources Recycling and Recovery for reporting, making, or claiming payments or providing other information for purposes of the act.

(28) Existing law requires certified recycling centers to accept any empty beverage container from a consumer or dropoff or collection program and pay the refund value, which can be based on weight. Existing law requires the department to review and calculate the commingled rates paid for beverage containers and postfilled containers paid to curbside recycling programs, collection programs, and recycling centers.

This bill would require, on and after September 1, 2013, a certified recycling center, for beverage containers redeemed by consumers, to pay the refund value based on the applicable segregated rate. The bill would delete recycling centers from those entities for which the department is required to calculate a commingled rate.

(29) Existing law provides that a violation of the act is an infraction. The act also provides that a person who, with intent to defraud, takes specified actions, is guilty of fraud, punishable as specified.

This bill would additionally provide that a person who violates a regulation adopted pursuant to the act is guilty of an infraction. The bill would instead specify that a person who, with intent to defraud, takes those actions knowingly is guilty of a crime, punishable as specified.

(30) Because a violation of the act is a crime, the bill would impose a state-mandated local program by creating new crimes with regard to the submission of information to the department, the payment of refund values, and the violation of a regulation.

(31) The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities, as defined. The Reliable Electric Service Investments Act required the Public Utilities

*Commission to require the state's 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the "public goods charge," to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits. Existing decisions of the Public Utilities Commission institute an Electric Program Investment Charge (EPIC) to fund renewable energy and research, development, and demonstration programs.*

*Existing law creates in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and Development Commission and requires moneys received by the Public Utilities Commission for those programs the Public Utilities Commission has determined should be administered by the State Energy Resources Conservation and Development Commission to be forwarded by the Public Utilities Commission to the State Energy Resources Conservation and Development Commission at least quarterly for deposit in the fund.*

*This bill would require the State Energy Resources Conservation and Development Commission, in administering moneys in the fund for research, development, and demonstration programs, to develop and administer the EPIC program for the purpose of awarding funds to projects that may lead to technological advancement and breakthroughs to overcome barriers that prevent the achievement of the state's statutory energy goals and that may result in a portfolio of projects that is strategically focused and sufficiently narrow to make advancement on the most significant technological challenges. The bill would require the State Energy Resources Conservation and Development Commission, no later than April 30 of each year, to prepare and submit to the Legislature an annual report regarding the EPIC program.*

*This bill would prohibit the Public Utilities Commission from requiring the collection of moneys pursuant to a specified decision and any amendments to that decision in an annual amount greater than the amount set forth in that decision of the Public Utilities Commission.*

*(32) Existing law establishes the Emerging Renewable Resources Account, a continuously appropriated account, within the Renewable Resource Trust Fund for specified purposes related to renewable energy.*

*This bill would additionally authorize the use of the moneys in the account for the purposes of funding the New Solar Homes Partnership.*

*Because the bill would expand the purposes of a continuously appropriated account, the bill would make an appropriation.*

*(33) Existing law defines a PACE program as a program that is financed by a PACE bond. Existing law requires the California Alternative Energy and Advanced Transportation Financing Authority to develop and administer a PACE Reserve program to reduce the overall costs to property owners of a Property Assessed Clean Energy bond, or PACE bond, issued by an applicant that has established a Property Assessed Clean Energy program, or PACE program, by providing a reserve of no more than 10% of the initial amount of the PACE bond. Existing law, in 2010, appropriates, until January 1, 2015, \$50 million from the Renewable Resource Trust Fund for the above purpose.*

*This bill would additionally require the authority to develop and administer a PACE risk mitigation program for PACE loans to increase their acceptance in the marketplace and protect against the risk of default and foreclosure. The bill would additionally include a PACE loan program as a PACE program. Because this bill would expand the use of the moneys appropriated by existing law, this bill would make an appropriation.*

*(34) Existing law requires the Department of Fish and Wildlife to regulate the protection of marine plants and animals in marine protected areas, as defined.*

*Existing law establishes the Ocean Protection Council in state government, and prescribes the membership, terms of office, and functions and duties of the council.*

*This bill would require that, commencing on July 1, 2013, the Ocean Protection Council assume responsibility for the direction of policy of marine protected areas.*

*(35) Existing law requires that at the Ocean Protection Council's first meeting in a calendar year, the council elect a chair from among its voting members.*

*This bill would delete that requirement and would instead require that the Secretary of the Natural Resources Agency serve as the chairperson of the Ocean Protection Council, and that the Secretary for Environmental Protection serve as the vice chairperson of the council. The bill would require that the Assistant Secretary for Coastal Matters at the Natural Resources Agency be designated as the Deputy Secretary of the Natural Resources Agency for Ocean and Coastal*

*Policy, and would require the deputy secretary to also serve as the executive director for the council.*

*(36) Existing law authorizes the Legislature to make appropriations directly to the State Coastal Conservancy for expenditures authorized by the council for specified purposes related to the regulation of coastal development and protection.*

*This bill would instead authorize the Legislature to make those appropriations directly to the Secretary of the Natural Resources Agency for those expenditures authorized by the council for specified purposes related to the regulation of coastal development and protection. The bill would also require that any bond funds received by the State Coastal Conservancy, on or before July 1, 2013, authorized to fund Ocean Protection Council's programs be transferred to the Natural Resources Agency for use for those programs. The bill would provide for the transfer to the secretary of certain functions and duties of the State Coastal Conservancy with regard to the implementation of contracts and grants on behalf of the council.*

*(37) The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires a manufacturer of carpets sold in this state, individually or through a carpet stewardship organization, to submit a carpet stewardship plan to the department. A manufacturer or carpet stewardship organization submitting a carpet stewardship plan is required to pay the department an annual administrative fee, as determined by the department. The department is also required to identify the direct development or regulatory costs incurred by the department prior to the submittal of carpet stewardship plans and to establish a fee in an amount adequate to cover those costs, that is required to be paid in 3 equal payments by a carpet stewardship organization that submits a carpet stewardship plan. Existing law establishes the Carpet Stewardship Account in the Integrated Waste Management Fund and requires these fees to be deposited in that account, for expenditure by the department, upon appropriation by the Legislature, to cover the department's cost to implement the carpet stewardship program provisions.*

*This bill would instead require a carpet stewardship organization to pay these fees quarterly to the Department of Resources Recycling and Recovery and would make conforming changes regarding those requirements.*

(38) *The act requires a manufacturer of architectural paint or designated stewardship organization to submit to the Department of Resources Recycling and Recovery an architectural paint stewardship plan to develop and implement a recovery program to manage the end of life of postconsumer architectural paint. A stewardship organization is required to pay the department an annual administrative fee in the amount that is sufficient to cover the department's full costs of administering and enforcing the program. The fee is required to be deposited in the Architectural Paint Stewardship Account in the Integrated Waste Management Fund, which may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement the architectural paint stewardship program provisions.*

*This bill would require the stewardship organization to pay the fees quarterly and would require the Department of Resources Recycling and Recovery to impose the fees in an amount that includes any program development costs or regulatory costs incurred by the department prior to the submittal of the stewardship plans.*

(39) *Existing law establishes the Office of Education and the Environment in the Department of Resources Recycling and Recovery to implement the statewide environmental educational program and requires the office, in cooperation with the State Department of Education and the State Board of Education, to develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. The Governor's Reorganization Plan No. 2 of 2012, which will become effective July 1, 2013, provides that CalRecycle is transferred from the Natural Resources Agency to the California Environmental Protection Agency.*

*This bill would make conforming changes with regard to the establishment of the office in the Department of Resources Recycling and Recovery.*

(40) *Existing law requires the Office of Education and the Environment to develop a model environmental curriculum incorporating certain environmental principles and to submit the model curriculum to the Curriculum Development and Supplemental Materials Commission for review, as prescribed.*

*This bill would instead require the model curriculum to be submitted to the Instructional Quality Commission for review.*

(41) *Existing law requires the State Department of Education to make the curriculum available electronically and requires the California*

*Environmental Protection Agency to assume the costs associated with the printing of the approved model curriculum.*

*This bill would instead require Department of Resources Recycling and Recovery to make the curriculum available electronically and would delete the requirement with regard to the assumption of those costs. The bill would require the department to coordinate with specified state agencies to facilitate use of the model environmental curriculum and would authorize the department and those state agencies to collaborate with other specified entities to implement the program.*

*(42) Existing law establishes the Environmental Education Account in the State Treasury and authorizes the California Environmental Protection Agency to expend the moneys in the account, upon appropriation by the Legislature, for purposes of the program.*

*This bill would instead authorize Department of Resources Recycling and Recovery to expend the funds in the account.*

*(43) Existing law establishes the Division of Ratepayer Advocates within the Public Utilities Commission to represent the interests of public utility customers and subscribers, with the goal of obtaining the lowest possible rate for service consistent with reliable and safe service levels. Existing law requires the Director of the Division of Ratepayer Advocates to submit a budget to the Public Utilities Commission for final approval. Existing law authorizes the director of the division to appoint a lead attorney to represent the division and requires all attorneys assigned by the Public Utilities Commission to perform services for the division to report to and be directed by the lead attorney for the division.*

*This bill would rename the Division of Ratepayer Advocates the Office of Ratepayer Advocates and would require that the director of the office develop a budget for the office that would be submitted to the Department of Finance for final approval. The bill would require the lead attorney to obtain adequate legal personnel for the work to be conducted by the office from the Public Utilities Commission's attorney and requires the Public Utilities Commission's attorney to timely and appropriately fulfill all requests for legal personnel made by the lead attorney for the office, provided the office has sufficient moneys and positions in its budget for the services requested.*

*(44) Existing law establishes the Public Utilities Commission Utilities Reimbursement Account and authorizes the Public Utilities Commission to annually determine a fee to be paid by every public utility providing service directly to customers or subscribers and subject to the*

*jurisdiction of the Public Utilities Commission, except for a railroad corporation. The Public Utilities Commission is required to establish the fee, with the approval of the Department of Finance, to produce a total amount equal to that amount established in the authorized Public Utilities Commission budget for the same year, and an appropriate reserve to regulate public utilities, less specified sources of funding.*

*This bill would require the Public Utilities Commission to conduct a zero-based budget for all of its programs by January 10, 2015.*

*(45) Existing law authorizes certain public utilities, including electrical corporations and gas corporations, as defined, to propose research and development programs and authorizes the Public Utilities Commission to allow inclusion of expenses for research and development in rates. Existing law requires the Public Utilities Commission to consider specified guidelines in evaluating the research, development, and demonstration programs proposed by electrical corporations and gas corporations.*

*This bill would prohibit the Public Utilities Commission, in implementing the 21st Century Energy System Decision, as defined, from authorizing recovery from ratepayers of any expense for research and development projects that are not for purposes of cyber security and grid integration and would limit total funding for research and development projects for the purposes of cyber security and grid integration from exceeding \$35,000,000. The bill would require that all cyber security and grid integration research and development projects be concluded by the 5th anniversary of their start date. The bill would prohibit the Public Utilities Commission from approving recovery from ratepayers of certain program management expenditures proposed in the 21st Century Energy System Decision proceeding. The bill would require the Public Utilities Commission to require the Lawrence Livermore National Laboratory, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric Company to ensure that research parameters reflect a new contribution to cyber security and grid integration and that there not be a duplication of research being done by other private and governmental entities. The bill would require the participating electrical corporations to jointly report specified information to the Public Utilities Commission by December 1, 2013, and 60 days following conclusion of all research and development projects, and would require the Public Utilities Commission, upon determining that each report is sufficient, to report that information to the Legislature.*

(46) Existing law requires the Public Utilities Commission, by January 10 of each year, to report to the Joint Legislative Budget Committee and appropriate fiscal and policy committees of the Legislature on all sources and amounts of funding and actual and proposed expenditures, including any costs to ratepayers, related to specified entities or programs established by the Public Utilities Commission by order, decision, motion, settlement, or other action, including, but not limited to, the California Clean Energy Fund, the California Emerging Technology Fund, and the Pacific Forest and Watershed Lands Stewardship Council, and any entities or programs, other than those expressly authorized by statute, that are established by the Public Utilities Commission under specified statutes.

This bill would prohibit the Public Utilities Commission, by order, decision, motion, settlement, or other action, from establishing a nonstate entity, as defined, with any moneys other than those moneys that would otherwise belong to the public utility's shareholders. The bill would prohibit the Public Utilities Commission from entering into a contract with any nonstate entity in which a person serves as an owner, director, or officer while serving as a commissioner. The bill would provide that any contract between the Public Utilities Commission and a nonstate entity is void and ceases to exist by operation of law if a person who was a commissioner at the time the contract was awarded, entered into, or extended, on or after January 1, 2014, becomes an owner, director, or officer of the nonstate entity while serving as a commissioner.

(47) The California Constitution provides that the Legislature may remove a commissioner of the Public Utilities Commission for incompetence, neglect of duty, or corruption, <sup>2</sup>/<sub>3</sub> of the membership of each house concurring.

This bill would provide that a commissioner who acts as an owner, director, or officer of a nonstate entity that was established after January 1, 2015, as a result of an order, decision, motion, settlement, or other action by the Public Utilities Commission in which the commissioner participated, neglects his or her duty and may be removed pursuant to the California Constitution.

(48) The Public Utilities Act provides for the imposition of fines and penalties by the Public Utilities Commission for various violations of the act and provides that any public utility that violates any provision of the California Constitution or the act, or that fails or neglects to comply with any order, decision, decree, rule, direction, demand, or

*requirement of the Public Utilities Commission, where a penalty has not otherwise been provided, is subject to a penalty of not less than \$500 and not more than \$50,000 for each offense. The act authorizes the Public Utilities Commission to bring an action to recover fines and penalties imposed pursuant to the act in the superior court and requires that all fines and penalties recovered by the state in an action filed in the superior court, together with the costs of bringing the action, be paid into the State Treasury to the credit of the General Fund.*

*This bill would prohibit the Public Utilities Commission from distributing, expending, or encumbering any moneys received by the Public Utilities Commission as a result of any Public Utilities Commission proceeding or judicial action until the Public Utilities Commission provides the Director of Finance with written notification of the receipt of the moneys and the basis for these moneys being received by the Public Utilities Commission and the director provides not less than 60 days written notice to the Chairperson of the Joint Legislative Budget Committee and the chairs of the appropriate budget subcommittees of the Assembly and Senate of the receipt of the moneys and the basis for those moneys being received by the Public Utilities Commission.*

*(49) Decisions of the Public Utilities Commission adopted the California Solar Initiative. Existing law requires the Public Utilities Commission to undertake certain steps in implementing the California Solar Initiative. Existing law requires the Public Utilities Commission to ensure that the total cost of the California Solar Initiative over the duration of the program does not exceed \$3,350,000,000, including \$400,000,000 from the Emerging Renewable Resources Account within the Renewable Resource Trust Fund, for programs for the installation of solar energy systems, as defined, on new construction administered by the State Energy Resources Conservation and Development Commission, known as the New Solar Homes Partnership Program.*

*This bill would authorize the Public Utilities Commission, if it is notified by the State Energy Resources Conservation and Development Commission that funding available pursuant to the Emerging Renewable Resources Account for the New Solar Homes Partnership Program has been exhausted, to require an electrical corporation to continue administration of the program pursuant to the guidelines established for the program by the State Energy Resources Conservation and Development Commission, until the funding limit of \$400,000,000 has been reached. The bill would require the Public Utilities Commission,*

*in consultation with the State Energy Resources Conservation and Development Commission, to supervise the administration of the continuation of the New Solar Homes Partnership Program by an electrical corporation. The bill would authorize an electrical corporation to elect to have a 3rd party administer the utility's continuation of the program.*

*(50) Existing law authorizes the Department of Transportation to acquire real property for state highway purposes. Existing law specifies various procedures to be followed by the department when it determines that real property acquired for state highway purposes is no longer necessary for those purposes, generally under terms and conditions established by the California Transportation Commission.*

*This bill would require the Department of Transportation to transfer certain real property it owns in the City of San Diego to the Department of Parks and Recreation for incorporation into the state park system. The bill would require the transfer to be completed within 90 days of the effective date of the bill. The bill would make various findings and declarations in that regard.*

*(51) Under existing law, the Department of Water Resources operates the State Water Project and exercises other functions relating to the state's water resources. Under the Federal Power Act, the Federal Energy Regulatory Commission, or FERC, is responsible for the relicensing of federally licensed hydroelectric power projects.*

*This bill would require the Director of Finance to notify the Joint Legislative Budget Committee of any hydroelectric power project relicensing proposal for the FERC that, if approved by the Department of Water Resources, would obligate the General Fund in the current or future years. This bill would authorize the department to approve that relicensing proposal not less than 30 days after the director notifies the committee.*

*(52) Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council, consisting of 7 voting members. Existing law prohibits a member of the council from serving 2 consecutive terms, but permits a member to be reappointed after a period of 2 years following the end of his or her term.*

*This bill would eliminate the above-described prohibition.*

*(53) 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.*

*(54) This bill would reappropriate to the Coachella Valley Mountains Conservancy the balance of a specified appropriation made in the Budget Act of 2010, the moneys to be available for capital outlay or local assistance until June 30, 2016.*

*(55) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 712.5 of the Fish and Game Code is  
2     repealed.

3     ~~712.5.—(a) Commencing July 1, 2005, any moneys appropriated~~  
4     ~~from the Public Resources Account in the Cigarette and Tobacco~~  
5     ~~Products Surtax Fund for programs to protect, restore, enhance,~~  
6     ~~or maintain waterfowl habitat pursuant to subparagraph (A) of~~  
7     ~~paragraph (5) of subdivision (b) of Section 30122 of the Revenue~~  
8     ~~and Taxation Code, shall be transferred to the department for~~  
9     ~~expenditure for those same purposes.~~

10    ~~(b) Commencing July 1, 2005, any moneys appropriated to the~~  
11    ~~department from the California Environmental License Plate Fund~~  
12    ~~described in Section 21191 of the Public Resources Code, in an~~  
13    ~~amount not to exceed the amount transferred to the department~~  
14    ~~pursuant to subdivision (a), shall be transferred to the Department~~  
15    ~~of Parks and Recreation for expenditure for the exclusive trust~~  
16    ~~purposes described in Section 21190.~~

17    SEC. 2. Section 1352 of the Fish and Game Code is amended  
18    to read:

19    1352. (a) The money in the Wildlife Restoration Fund, as  
20    provided for by Section 19632 of the Business and Professions  
21    Code, is available for expenditure under any provision of this  
22    chapter.

23    (b) All federal moneys made available for projects authorized  
24    by the board shall be deposited in the Wildlife Restoration Fund.  
25    Any unexpended balances of ~~such~~ *the* federal moneys remaining

1 on or after June 30, 1979, in any other fund shall be transferred to  
2 the Wildlife Restoration Fund.

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

8 *SEC. 3. Section 2850.5 is added to the Fish and Game Code,*  
9 *to read:*

10 *2850.5. Notwithstanding any other law and consistent with the*  
11 *authority granted under Section 2860, commencing on July 1,*  
12 *2013, the Ocean Protection Council shall assume responsibility*  
13 *for the direction of policy of marine protected areas (MPAs).*

14 *SEC. 4. Section 927.9 of the Government Code is amended to*  
15 *read:*

16 *927.9. (a) ~~On~~ Except as provided in subdivision (c), on an*  
17 *annual basis, within 90 calendar days following the end of each*  
18 *fiscal year, state agencies shall provide the Director of General*  
19 *Services with a report on late payment penalties that were paid by*  
20 *the state agency in accordance with this chapter during the*  
21 *preceding fiscal year.*

22 *(b) The report shall separately identify the total number and*  
23 *dollar amount of late payment penalties paid to small businesses,*  
24 *other businesses, and refunds or other payments to individuals.*  
25 *State agencies may, at their own initiative, provide the director*  
26 *with other relevant performance measures. The director shall*  
27 *prepare a report separately listing the number and total dollar*  
28 *amount of all late payment penalties paid to small businesses, other*  
29 *businesses, and refunds and other payments to individuals by each*  
30 *state agency during the preceding fiscal year, together with other*  
31 *relevant performance measures, and shall make the information*  
32 *available to the public.*

33 *(c) The reporting requirements of subdivisions (a) and (b) are*  
34 *not applicable to the Department of Forestry and Fire Protection.*

35 *SEC. 5. Section 1304 is added to the Government Code, to*  
36 *read:*

37 *1304. (a) A Member of the Legislature appointed to a state*  
38 *board, commission, or similar multimember body within the*  
39 *Natural Resources Agency may designate an alternate to serve on*  
40 *the board, commission, or body in the Member's absence.*

1 (b) An alternate designated pursuant to this section shall  
2 exercise all of the rights, privileges, and powers that are available  
3 to the Member with respect to serving on the board, commission,  
4 or body within the Natural Resources Agency. The alternate  
5 designated pursuant to this section may not vote and shall adhere  
6 to the same rules of conduct as a voting member.

7 (c) An alternate designated pursuant to this section shall serve  
8 on the board, commission, or body within the Natural Resources  
9 Agency only during the period for which the Member may serve  
10 on the board, commission, or body.

11 SEC. 6. Section 11549.3 of the Government Code is amended  
12 to read:

13 11549.3. (a) The director shall establish an information security  
14 program. The program responsibilities include, but are not limited  
15 to, all of the following:

16 (1) The creation, updating, and publishing of information  
17 security and privacy policies, standards, and procedures for state  
18 agencies in the State Administrative Manual.

19 (2) The creation, issuance, and maintenance of policies,  
20 standards, and procedures directing state agencies to effectively  
21 manage security and risk for all of the following:

22 (A) Information technology, which includes, but is not limited  
23 to, all electronic technology systems and services, automated  
24 information handling, system design and analysis, conversion of  
25 data, computer programming, information storage and retrieval,  
26 telecommunications, requisite system controls, simulation,  
27 electronic commerce, and all related interactions between people  
28 and machines.

29 (B) Information that is identified as mission critical, confidential,  
30 sensitive, or personal, as defined and published by the ~~office~~. *Office*  
31 *of Information Security*.

32 (3) The creation, issuance, and maintenance of policies,  
33 standards, and procedures directing state agencies for the collection,  
34 tracking, and reporting of information regarding security and  
35 privacy incidents.

36 (4) The creation, issuance, and maintenance of policies,  
37 standards, and procedures directing state agencies in the  
38 development, maintenance, testing, and filing of each agency's  
39 disaster recovery plan.

1 (5) Coordination of the activities of agency information security  
 2 officers, for purposes of integrating statewide security initiatives  
 3 and ensuring compliance with information security and privacy  
 4 policies and standards.

5 (6) Promotion and enhancement of the state agencies' risk  
 6 management and privacy programs through education, awareness,  
 7 collaboration, and consultation.

8 (7) Representing the state before the federal government, other  
 9 state agencies, local government entities, and private industry on  
 10 issues that have statewide impact on information security and  
 11 privacy.

12 (b) An information security officer appointed pursuant to Section  
 13 11546.1 shall implement the policies and procedures issued by the  
 14 Office of Information Security, including, but not limited to,  
 15 performing all of the following duties:

16 (1) Comply with the information security and privacy policies,  
 17 standards, and procedures issued pursuant to this chapter by the  
 18 Office of Information Security.

19 (2) Comply with filing requirements and incident notification  
 20 by providing timely information and reports as required by policy  
 21 or directives of the office.

22 (c) ~~The~~ (1) *Except as provided in paragraph (2), the office may*  
 23 *conduct, or require to be conducted, independent security*  
 24 *assessments of any state agency, department, or office, the cost of*  
 25 *which shall be funded by the state agency, department, or office*  
 26 *being assessed.*

27 (2) *The office shall not conduct, or require to be conducted,*  
 28 *independent security assessments of the Department of Forestry*  
 29 *and Fire Prevention.*

30 (d) The office may require an audit of information security to  
 31 ensure program compliance, the cost of which shall be funded by  
 32 the state agency, department, or office being audited.

33 (e) The office shall report to the ~~California~~ *Department of*  
 34 *Technology Agency* any state agency found to be noncompliant  
 35 with information security program requirements.

36 *SEC. 7. Section 51018 of the Government Code is amended to*  
 37 *read:*

38 51018. (a) Every rupture, explosion, or fire involving a  
 39 pipeline, including a pipeline system otherwise exempted by  
 40 subdivision (a) of Section 51010.5, and including a pipeline

1 undergoing testing, shall be immediately reported by the pipeline  
2 operator to the fire department having fire suppression  
3 responsibilities and to the California Emergency Management  
4 Agency. ~~In addition, the pipeline operator shall, within 30 days of~~  
5 ~~the rupture, explosion, or fire, file a report with the State Fire~~  
6 ~~Marshal containing all the information that the State Fire Marshal~~  
7 ~~may reasonably require to prepare the report required pursuant to~~  
8 ~~subdivision (d).~~

9 (b) (1) ~~The California Office of Emergency Management~~  
10 ~~Agency Services~~ shall immediately notify the State Fire Marshal  
11 of the incident, who shall immediately dispatch ~~his or her State~~  
12 ~~Fire Marshal~~ employees to the scene. The State Fire Marshal or  
13 ~~his or her the~~ employees, upon arrival, shall provide technical  
14 expertise and advise the operator and all public agencies on  
15 activities needed to mitigate the hazard.

16 (2) For purposes of this subdivision, the Legislature does not  
17 intend to hinder or disrupt the workings of the “incident  
18 commander system,” but does intend to establish a recognized  
19 element of expertise and direction for the incident command to  
20 consult and acknowledge as an authority on the subject of pipeline  
21 incident mitigation. Furthermore, it is expected that the State Fire  
22 Marshal will recognize the expertise of the pipeline operator and  
23 any other emergency agency personnel who may be familiar with  
24 the particular location of the incident and respect their  
25 knowledgeable input regarding the mitigation of the incident.

26 (c) For purposes of this section, “rupture” includes every  
27 unintentional liquid leak, including any leak that occurs during  
28 hydrostatic testing, except that a crude oil leak of less than five  
29 barrels from a pipeline or flow line in a rural area, or any crude  
30 oil or petroleum product leak in any in-plant piping system of less  
31 than five barrels, when no fire, explosion, or bodily injury results  
32 or no waterway is contaminated thereby, does not constitute a  
33 rupture for purposes of the reporting requirements of subdivision  
34 (a).

35 (d) ~~The State Fire Marshal shall, every fifth year commencing~~  
36 ~~in 1999, issue a report identifying pipeline leak incident rate trends,~~  
37 ~~reviewing current regulatory effectiveness with regard to pipeline~~  
38 ~~safety, and recommending any necessary changes to the~~  
39 ~~Legislature. This report shall include an assessment of the condition~~  
40 ~~of each pipeline and shall include all of the following: total length~~

1 of regulated pipelines, total length of regulated pipeline,  
 2 total number of line sections, average length of each section,  
 3 number of leaks during study period, average spill size, average  
 4 damage per incident, average age of leak pipe, average diameter  
 5 of leak pipe, injuries during study period, cause of the leak or spill,  
 6 fatalities during study period, and other information as deemed  
 7 appropriate by the State Fire Marshal.

8 (e)  
 9 (d) This section does not preempt any other applicable federal  
 10 or state reporting requirement.

11 (f)  
 12 (e) Except as otherwise provided in this section and Section  
 13 8589.7, a notification made pursuant to this section shall satisfy  
 14 any immediate notification requirement contained in any permit  
 15 issued by a permitting agency.

16 (g)  
 17 (f) This section does not apply to pipeline ruptures involving  
 18 nonreportable crude oil spills under Section 3233 of the Public  
 19 Resources Code, unless the spill involves a fire or explosion.

20 *SEC. 8. Section 25160 of the Health and Safety Code is*  
 21 *amended to read:*

22 25160. (a) For purposes of this chapter, the following  
 23 definitions apply:

24 (1) “Manifest” means a shipping document originated and signed  
 25 by a generator of hazardous waste that contains all of the  
 26 information required by the department and that complies with all  
 27 applicable federal and state regulations.

28 (2) “California Uniform Hazardous Waste Manifest” means  
 29 either of the following:

30 (A) A manifest document printed and supplied by the state for  
 31 a shipment initiated on or before September 4, 2006.

32 (B) The Uniform Hazardous Waste Manifest printed by a source  
 33 registered with the United States Environmental Protection Agency  
 34 for a shipment initiated on or after September 5, 2006.

35 (3) For purposes of this section and Section 25205.15, a  
 36 shipment is initiated on the date when the manifest is signed by  
 37 the first transporter and the hazardous waste leaves the site where  
 38 it is generated.

39 (b) (1) Except as provided in Section 25160.2 or 25160.8, or  
 40 as otherwise authorized by a variance issued by the department, a

1 person generating hazardous waste that is transported, or submitted  
2 for transportation, for offsite handling, treatment, storage, disposal,  
3 or any combination thereof, shall complete a manifest prior to the  
4 time the waste is transported or offered for transportation, and  
5 shall designate on that manifest the facility to which the waste is  
6 to be shipped for the handling, treatment, storage, disposal, or  
7 combination thereof. The manifest shall be completed as required  
8 by the department. The generator shall provide the manifest to the  
9 person who will transport the hazardous waste, who is the driver,  
10 if the hazardous waste will be transported by vehicle, or the person  
11 designated by the railroad corporation or vessel operator, if the  
12 hazardous waste will be transported by rail or vessel.

13 (A) The generator shall use the standard California Uniform  
14 Hazardous Waste Manifest supplied by the department for all  
15 shipments of hazardous waste initiated on and before September  
16 4, 2006, for which a manifest is required, except as provided in  
17 paragraph (2).

18 (B) The generator shall use the Uniform Hazardous Waste  
19 Manifest printed by a source registered with the United States  
20 Environmental Protection Agency for all shipments of hazardous  
21 waste initiated on and after September 5, 2006, for which a  
22 manifest is required.

23 (C) A manifest shall only be used for the purposes specified in  
24 this chapter, including, but not limited to, identifying materials  
25 that the person completing the manifest reasonably believes are  
26 hazardous waste.

27 (D) Within 30 days from the date of transport, or submission  
28 for transport, of hazardous waste, each generator of that hazardous  
29 waste shall submit to the department a legible copy of each  
30 manifest used. The copy submitted to the department shall contain  
31 the signatures of the generator and the transporter.

32 (E) In lieu of submitting a copy of each manifest used, a  
33 generator may submit an electronic report to the department  
34 meeting the requirements of Section 25160.3.

35 (2) Except as provided in Section 25160.2 or 25160.8 or as  
36 otherwise authorized by a variance issued by the department, a  
37 person generating hazardous waste that is transported, or submitted  
38 for transportation, for offsite handling, treatment, storage, disposal,  
39 or any combination thereof, outside of the state, shall complete,  
40 whether or not the waste is determined to be hazardous by the

1 importing country or state, a manifest in accordance with the  
2 following conditions:

3 (A) The generator shall use the standard California Uniform  
4 Hazardous Waste Manifest or the manifest required by the  
5 receiving state for all shipments of hazardous waste initiated on  
6 and before September 4, 2006, for which a manifest is required.

7 (B) The generator shall use the Uniform Hazardous Waste  
8 Manifest printed by a source registered with the United States  
9 Environmental Protection Agency for all shipments of hazardous  
10 waste initiated on and after September 5, 2006, for which a  
11 manifest is required.

12 (C) The generator shall submit a copy of the manifest specified  
13 in subparagraph (A) or (B), as applicable, to the department within  
14 30 days from the date of the transport, or submission for transport,  
15 of the hazardous waste. In lieu of submitting a copy of each  
16 manifest used, a generator may submit an electronic report to the  
17 department meeting the requirements of Section 25160.3.

18 (3) Within 30 days from the date of transport, or submission for  
19 transport, of hazardous waste out of state, each generator of that  
20 hazardous waste shall submit to the department a legible copy of  
21 each manifest used. The copy submitted to the department shall  
22 contain the signatures of the generator, all transporters, excepting  
23 intermediate rail transporters, and the out-of-state facility operator.  
24 If within 35 days from the date of the initial shipment, or for  
25 exports by water to foreign countries 60 days after the initial  
26 shipment, the generator has not received a copy of the manifest  
27 signed by all transporters and the facility operator, the generator  
28 shall contact the owner or operator of the designated facility to  
29 determine the status of the hazardous waste and to request that the  
30 owner or operator immediately provide a signed copy of the  
31 manifest to the generator. Except as provided otherwise in  
32 paragraph (2) of subdivision (h) of Section 25123.3, if within 45  
33 days from the date of the initial shipment or, for exports by water  
34 to foreign countries, 90 days from the date of the initial shipment,  
35 the generator has not received a copy of the signed manifest from  
36 the facility owner or operator, the generator shall submit an  
37 exception report to the department.

38 (4) For shipments of waste that do not require a manifest  
39 pursuant to Title 40 of the Code of Federal Regulations, the  
40 department, by regulation, may establish manifest requirements

1 that differ from the requirements of this section. The requirements  
2 for an alternative form of manifest shall ensure that the hazardous  
3 waste is transported by a registered hazardous waste transporter,  
4 that the hazardous waste is tracked, and that human health and  
5 safety and the environment are protected.

6 (5) (A) Notwithstanding any other provision of this section,  
7 except as provided in subparagraph (B), the generator copy of the  
8 manifest is not required to be submitted to the department for any  
9 waste transported in compliance with the consolidated manifest  
10 procedures in Section 25160.2 or with the procedures specified in  
11 Section 25160.8, or when the transporter is operating pursuant to  
12 a variance issued by the department pursuant to Section 25143  
13 authorizing the use of a consolidated manifest for waste not listed  
14 in Section 25160.2, if the generator, transporter, and facility are  
15 all identified as the same company on the hazardous waste  
16 manifest. If multiple identification numbers are used by a single  
17 company, all of the company's identification numbers shall be  
18 included in its annual transporter registration application, if those  
19 numbers will be used with the consolidated manifest procedure.  
20 Nothing in this paragraph affects the obligation of a facility  
21 operator to submit to the department a copy of a manifest pursuant  
22 to this section.

23 (B) If the waste subject to subparagraph (A) is transported out  
24 of state, the generator shall either ensure that the facility operator  
25 submits to the department a copy of the manifest or the generator  
26 shall submit a copy to the department that contains the signatures  
27 of the generator, all transporters, excepting intermediate rail  
28 transporters, and the out-of-state facility operator pursuant to  
29 paragraph (3).

30 (c) (1) The department shall determine the form and manner  
31 in which a manifest shall be completed and the information that  
32 the manifest shall contain. The information requested on the  
33 manifest shall serve as the data dictionary for purposes of the  
34 developing of an electronic reporting format pursuant to Section  
35 71062 of the Public Resources Code. The form of each manifest  
36 and the information requested on each manifest shall be the same  
37 for all hazardous wastes, regardless of whether the hazardous  
38 wastes are also regulated pursuant to the federal act or by  
39 regulations adopted by the United States Department of

1 Transportation. However, the form of the manifest and the  
2 information required shall be consistent with federal regulations.

3 (2) Pursuant to federal regulations, the department may require  
4 information on the manifest in addition to the information required  
5 by federal regulations.

6 (d) (1) A person who transports hazardous waste in a vehicle  
7 shall have a manifest in his or her possession while transporting  
8 the hazardous waste. The manifest shall be shown upon demand  
9 to any representative of the department, any officer of the  
10 Department of the California Highway Patrol, any local health  
11 officer, any certified unified program agency, or any local public  
12 officer designated by the director. If the hazardous waste is  
13 transported by rail or vessel, the railroad corporation or vessel  
14 operator shall comply with Subchapter C (commencing with  
15 Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code  
16 of Federal Regulations and shall also enter on the shipping papers  
17 any information concerning the hazardous waste that the  
18 department may require.

19 (2) Any person who transports a waste, as defined by Section  
20 25124, and who is provided with a manifest for that waste shall,  
21 while transporting that waste, comply with all requirements of this  
22 chapter, and the regulations adopted pursuant thereto, concerning  
23 the transportation of hazardous waste.

24 (3) A person who transports hazardous waste shall transfer a  
25 copy of the manifest to the facility operator at the time of delivery,  
26 or to the person who will subsequently transport the hazardous  
27 waste in a vehicle. A person who transports hazardous waste and  
28 then transfers custody of that hazardous waste to a person who  
29 will subsequently transport that waste by rail or vessel shall transfer  
30 a copy of the manifest to the person designated by the railroad  
31 corporation or vessel operator, as specified by Subchapter C  
32 (commencing with Section 171.1) of Chapter 1 of Subtitle B of  
33 Title 49 of the Code of Federal Regulations.

34 (4) A person transporting hazardous waste by motor vehicle,  
35 rail, or water shall certify to the department, at the time of initial  
36 registration and at the time of renewal of that registration pursuant  
37 to this article, that the transporter is familiar with the requirements  
38 of this section, the department regulations, and federal laws and  
39 regulations governing the use of manifests.

1 (e) (1) A facility operator in the state who receives hazardous  
2 waste for handling, treatment, storage, disposal, or any combination  
3 thereof, which was transported with a manifest pursuant to this  
4 section, shall submit a copy of the manifest to the department  
5 within 30 days from the date of receipt of the hazardous waste.  
6 The copy submitted to the department shall contain the signatures  
7 of the generator, all transporters, excepting intermediate rail  
8 transporters, and the facility operator. In instances in which the  
9 generator or transporter is not required by the generator's state or  
10 federal law to sign the manifest, the facility operator shall require  
11 the generator and all transporters, excepting intermediate rail  
12 transporters, to sign the manifest before receiving the waste at any  
13 facility in this state. In lieu of submitting a copy of each manifest  
14 used, a facility operator may submit an electronic report to the  
15 department meeting the requirements of Section 25160.3.

16 (2) Any treatment, storage, or disposal facility receiving  
17 hazardous waste generated outside this state may only accept the  
18 hazardous waste for treatment, storage, disposal, or any  
19 combination thereof, if the hazardous waste is accompanied by a  
20 completed standard California Uniform Hazardous Waste Manifest.

21 (3) A facility operator may accept hazardous waste generated  
22 offsite that is not accompanied by a properly completed and signed  
23 standard California Uniform Hazardous Waste Manifest if the  
24 facility operator meets both of the following conditions:

25 (A) The facility operator is authorized to accept the hazardous  
26 waste pursuant to a hazardous waste facilities permit or other grant  
27 of authorization from the department.

28 (B) The facility operator is in compliance with the regulations  
29 adopted by the department specifying the conditions and procedures  
30 applicable to the receipt of hazardous waste under these  
31 circumstances.

32 (4) This subdivision applies only to shipments of hazardous  
33 waste for which a manifest is required pursuant to this section and  
34 the regulations adopted pursuant to this section.

35 (f) A generator, transporter, or facility operator may comply  
36 with the requirements of Sections 66262.40, 66263.22, 66264.71,  
37 and 66265.71 of Title 22 of the California Code of Regulations by  
38 storing manifest information electronically. A generator,  
39 transporter, or facility operator who stores manifest information  
40 electronically shall use the standardized electronic format and

1 protocol for the exchange of electronic data established by the  
2 Secretary for Environmental Protection pursuant to Part 2  
3 (commencing with Section 71050) of Division 34 of the Public  
4 Resources Code and the stored information shall include all the  
5 information required to be retained by the department, including  
6 all signatures required by this section.

7 (g) The department shall make available for review, by any  
8 interested party, the department's plans for revising and enhancing  
9 its system for tracking hazardous waste for the purposes of  
10 protecting human health and the environment, enforcing laws,  
11 collecting revenue, and generating necessary reports.

12 (h) *This section shall remain in effect only until January 1, 2014,*  
13 *and as of that date is repealed, unless a later enacted statute, that*  
14 *is enacted before January 1, 2014, deletes or extends that date.*

15 *SEC. 9. Section 25160 is added to the Health and Safety Code,*  
16 *to read:*

17 25160. (a) *For purposes of this chapter, the following*  
18 *definitions apply:*

19 (1) *"Manifest" means a shipping document originated and*  
20 *signed by a generator of hazardous waste that contains all of the*  
21 *information required by the department and that complies with*  
22 *all applicable federal and state regulations.*

23 (2) *"California Uniform Hazardous Waste Manifest" means*  
24 *either of the following:*

25 (A) *A manifest document printed and supplied by the state for*  
26 *a shipment initiated on or before September 4, 2006.*

27 (B) *The Uniform Hazardous Waste Manifest printed by a source*  
28 *registered with the United States Environmental Protection Agency*  
29 *for a shipment initiated on or after September 5, 2006.*

30 (3) *For purposes of this section, a shipment is initiated on the*  
31 *date when the manifest is signed by the first transporter and the*  
32 *hazardous waste leaves the site where it is generated.*

33 (b) (1) *Except as provided in Section 25160.2 or 25160.8, or*  
34 *as otherwise authorized by a variance issued by the department,*  
35 *a person generating hazardous waste that is transported, or*  
36 *submitted for transportation, for offsite handling, treatment,*  
37 *storage, disposal, or any combination thereof, shall complete a*  
38 *manifest prior to the time the waste is transported or offered for*  
39 *transportation, and shall designate on that manifest the facility to*  
40 *which the waste is to be shipped for the handling, treatment,*

1 storage, disposal, or combination thereof. The manifest shall be  
2 completed as required by the department. The generator shall  
3 provide the manifest to the person who will transport the hazardous  
4 waste, who is the driver, if the hazardous waste will be transported  
5 by vehicle, or the person designated by the railroad corporation  
6 or vessel operator, if the hazardous waste will be transported by  
7 rail or vessel.

8 (A) The generator shall use the standard California Uniform  
9 Hazardous Waste Manifest supplied by the department for all  
10 shipments of hazardous waste initiated on and before September  
11 4, 2006, for which a manifest is required, except as provided in  
12 paragraph (2).

13 (B) The generator shall use the Uniform Hazardous Waste  
14 Manifest printed by a source registered with the United States  
15 Environmental Protection Agency for all shipments of hazardous  
16 waste initiated on and after September 5, 2006, for which a  
17 manifest is required.

18 (C) A manifest shall only be used for the purposes specified in  
19 this chapter, including, but not limited to, identifying materials  
20 that the person completing the manifest reasonably believes are  
21 hazardous waste.

22 (D) Within 30 days from the date of transport, or submission  
23 for transport, of hazardous waste, each generator of that hazardous  
24 waste shall submit to the department a legible copy of each  
25 manifest used. The copy submitted to the department shall contain  
26 the signatures of the generator and the transporter.

27 (E) In lieu of submitting a copy of each manifest used, a  
28 generator may submit an electronic report to the department  
29 meeting the requirements of Section 25160.3.

30 (2) Except as provided in Section 25160.2 or 25160.8 or as  
31 otherwise authorized by a variance issued by the department, a  
32 person generating hazardous waste that is transported, or  
33 submitted for transportation, for offsite handling, treatment,  
34 storage, disposal, or any combination thereof, outside of the state,  
35 shall complete, whether or not the waste is determined to be  
36 hazardous by the importing country or state, a manifest in  
37 accordance with the following conditions:

38 (A) The generator shall use the standard California Uniform  
39 Hazardous Waste Manifest or the manifest required by the

1 receiving state for all shipments of hazardous waste initiated on  
2 and before September 4, 2006, for which a manifest is required.

3 (B) The generator shall use the Uniform Hazardous Waste  
4 Manifest printed by a source registered with the United States  
5 Environmental Protection Agency for all shipments of hazardous  
6 waste initiated on and after September 5, 2006, for which a  
7 manifest is required.

8 (C) The generator shall submit a copy of the manifest specified  
9 in subparagraph (A) or (B), as applicable, to the department within  
10 30 days from the date of the transport, or submission for transport,  
11 of the hazardous waste. In lieu of submitting a copy of each  
12 manifest used, a generator may submit an electronic report to the  
13 department meeting the requirements of Section 25160.3.

14 (3) Within 30 days from the date of transport, or submission  
15 for transport, of hazardous waste out of state, each generator of  
16 that hazardous waste shall submit to the department a legible copy  
17 of each manifest used. The copy submitted to the department shall  
18 contain the signatures of the generator, all transporters, excepting  
19 intermediate rail transporters, and the out-of-state facility  
20 operator. If within 35 days from the date of the initial shipment,  
21 or for exports by water to foreign countries 60 days after the initial  
22 shipment, the generator has not received a copy of the manifest  
23 signed by all transporters and the facility operator, the generator  
24 shall contact the owner or operator of the designated facility to  
25 determine the status of the hazardous waste and to request that  
26 the owner or operator immediately provide a signed copy of the  
27 manifest to the generator. Except as provided otherwise in  
28 paragraph (2) of subdivision (h) of Section 25123.3, if within 45  
29 days from the date of the initial shipment or, for exports by water  
30 to foreign countries, 90 days from the date of the initial shipment,  
31 the generator has not received a copy of the signed manifest from  
32 the facility owner or operator, the generator shall submit an  
33 exception report to the department.

34 (4) For shipments of waste that do not require a manifest  
35 pursuant to Title 40 of the Code of Federal Regulations, the  
36 department, by regulation, may establish manifest requirements  
37 that differ from the requirements of this section. The requirements  
38 for an alternative form of manifest shall ensure that the hazardous  
39 waste is transported by a registered hazardous waste transporter,

1 *that the hazardous waste is tracked, and that human health and*  
2 *safety and the environment are protected.*

3 *(5) (A) Notwithstanding any other provision of this section,*  
4 *except as provided in subparagraph (B), the generator copy of the*  
5 *manifest is not required to be submitted to the department for any*  
6 *waste transported in compliance with the consolidated manifest*  
7 *procedures in Section 25160.2 or with the procedures specified in*  
8 *Section 25160.8, or when the transporter is operating pursuant to*  
9 *a variance issued by the department pursuant to Section 25143*  
10 *authorizing the use of a consolidated manifest for waste not listed*  
11 *in Section 25160.2, if the generator, transporter, and facility are*  
12 *all identified as the same company on the hazardous waste*  
13 *manifest. If multiple identification numbers are used by a single*  
14 *company, all of the company's identification numbers shall be*  
15 *included in its annual transporter registration application, if those*  
16 *numbers will be used with the consolidated manifest procedure.*  
17 *Nothing in this paragraph affects the obligation of a facility*  
18 *operator to submit to the department a copy of a manifest pursuant*  
19 *to this section.*

20 *(B) If the waste subject to subparagraph (A) is transported out*  
21 *of state, the generator shall either ensure that the facility operator*  
22 *submits to the department a copy of the manifest or the generator*  
23 *shall submit a copy to the department that contains the signatures*  
24 *of the generator, all transporters, excepting intermediate rail*  
25 *transporters, and the out-of-state facility operator pursuant to*  
26 *paragraph (3).*

27 *(c) (1) The department shall determine the form and manner*  
28 *in which a manifest shall be completed and the information that*  
29 *the manifest shall contain. The information requested on the*  
30 *manifest shall serve as the data dictionary for purposes of the*  
31 *developing of an electronic reporting format pursuant to Section*  
32 *71062 of the Public Resources Code. The form of each manifest*  
33 *and the information requested on each manifest shall be the same*  
34 *for all hazardous wastes, regardless of whether the hazardous*  
35 *wastes are also regulated pursuant to the federal act or by*  
36 *regulations adopted by the United States Department of*  
37 *Transportation. However, the form of the manifest and the*  
38 *information required shall be consistent with federal regulations.*

1 (2) Pursuant to federal regulations, the department may require  
2 information on the manifest in addition to the information required  
3 by federal regulations.

4 (d) (1) A person who transports hazardous waste in a vehicle  
5 shall have a manifest in his or her possession while transporting  
6 the hazardous waste. The manifest shall be shown upon demand  
7 to any representative of the department, any officer of the  
8 Department of the California Highway Patrol, any local health  
9 officer, any certified unified program agency, or any local public  
10 officer designated by the director. If the hazardous waste is  
11 transported by rail or vessel, the railroad corporation or vessel  
12 operator shall comply with Subchapter C (commencing with  
13 Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code  
14 of Federal Regulations and shall also enter on the shipping papers  
15 any information concerning the hazardous waste that the  
16 department may require.

17 (2) Any person who transports a waste, as defined by Section  
18 25124, and who is provided with a manifest for that waste shall,  
19 while transporting that waste, comply with all requirements of this  
20 chapter, and the regulations adopted pursuant thereto, concerning  
21 the transportation of hazardous waste.

22 (3) A person who transports hazardous waste shall transfer a  
23 copy of the manifest to the facility operator at the time of delivery,  
24 or to the person who will subsequently transport the hazardous  
25 waste in a vehicle. A person who transports hazardous waste and  
26 then transfers custody of that hazardous waste to a person who  
27 will subsequently transport that waste by rail or vessel shall  
28 transfer a copy of the manifest to the person designated by the  
29 railroad corporation or vessel operator, as specified by Subchapter  
30 C (commencing with Section 171.1) of Chapter 1 of Subtitle B of  
31 Title 49 of the Code of Federal Regulations.

32 (4) A person transporting hazardous waste by motor vehicle,  
33 rail, or water shall certify to the department, at the time of initial  
34 registration and at the time of renewal of that registration pursuant  
35 to this article, that the transporter is familiar with the requirements  
36 of this section, the department regulations, and federal laws and  
37 regulations governing the use of manifests.

38 (e) (1) A facility operator in the state who receives hazardous  
39 waste for handling, treatment, storage, disposal, or any  
40 combination thereof, which was transported with a manifest

1 pursuant to this section, shall submit a copy of the manifest to the  
2 department within 30 days from the date of receipt of the hazardous  
3 waste. The copy submitted to the department shall contain the  
4 signatures of the generator, all transporters, excepting intermediate  
5 rail transporters, and the facility operator. In instances in which  
6 the generator or transporter is not required by the generator's  
7 state or federal law to sign the manifest, the facility operator shall  
8 require the generator and all transporters, excepting intermediate  
9 rail transporters, to sign the manifest before receiving the waste  
10 at any facility in this state. In lieu of submitting a copy of each  
11 manifest used, a facility operator may submit an electronic report  
12 to the department meeting the requirements of Section 25160.3.

13 (2) Any treatment, storage, or disposal facility receiving  
14 hazardous waste generated outside this state may only accept the  
15 hazardous waste for treatment, storage, disposal, or any  
16 combination thereof, if the hazardous waste is accompanied by a  
17 completed standard California Uniform Hazardous Waste  
18 Manifest.

19 (3) A facility operator may accept hazardous waste generated  
20 offsite that is not accompanied by a properly completed and signed  
21 standard California Uniform Hazardous Waste Manifest if the  
22 facility operator meets both of the following conditions:

23 (A) The facility operator is authorized to accept the hazardous  
24 waste pursuant to a hazardous waste facilities permit or other  
25 grant of authorization from the department.

26 (B) The facility operator is in compliance with the regulations  
27 adopted by the department specifying the conditions and  
28 procedures applicable to the receipt of hazardous waste under  
29 these circumstances.

30 (4) This subdivision applies only to shipments of hazardous  
31 waste for which a manifest is required pursuant to this section and  
32 the regulations adopted pursuant to this section.

33 (f) A generator, transporter, or facility operator may comply  
34 with the requirements of Sections 66262.40, 66263.22, 66264.71,  
35 and 66265.71 of Title 22 of the California Code of Regulations by  
36 storing manifest information electronically. A generator,  
37 transporter, or facility operator who stores manifest information  
38 electronically shall use the standardized electronic format and  
39 protocol for the exchange of electronic data established by the  
40 Secretary for Environmental Protection pursuant to Part 2

1 (commencing with Section 71050) of Division 34 of the Public  
2 Resources Code and the stored information shall include all the  
3 information required to be retained by the department, including  
4 all signatures required by this section.

5 (g) The department shall make available for review, by any  
6 interested party, the department's plans for revising and enhancing  
7 its system for tracking hazardous waste for the purposes of  
8 protecting human health and the environment, enforcing laws,  
9 collecting revenue, and generating necessary reports.

10 (h) This section shall become operative on January 1, 2014,  
11 and shall apply to the fees due for the 2014 reporting period and  
12 thereafter, including the prepayments due during the reporting  
13 period and the final reconciliation fee due and payable following  
14 the reporting period.

15 SEC. 10. Section 25174 of the Health and Safety Code is  
16 amended to read:

17 25174. (a) There is in the General Fund the Hazardous Waste  
18 Control Account, which shall be administered by the director. In  
19 addition to any other money that may be deposited in the  
20 Hazardous Waste Control Account, pursuant to statute, all of the  
21 following amounts shall be deposited in the account:

22 (1) The fees collected pursuant to Sections 25174.1, 25205.2,  
23 25205.5, 25205.14, 25205.15, and 25205.16.

24 (2) The fees collected pursuant to Section 25187.2, to the extent  
25 that those fees are for the oversight of corrective action taken under  
26 this chapter.

27 (3) Any interest earned upon the money deposited in the  
28 Hazardous Waste Control Account.

29 (4) Any money received from the federal government pursuant  
30 to the federal act.

31 (5) Any reimbursements for funds expended from the Hazardous  
32 Waste Control Account for services provided by the department  
33 pursuant to this chapter, including, but not limited to, the  
34 reimbursements required pursuant to Sections 25201.9 and 25205.7.

35 (b) The funds deposited in the Hazardous Waste Control  
36 Account may be appropriated by the Legislature, for expenditure  
37 as follows:

38 (1) To the department for the administration and implementation  
39 of this chapter.

1 (2) To the department for allocation to the State Board of  
2 Equalization to pay refunds of fees collected pursuant to Sections  
3 43051 and 43053 of the Revenue and Taxation Code and for the  
4 administration and collection of the fees imposed pursuant to  
5 Article 9.1 (commencing with Section 25205.1) that are deposited  
6 into the Hazardous Waste Control Account.

7 (3) To the department for the costs of performance or review  
8 of analyses of past, present, or potential environmental public  
9 health effects related to toxic substances, including extremely  
10 hazardous waste, as defined in Section 25115, and hazardous waste,  
11 as defined in Section 25117.

12 (4) (A) To the department for allocation to the office of the  
13 Attorney General for the support of the Toxic Substance  
14 Enforcement Program in the office of the Attorney General, in  
15 carrying out the purposes of this chapter.

16 (B) On or before October 1 of each year, the Attorney General  
17 shall report to the Legislature on the expenditure of any funds  
18 allocated to the office of the Attorney General for the preceding  
19 fiscal year pursuant to this paragraph and paragraph (14) of  
20 subdivision (b) of Section 25173.6. The report shall include all of  
21 the following:

22 (i) A description of cases resolved by the office of the Attorney  
23 General through settlement or court order, including the monetary  
24 benefit to the department and the state.

25 (ii) A description of injunctions or other court orders benefiting  
26 the people of the state.

27 (iii) A description of any cases in which the Attorney General's  
28 Toxic Substance Enforcement Program is representing the  
29 department or the state against claims by defendants or responsible  
30 parties.

31 (iv) A description of other pending litigation handled by the  
32 Attorney General's Toxic Substance Enforcement Program.

33 (C) Nothing in subparagraph (C) shall require the Attorney  
34 General to report on any confidential or investigatory matter.

35 (5) To the department for administration and implementation  
36 of Chapter 6.11 (commencing with Section 25404).

37 (c) (1) Expenditures from the Hazardous Waste Control  
38 Account for support of state agencies other than the department  
39 shall, upon appropriation by the Legislature to the department, be

1 subject to an interagency agreement or similar mechanism between  
2 the department and the state agency receiving the support.

3 (2) The department shall, at the time of the release of the annual  
4 Governor's Budget, describe the budgetary amounts proposed to  
5 be allocated to the State Board of Equalization, as specified in  
6 paragraph (2) of subdivision (b) and in paragraph (3) of subdivision  
7 (b) of Section 25173.6, for the upcoming fiscal year.

8 (3) It is the intent of the Legislature that moneys appropriated  
9 in the annual Budget Act each year for the purpose of reimbursing  
10 the State Board of Equalization, a private party, or other public  
11 agency, for the administration and collection of the fees imposed  
12 pursuant to Article 9.1 (commencing with Section 25205.1) and  
13 deposited in the Hazardous Waste Control Account, shall not  
14 exceed the costs incurred by the State Board of Equalization, the  
15 private party, or other public agency, for the administration and  
16 collection of those fees.

17 (d) With respect to expenditures for the purposes of paragraphs  
18 (1) and (3) of subdivision (b) and paragraphs (1) and (2) of  
19 subdivision (b) of Section 25173.6, the department shall, at the  
20 time of the release of the annual Governor's Budget, also make  
21 available the budgetary amounts and allocations of staff resources  
22 of the department proposed for the following activities:

23 (1) The department shall identify, by permit type, the projected  
24 allocations of budgets and staff resources for hazardous waste  
25 facilities permits, including standardized permits, closure plans,  
26 and postclosure permits.

27 (2) The department shall identify, with regard to surveillance  
28 and enforcement activities, the projected allocations of budgets  
29 and staff resources for the following types of regulated facilities  
30 and activities:

31 (A) Hazardous waste facilities operating under a permit or grant  
32 of interim status issued by the department, and generator activities  
33 conducted at those facilities. This information shall be reported  
34 by permit type.

35 (B) Transporters.

36 (C) Response to complaints.

37 (3) The department shall identify the projected allocations of  
38 budgets and staff resources for both of the following activities:

39 (A) The registration of hazardous waste transporters.

1 (B) The operation and maintenance of the hazardous waste  
2 manifest system.

3 (4) The department shall identify, with regard to site mitigation  
4 and corrective action, the projected allocations of budgets and staff  
5 resources for the oversight and implementation of the following  
6 activities:

7 (A) Investigations and removal and remedial actions at military  
8 bases.

9 (B) Voluntary investigations and removal and remedial actions.

10 (C) State match and operation and maintenance costs, by site,  
11 at joint state and federally funded National Priority List Sites.

12 (D) Investigation, removal and remedial actions, and operation  
13 and maintenance at the Stringfellow Hazardous Waste Site.

14 (E) Investigation, removal and remedial actions, and operation  
15 and maintenance at the Casmalia Hazardous Waste Site.

16 (F) Investigations and removal and remedial actions at  
17 nonmilitary, responsible party lead National Priority List Sites.

18 (G) Preremedial activities under the federal Comprehensive  
19 Environmental Response, Compensation, and Liability Act of 1980  
20 (42 U.S.C. Sec. 9601 et seq.).

21 (H) Investigations, removal and remedial actions, and operation  
22 and maintenance at state-only orphan sites.

23 (I) Investigations and removal and remedial actions at  
24 nonmilitary, non-National Priority List responsible party lead sites.

25 (J) Investigations, removal and remedial actions, and operation  
26 and maintenance at Expedited Remedial Action Program sites  
27 pursuant to former Chapter 6.85 (commencing with Section 25396).

28 (K) Corrective actions at hazardous waste facilities.

29 (5) The department shall identify, with regard to the regulation  
30 of hazardous waste, the projected allocation of budgets and staff  
31 resources for the following activities:

32 (A) Determinations pertaining to the classification of hazardous  
33 wastes.

34 (B) Determinations for variances made pursuant to Section  
35 25143.

36 (C) Other determinations and responses to public inquiries made  
37 by the department regarding the regulation of hazardous waste and  
38 hazardous substances.

39 (6) The department shall identify projected allocations of  
40 budgets and staff resources needed to do all of the following:

1 (A) Identify, remove, store, and dispose of, suspected hazardous  
2 substances or hazardous materials associated with the investigation  
3 of clandestine drug laboratories.

4 (B) Respond to emergencies pursuant to Section 25354.

5 (C) Create, support, maintain, and implement the railroad  
6 accident prevention and immediate deployment plan developed  
7 pursuant to Section 7718 of the Public Utilities Code.

8 (7) The department shall identify projected allocations of  
9 budgets and staff resources for the administration and  
10 implementation of the unified hazardous waste and hazardous  
11 materials regulatory program established pursuant to Chapter 6.11  
12 (commencing with Section 25404).

13 (8) The department shall identify the total cumulative  
14 expenditures of the Regulatory Structure Update and Site  
15 Mitigation Update projects since their inception, and shall identify  
16 the total projected allocations of budgets and staff resources that  
17 are needed to continue these projects.

18 (9) The department shall identify the total projected allocations  
19 of budgets and staff resources that are necessary for all other  
20 activities proposed to be conducted by the department.

21 (e) Notwithstanding this chapter, or Part 22 (commencing with  
22 Section 43001) of Division 2 of the Revenue and Taxation Code,  
23 for any fees, surcharges, fines, penalties, and funds that are required  
24 to be deposited into the Hazardous Waste Control Account or the  
25 Toxic Substances Control Account, the department, with the  
26 approval of the Secretary for Environmental Protection, may take  
27 any of the following actions:

28 (1) Assume responsibility for, or enter into a contract with a  
29 private party or with another public agency, other than the State  
30 Board of Equalization, for the collection of any fees, surcharges,  
31 fines, penalties and funds described in subdivision (a) or otherwise  
32 described in this chapter or Chapter 6.8 (commencing with Section  
33 25300), for deposit into the Hazardous Waste Control Account or  
34 the Toxic Substances Control Account.

35 (2) Administer, or by mutual agreement, contract with a private  
36 party or another public agency, for the making of those  
37 determinations and the performance of functions that would  
38 otherwise be the responsibility of the State Board of Equalization  
39 pursuant to this chapter, Chapter 6.8 (commencing with Section  
40 25300), or Part 22 (commencing with Section 43001) of Division

1 2 of the Revenue and Taxation Code, if those activities and  
2 functions for which the State Board of Equalization would  
3 otherwise be responsible become the responsibility of the  
4 department or, by mutual agreement, the contractor selected by  
5 the department.

6 (f) If, pursuant to subdivision (e), the department, or a private  
7 party or another public agency, pursuant to a contract with the  
8 department, performs the determinations and functions that would  
9 otherwise be the responsibility of the State Board of Equalization,  
10 the department shall be responsible for ensuring that persons who  
11 are subject to the fees specified in subdivision (e) have equivalent  
12 rights to public notice and comment, and procedural and  
13 substantive rights of appeal, as afforded by the procedures of the  
14 State Board of Equalization pursuant to Part 22 (commencing with  
15 Section 43001) of Division 2 of the Revenue and Taxation Code.  
16 Final responsibility for the administrative adjustment of fee rates  
17 and the administrative appeal of any fees or penalty assessments  
18 made pursuant to this section may only be assigned by the  
19 department to a public agency.

20 (g) If, pursuant to subdivision (e), the department, or a private  
21 party or another public agency, pursuant to a contract with the  
22 department, performs the determinations and functions that would  
23 otherwise be the responsibility of the State Board of Equalization,  
24 the department shall have equivalent authority to make collections  
25 and enforce judgments as provided to the State Board of  
26 Equalization pursuant to Part 22 (commencing with Section 43001)  
27 of Division 2 of the Revenue and Taxation Code. Unpaid amounts,  
28 including penalties and interest, shall be a perfected and  
29 enforceable state tax lien in accordance with Section 43413 of the  
30 Revenue and Taxation Code.

31 (h) The department, with the concurrence of the Secretary for  
32 Environmental Protection, shall determine which administrative  
33 functions should be retained by the State Board of Equalization,  
34 administered by the department, or assigned to another public  
35 agency or private party pursuant to subdivisions (e), (f), and (g).

36 (i) The department may adopt regulations to implement  
37 subdivisions (e) to (h), inclusive.

38 (j) The Director of Finance, upon request of the director, may  
39 make a loan from the General Fund to the Hazardous Waste  
40 Control Account to meet cash needs. The loan shall be subject to

1 the repayment provisions of Section 16351 of the Government  
2 Code and the interest provisions of Section 16314 of the  
3 Government Code.

4 (k) The department shall establish, within the Hazardous Waste  
5 Control Account, a reserve of at least one million dollars  
6 (\$1,000,000) each year to ensure that all programs funded by the  
7 Hazardous Waste Control Account will not be adversely affected  
8 by any revenue shortfalls.

9 *(l) This section shall remain in effect only until January 1, 2014,*  
10 *and as of that date is repealed, unless a later enacted statute, that*  
11 *is enacted before January 1, 2014, deletes or extends that date.*

12 *SEC. 11. Section 25174 is added to the Health and Safety Code,*  
13 *to read:*

14 *25174. (a) There is in the General Fund the Hazardous Waste*  
15 *Control Account, which shall be administered by the director. In*  
16 *addition to any other money that may be deposited in the*  
17 *Hazardous Waste Control Account, pursuant to statute, all of the*  
18 *following amounts shall be deposited in the account:*

19 *(1) The fees collected pursuant to Sections 25205.2, 25205.5,*  
20 *and 25205.14.*

21 *(2) The fees collected pursuant to Section 25187.2, to the extent*  
22 *that those fees are for the oversight of corrective action taken*  
23 *under this chapter.*

24 *(3) Any interest earned upon the money deposited in the*  
25 *Hazardous Waste Control Account.*

26 *(4) Any money received from the federal government pursuant*  
27 *to the federal act.*

28 *(5) Any reimbursements for funds expended from the Hazardous*  
29 *Waste Control Account for services provided by the department*  
30 *pursuant to this chapter, including, but not limited to, the*  
31 *reimbursements required pursuant to Sections 25201.9 and*  
32 *25205.7.*

33 *(b) The funds deposited in the Hazardous Waste Control Account*  
34 *may be appropriated by the Legislature, for expenditure as follows:*

35 *(1) To the department for the administration and implementation*  
36 *of this chapter.*

37 *(2) To the department for allocation to the State Board of*  
38 *Equalization to pay refunds of fees collected pursuant to Sections*  
39 *43051 and 43053 of the Revenue and Taxation Code and for the*  
40 *administration and collection of the fees imposed pursuant to*

1 Article 9.1 (commencing with Section 25205.1) that are deposited  
2 into the Hazardous Waste Control Account.

3 (3) To the department for the costs of performance or review  
4 of analyses of past, present, or potential environmental public  
5 health effects related to toxic substances, including extremely  
6 hazardous waste, as defined in Section 25115, and hazardous  
7 waste, as defined in Section 25117.

8 (4) (A) To the department for allocation to the office of the  
9 Attorney General for the support of the Toxic Substance  
10 Enforcement Program in the office of the Attorney General, in  
11 carrying out the purposes of this chapter.

12 (B) On or before October 1 of each year, the Attorney General  
13 shall report to the Legislature on the expenditure of any funds  
14 allocated to the office of the Attorney General for the preceding  
15 fiscal year pursuant to this paragraph and paragraph (14) of  
16 subdivision (b) of Section 25173.6. The report shall include all of  
17 the following:

18 (i) A description of cases resolved by the office of the Attorney  
19 General through settlement or court order, including the monetary  
20 benefit to the department and the state.

21 (ii) A description of injunctions or other court orders benefiting  
22 the people of the state.

23 (iii) A description of any cases in which the Attorney General's  
24 Toxic Substance Enforcement Program is representing the  
25 department or the state against claims by defendants or responsible  
26 parties.

27 (iv) A description of other pending litigation handled by the  
28 Attorney General's Toxic Substance Enforcement Program.

29 (C) Nothing in subparagraph (C) shall require the Attorney  
30 General to report on any confidential or investigatory matter.

31 (5) To the department for administration and implementation  
32 of Chapter 6.11 (commencing with Section 25404).

33 (c) (1) Expenditures from the Hazardous Waste Control Account  
34 for support of state agencies other than the department shall, upon  
35 appropriation by the Legislature to the department, be subject to  
36 an interagency agreement or similar mechanism between the  
37 department and the state agency receiving the support.

38 (2) The department shall, at the time of the release of the annual  
39 Governor's Budget, describe the budgetary amounts proposed to  
40 be allocated to the State Board of Equalization, as specified in

1 paragraph (2) of subdivision (b) and in paragraph (3) of  
2 subdivision (b) of Section 25173.6, for the upcoming fiscal year.

3 (3) It is the intent of the Legislature that moneys appropriated  
4 in the annual Budget Act each year for the purpose of reimbursing  
5 the State Board of Equalization, a private party, or other public  
6 agency, for the administration and collection of the fees imposed  
7 pursuant to Article 9.1 (commencing with Section 25205.1) and  
8 deposited in the Hazardous Waste Control Account, shall not  
9 exceed the costs incurred by the State Board of Equalization, the  
10 private party, or other public agency, for the administration and  
11 collection of those fees.

12 (d) With respect to expenditures for the purposes of paragraphs  
13 (1) and (3) of subdivision (b) and paragraphs (1) and (2) of  
14 subdivision (b) of Section 25173.6, the department shall, at the  
15 time of the release of the annual Governor's Budget, also make  
16 available the budgetary amounts and allocations of staff resources  
17 of the department proposed for the following activities:

18 (1) The department shall identify, by permit type, the projected  
19 allocations of budgets and staff resources for hazardous waste  
20 facilities permits, including standardized permits, closure plans,  
21 and postclosure permits.

22 (2) The department shall identify, with regard to surveillance  
23 and enforcement activities, the projected allocations of budgets  
24 and staff resources for the following types of regulated facilities  
25 and activities:

26 (A) Hazardous waste facilities operating under a permit or  
27 grant of interim status issued by the department, and generator  
28 activities conducted at those facilities. This information shall be  
29 reported by permit type.

30 (B) Transporters.

31 (C) Response to complaints.

32 (3) The department shall identify the projected allocations of  
33 budgets and staff resources for both of the following activities:

34 (A) The registration of hazardous waste transporters.

35 (B) The operation and maintenance of the hazardous waste  
36 manifest system.

37 (4) The department shall identify, with regard to site mitigation  
38 and corrective action, the projected allocations of budgets and  
39 staff resources for the oversight and implementation of the  
40 following activities:

- 1 (A) *Investigations and removal and remedial actions at military*  
2 *bases.*
- 3 (B) *Voluntary investigations and removal and remedial actions.*
- 4 (C) *State match and operation and maintenance costs, by site,*  
5 *at joint state and federally funded National Priority List Sites.*
- 6 (D) *Investigation, removal and remedial actions, and operation*  
7 *and maintenance at the Stringfellow Hazardous Waste Site.*
- 8 (E) *Investigation, removal and remedial actions, and operation*  
9 *and maintenance at the Casmalia Hazardous Waste Site.*
- 10 (F) *Investigations and removal and remedial actions at*  
11 *nonmilitary, responsible party lead National Priority List Sites.*
- 12 (G) *Preremedial activities under the federal Comprehensive*  
13 *Environmental Response, Compensation, and Liability Act of 1980*  
14 *(42 U.S.C. Sec. 9601 et seq.).*
- 15 (H) *Investigations, removal and remedial actions, and operation*  
16 *and maintenance at state-only orphan sites.*
- 17 (I) *Investigations and removal and remedial actions at*  
18 *nonmilitary, non-National Priority List responsible party lead*  
19 *sites.*
- 20 (J) *Investigations, removal and remedial actions, and operation*  
21 *and maintenance at Expedited Remedial Action Program sites*  
22 *pursuant to former Chapter 6.85 (commencing with Section 25396).*
- 23 (K) *Corrective actions at hazardous waste facilities.*
- 24 (5) *The department shall identify, with regard to the regulation*  
25 *of hazardous waste, the projected allocation of budgets and staff*  
26 *resources for the following activities:*
- 27 (A) *Determinations pertaining to the classification of hazardous*  
28 *wastes.*
- 29 (B) *Determinations for variances made pursuant to Section*  
30 *25143.*
- 31 (C) *Other determinations and responses to public inquiries*  
32 *made by the department regarding the regulation of hazardous*  
33 *waste and hazardous substances.*
- 34 (6) *The department shall identify projected allocations of*  
35 *budgets and staff resources needed to do all of the following:*
- 36 (A) *Identify, remove, store, and dispose of, suspected hazardous*  
37 *substances or hazardous materials associated with the investigation*  
38 *of clandestine drug laboratories.*
- 39 (B) *Respond to emergencies pursuant to Section 25354.*

1 (C) Create, support, maintain, and implement the railroad  
2 accident prevention and immediate deployment plan developed  
3 pursuant to Section 7718 of the Public Utilities Code.

4 (7) The department shall identify projected allocations of  
5 budgets and staff resources for the administration and  
6 implementation of the unified hazardous waste and hazardous  
7 materials regulatory program established pursuant to Chapter  
8 6.11 (commencing with Section 25404).

9 (8) The department shall identify the total cumulative  
10 expenditures of the Regulatory Structure Update and Site  
11 Mitigation Update projects since their inception, and shall identify  
12 the total projected allocations of budgets and staff resources that  
13 are needed to continue these projects.

14 (9) The department shall identify the total projected allocations  
15 of budgets and staff resources that are necessary for all other  
16 activities proposed to be conducted by the department.

17 (e) Notwithstanding this chapter, or Part 22 (commencing with  
18 Section 43001) of Division 2 of the Revenue and Taxation Code,  
19 for any fees, surcharges, fines, penalties, and funds that are  
20 required to be deposited into the Hazardous Waste Control Account  
21 or the Toxic Substances Control Account, the department, with  
22 the approval of the Secretary for Environmental Protection, may  
23 take any of the following actions:

24 (1) Assume responsibility for, or enter into a contract with a  
25 private party or with another public agency, other than the State  
26 Board of Equalization, for the collection of any fees, surcharges,  
27 fines, penalties and funds described in subdivision (a) or otherwise  
28 described in this chapter or Chapter 6.8 (commencing with Section  
29 25300), for deposit into the Hazardous Waste Control Account or  
30 the Toxic Substances Control Account.

31 (2) Administer, or by mutual agreement, contract with a private  
32 party or another public agency, for the making of those  
33 determinations and the performance of functions that would  
34 otherwise be the responsibility of the State Board of Equalization  
35 pursuant to this chapter, Chapter 6.8 (commencing with Section  
36 25300), or Part 22 (commencing with Section 43001) of Division  
37 2 of the Revenue and Taxation Code, if those activities and  
38 functions for which the State Board of Equalization would  
39 otherwise be responsible become the responsibility of the

1 department or, by mutual agreement, the contractor selected by  
2 the department.

3 (f) If, pursuant to subdivision (e), the department, or a private  
4 party or another public agency, pursuant to a contract with the  
5 department, performs the determinations and functions that would  
6 otherwise be the responsibility of the State Board of Equalization,  
7 the department shall be responsible for ensuring that persons who  
8 are subject to the fees specified in subdivision (e) have equivalent  
9 rights to public notice and comment, and procedural and  
10 substantive rights of appeal, as afforded by the procedures of the  
11 State Board of Equalization pursuant to Part 22 (commencing  
12 with Section 43001) of Division 2 of the Revenue and Taxation  
13 Code. Final responsibility for the administrative adjustment of fee  
14 rates and the administrative appeal of any fees or penalty  
15 assessments made pursuant to this section may only be assigned  
16 by the department to a public agency.

17 (g) If, pursuant to subdivision (e), the department, or a private  
18 party or another public agency, pursuant to a contract with the  
19 department, performs the determinations and functions that would  
20 otherwise be the responsibility of the State Board of Equalization,  
21 the department shall have equivalent authority to make collections  
22 and enforce judgments as provided to the State Board of  
23 Equalization pursuant to Part 22 (commencing with Section 43001)  
24 of Division 2 of the Revenue and Taxation Code. Unpaid amounts,  
25 including penalties and interest, shall be a perfected and  
26 enforceable state tax lien in accordance with Section 43413 of the  
27 Revenue and Taxation Code.

28 (h) The department, with the concurrence of the Secretary for  
29 Environmental Protection, shall determine which administrative  
30 functions should be retained by the State Board of Equalization,  
31 administered by the department, or assigned to another public  
32 agency or private party pursuant to subdivisions (e), (f), and (g).

33 (i) The department may adopt regulations to implement  
34 subdivisions (e) to (h), inclusive.

35 (j) The Director of Finance, upon request of the director, may  
36 make a loan from the General Fund to the Hazardous Waste  
37 Control Account to meet cash needs. The loan shall be subject to  
38 the repayment provisions of Section 16351 of the Government  
39 Code and the interest provisions of Section 16314 of the  
40 Government Code.

1 (k) The department shall establish, within the Hazardous Waste  
2 Control Account, a reserve of at least one million dollars  
3 (\$1,000,000) each year to ensure that all programs funded by the  
4 Hazardous Waste Control Account will not be adversely affected  
5 by any revenue shortfalls.

6 (l) This section shall become operative on January 1, 2014.

7 SEC. 12. Section 25174.1 of the Health and Safety Code is  
8 amended to read:

9 25174.1. (a) ~~Each~~A person who disposes of hazardous waste  
10 in this state shall pay a fee for the disposal of hazardous waste to  
11 land, based on the type of waste placed in a disposal site, in  
12 accordance with this section and Section 25174.6.

13 (b) “Disposal fee” means the fee imposed by this section.

14 (c) For purposes of this section, “dispose” and “disposal” include  
15 “disposal,” as defined in Section 25113, including, but not limited  
16 to, “land treatment,” as defined in subdivision (n) of Section  
17 25205.1.

18 (d) ~~Each~~An operator of an authorized hazardous waste facility,  
19 at which hazardous wastes are disposed, shall collect a fee from  
20 any person submitting hazardous waste for disposal and shall  
21 transmit the fees to the State Board of Equalization for the disposal  
22 of those wastes. The operator shall be considered the taxpayer for  
23 purposes of Section 43151 of the Revenue and Taxation Code.  
24 The facility operator is not required to collect and transmit the fee  
25 for a hazardous waste if the operator maintains written evidence  
26 that the hazardous waste is eligible for the exemption provided by  
27 Section 25174.7 or otherwise exempted from the fees pursuant to  
28 this chapter. The written evidence may be provided by the operator  
29 or by the person submitting the hazardous waste for disposal, and  
30 shall be maintained by the operator at the facility for a minimum  
31 of three years from the date that the waste is submitted for disposal.  
32 If the operator submits the hazardous waste for disposal, the  
33 operator shall pay the same fee as would any other person.

34 (e) Notwithstanding subdivision (d), the disposal facility shall  
35 not be liable for the underpayment of any disposal fees for  
36 hazardous waste submitted for disposal by a person other than the  
37 operator, if the person submitting the hazardous waste to the  
38 disposal facility has done either of the following:

39 (1) Mischaracterized the hazardous waste.

1 (2) Misrepresented any exemptions pursuant to Section 25174.7  
2 or any other exemption from the disposal fee provided pursuant  
3 to this chapter.

4 (f) (1) Any additional payment of disposal fees that are due to  
5 the State Board of Equalization as a result of a mischaracterization  
6 of a hazardous waste, a misrepresentation of an exemption, or any  
7 other error, shall be the responsibility of the person making the  
8 mischaracterization, misrepresentation, or error.

9 (2) In the event of a dispute regarding the responsibility for a  
10 mischaracterization, misrepresentation, or other error, for which  
11 additional payment of disposal fees are due, the State Board of  
12 Equalization shall assign responsibility for payment of the fee to  
13 that person, or those persons, it determines responsible for the  
14 mischaracterization, misrepresentation, or other error, provided  
15 that the person, or persons, has the right to a public hearing and  
16 comment, and the procedural and substantive rights of appeal  
17 pursuant to Part 22 (commencing with Section 43001) of Division  
18 2 of the Revenue and Taxation Code.

19 (3) Any generator, transporter, or owner or operator of a disposal  
20 facility shall report to the department and the State Board of  
21 Equalization any information regarding ~~any such~~ *the*  
22 mischaracterization, misrepresentation, or error, which could affect  
23 the disposal fee, within 30 days of that information first becoming  
24 known to that person.

25 (g) The State Board of Equalization shall deposit the fees  
26 collected pursuant to this section in the Hazardous Waste Control  
27 Account, for expenditure by the department, upon appropriation  
28 by the Legislature.

29 (h) The operator of the facility that disposes of the hazardous  
30 waste to land shall provide to every person who submits hazardous  
31 waste for disposal at the facility a statement showing the amount  
32 of hazardous waste fees payable pursuant to this section.

33 (i) Any person who disposes of hazardous waste at any site that  
34 is not an authorized hazardous waste facility shall be responsible  
35 for payment of fees pursuant to this section and shall be the  
36 taxpayer for purposes of Section 43151 of the Revenue and  
37 Taxation Code.

38 ~~(j) Any administrative savings that are derived by the state as~~  
39 ~~a result of changes made to this section during the 1995-96 Regular~~

1 Session of the Legislature shall be made available to the department  
2 and reflected in the annual Budget Act.

3 (j) *This section applies only to fees due for the 2013 and earlier*  
4 *reporting periods.*

5 (k) *This section shall remain in effect only until January 1, 2014,*  
6 *and as of that date is repealed, unless a later enacted statute, that*  
7 *is enacted before January 1, 2014, deletes or extends that date.*

8 *SEC. 13. Section 25174.2 of the Health and Safety Code is*  
9 *amended to read:*

10 25174.2. (a) The base rate for the hazardous wastes specified  
11 in Section 25174.6 ~~which~~ *that* are disposed of or submitted for  
12 disposal in the state is eighty-five dollars and twenty-four cents  
13 (\$85.24) per ton for disposal of hazardous waste to land.

14 (b) The base rate specified in subdivision (a) is the base rate for  
15 the period of January 1, 1997, to December 31, 1997. Beginning  
16 with calendar year 1998, and for each year thereafter, the State  
17 Board of Equalization shall adjust the base rate annually to reflect  
18 increases or decreases in the cost of living during the prior fiscal  
19 year, as measured by the Consumer Price Index issued by the  
20 Department of Industrial Relations or a successor agency.

21 ~~(c) This section shall become operative on January 1, 2001.~~

22 (c) *This section applies only to fees due for the 2013 and earlier*  
23 *reporting periods.*

24 (d) *This section shall remain in effect only until January 1, 2014,*  
25 *and as of that date is repealed, unless a later enacted statute, that*  
26 *is enacted before January 1, 2014, deletes or extends that date.*

27 *SEC. 14. Section 25174.6 of the Health and Safety Code is*  
28 *amended to read:*

29 25174.6. (a) The fee provided pursuant to Section 25174.1  
30 shall be determined as a percentage of the base rate, as adjusted  
31 by the State Board of Equalization, pursuant to Section 25174.2,  
32 or as otherwise provided by this section. The procedure for  
33 determining these fees is as follows:

34 (1) The following fees shall be paid for each ton, or fraction  
35 thereof of a ton for up to the first 5,000 tons of the following  
36 hazardous wastes disposed of, or submitted for disposal, in the  
37 state at each specific offsite facility by each producer, or at each  
38 specific onsite facility, per month, if the hazardous wastes are not  
39 otherwise subject to the fee specified in paragraph (3) or (4) and

1 are not otherwise exempt from the fees imposed pursuant to this  
2 article:

3 (A) For non-RCRA hazardous waste, excluding asbestos,  
4 generated in a remedial action, a removal action, or a corrective  
5 action taken pursuant to this chapter, Chapter 6.7 (commencing  
6 with Section 25280), Chapter 6.75 (commencing with Section  
7 25299.10), or Chapter 6.8 (commencing with Section 25300), or  
8 generated in any other required or voluntary cleanup, removal, or  
9 remediation of a hazardous substance or non-RCRA hazardous  
10 waste, a fee of five dollars and seventy-two cents (\$5.72) per ton.

11 (B) For all other non-RCRA hazardous waste, a fee of 16.31  
12 percent of the base rate for each ton.

13 (2) Thirteen percent of the base rate for each ton, or fraction  
14 thereof of a ton, shall be paid for up to the first 5,000 tons of  
15 hazardous waste disposed of, or submitted for disposal, in the state,  
16 at each specific offsite facility by each producer, or at each specific  
17 onsite facility, per month, which result from the extraction,  
18 beneficiation, and processing of ores and minerals, including  
19 phosphate rock and the overburden from the mining of uranium  
20 ore and ~~which~~ that is not otherwise subject to the fee specified in  
21 paragraph (3) or (4).

22 (3) Two hundred percent of the base rate shall be paid for each  
23 ton, or fraction thereof of a ton, of extremely hazardous waste  
24 disposed of, or submitted for disposal, in the state.

25 (4) Two hundred percent of the base rate shall be paid for each  
26 ton, or fraction thereof of a ton, of restricted hazardous wastes  
27 listed in subdivision (b) of Section 25122.7 disposed of, or  
28 submitted for disposal, in the state.

29 (5) Forty and four-tenths percent of the base rate shall be paid  
30 for each ton, or fraction thereof, of hazardous waste disposed of,  
31 or submitted for disposal, in the ~~state,~~ ~~which~~ state that is not  
32 otherwise subject to the fees specified in paragraph (1), (2), (3),  
33 (4), or (6).

34 (6) Five percent of the base rate shall be paid for each ton, or  
35 fraction thereof of a ton, of hazardous waste disposed of, or  
36 submitted for disposal, in the ~~state,~~ state that is a solid hazardous  
37 waste residue resulting from incineration or dechlorination. ~~No~~  
38 fees Fees shall not be imposed pursuant to this paragraph on a  
39 solid hazardous waste residue resulting from incineration or

1 dechlorination ~~which~~ *that* is disposed of, or submitted for disposal,  
2 outside of the state.

3 (7) Fifty percent of the fee that would otherwise be paid for  
4 each ton, or fraction ~~thereof~~ *of a ton*, of hazardous waste disposed  
5 of in the ~~state~~, *state* that is a solid hazardous waste residue resulting  
6 from treatment of a treatable waste by means of a designated  
7 treatment technology, as defined in Section 25179.2. ~~No fees~~ *Fees*  
8 shall *not* be imposed pursuant to this paragraph on a solid  
9 hazardous waste residue resulting from treatment of a treatable  
10 waste by means of a designated treatment technology that is not  
11 a hazardous waste or ~~which~~ *that* is disposed of, or submitted for  
12 disposal, outside of the state.

13 (b) The amount of fees payable to the State Board of  
14 Equalization pursuant to this section shall be calculated using the  
15 total wet weight, measured in tons or fractions ~~thereof~~ *of a ton*, of  
16 the hazardous waste in the form in which the hazardous waste  
17 existed at the time of disposal, submission for disposal, or  
18 application to land using a land disposal method, as defined in  
19 Section 66260.10 of Title 22 of the California Code of Regulations,  
20 if all of the following apply:

21 (1) The weight of any nonhazardous reagents or treatment  
22 additives added to the waste, after it has been submitted for  
23 disposal, for purposes of rendering the waste less hazardous, shall  
24 not be included in those calculations.

25 (2) Except as provided by paragraph (7) of subdivision (a), any  
26 RCRA hazardous waste received, treated, and disposed at the  
27 disposal facility shall be subject to a disposal fee pursuant to this  
28 section as if it were a non-RCRA hazardous waste, if the waste,  
29 due to treatment, is no longer a RCRA hazardous waste at the time  
30 of disposal.

31 (c) All fees imposed by this section shall be paid in accordance  
32 with Part 22 (commencing with Section 43001) of Division 2 of  
33 the Revenue and Taxation Code.

34 ~~(d) This section shall become operative on January 1, 2001.~~

35 *(d) This section applies only to fees due for the 2013 and earlier*  
36 *reporting periods.*

37 *(e) This section shall remain in effect only until January 1, 2014,*  
38 *and as of that date is repealed, unless a later enacted statute, that*  
39 *is enacted before January 1, 2014, deletes or extends that date.*

1     *SEC. 15. Section 25174.7 of the Health and Safety Code is*  
2 *amended to read:*

3     25174.7. (a) The fees provided for in Sections 25174.1 and  
4 25205.5 do not apply to any of the following:

5     (1) Hazardous wastes ~~which~~ *that* result when a government  
6 agency, or its contractor, removes or remedies a release of  
7 hazardous waste in the state caused by another person.

8     (2) Hazardous wastes generated or disposed of by a public  
9 agency operating a household hazardous waste collection facility  
10 in the state pursuant to Article 10.8 (commencing with Section  
11 25218), including, but not limited to, hazardous waste received  
12 from conditionally exempt small quantity commercial generators,  
13 authorized pursuant to Section 25218.3.

14     (3) Hazardous wastes generated or disposed of by local vector  
15 control agencies ~~which~~ *that* have entered into a cooperative  
16 agreement pursuant to Section 116180 or by county agricultural  
17 commissioners, if the hazardous wastes result from their control  
18 or regulatory activities and if they comply with the requirements  
19 of this chapter and regulations adopted pursuant ~~thereto~~ *this*  
20 *chapter*.

21     (4) Hazardous waste disposed of, or submitted for disposal or  
22 treatment, by any person, which is discovered and separated from  
23 solid waste as part of a load checking program.

24     (b) Notwithstanding paragraph (1) of subdivision (a), any person  
25 responsible for a release of hazardous waste, ~~which~~ *that* has been  
26 removed or remedied by a government agency, or its contractor,  
27 shall pay the fee pursuant to Section 25174.1.

28     (c) Any person who acquires land for the sole purpose of  
29 owner-occupied single-family residential use, and who acquires  
30 that land without actual or constructive notice or knowledge that  
31 there is a tank containing hazardous waste on or under that  
32 property, is exempt from the fees imposed pursuant to Sections  
33 ~~25174.1, 25205.5, and 25345~~ *25174.1 and 25205.5*, in connection  
34 with the removal of the tank.

35     (d) *This section applies only to fees due for the 2013 and earlier*  
36 *reporting periods.*

37     (e) *This section shall remain in effect only until January 1, 2014,*  
38 *and as of that date is repealed, unless a later enacted statute, that*  
39 *is enacted before January 1, 2014, deletes or extends that date.*

1     *SEC. 16. Section 25174.11 of the Health and Safety Code is*  
2     *repealed.*

3     ~~25174.11. Section 25174.1 does not apply to the previous~~  
4     ~~disposal of mining waste that is subsequently classified as~~  
5     ~~nonhazardous pursuant to the department's California Assessment~~  
6     ~~Manual criteria regulations set forth in Article 2 (commencing~~  
7     ~~with Section 66300) of Chapter 30 of Division 4 of Title 22 of the~~  
8     ~~California Administrative Code, which became effective October~~  
9     ~~27, 1984, and disposal fees shall not be assessed pursuant to~~  
10    ~~Section 25174.1 for that waste if the waste previously disposed of~~  
11    ~~is not significantly different from the waste classified as~~  
12    ~~nonhazardous.~~

13    *SEC. 17. Section 25175 of the Health and Safety Code is*  
14    *amended to read:*

15    25175. (a) (1) The department shall prepare and adopt, by  
16    regulation, a list, and on or before January 1, 2002, and when  
17    appropriate thereafter, shall revise, by regulation, that list, of  
18    specified hazardous wastes that the department finds are  
19    economically and technologically feasible to recycle either onsite  
20    or at an offsite commercial hazardous waste recycling facility in  
21    the state, taking into consideration various factors that shall include,  
22    but are not limited to, the quantities of, concentrations of, and  
23    potential contaminants in, these hazardous wastes, the number and  
24    location of recycling facilities, and the proximity of these facilities  
25    to hazardous waste generators.

26    (2) Whenever any hazardous waste on the list adopted or revised  
27    pursuant to paragraph (1) is transported offsite for disposal, the  
28    department may request, in writing, by certified mail with return  
29    receipt requested, and the generator of that waste shall supply the  
30    department with, a formal, complete, and detailed statement  
31    justifying why the waste was not ~~recycled~~, *recycled*. *The generator*  
32    *shall supply the statement* in writing, by certified mail with return  
33    receipt requested, within 30 calendar days of receipt of the  
34    department's request. This statement shall include the generator's  
35    assessment of the economic and technological feasibility of  
36    recycling the wastes and may include, ~~but is not required~~ *need not*  
37    to be limited to, the generator's good faith determination that  
38    sending the hazardous waste to any recycling facility where it is  
39    feasible to recycle that hazardous waste would constitute an  
40    unacceptable environmental or business risk. This determination

1 by the generator shall be based upon an environmental audit or  
2 other reasonably diligent investigation of the environmental and  
3 other relevant business practices of the recycling facility or  
4 facilities where it would otherwise be feasible to recycle the waste.  
5 If the request is made of any entity listed in Section 25118 other  
6 than an individual, the statement shall be issued by the responsible  
7 management of that entity. The department shall keep confidential  
8 any trade secrets contained in that statement.

9 (3) On or before January 1, 2002, the department shall establish  
10 a procedure for the department to independently verify whether  
11 any hazardous waste identified in the list adopted pursuant to  
12 paragraph (1) is disposed of, rather than recycled. The department  
13 shall, on or before January 1, 2002, prepare and adopt those  
14 regulations that the department finds necessary to ensure that it  
15 can fully perform its duties pursuant to subdivisions (k) and (l) of  
16 Section 25170 to encourage the exchange of hazardous waste and  
17 to establish and maintain an information clearinghouse of  
18 hazardous wastes that may be recyclable.

19 (4) On or before July 1, 2000, the department shall establish an  
20 advisory committee to advise the department on the development  
21 of the regulations required or authorized by this section and on the  
22 department's implementation of this section. The advisory  
23 committee shall consist of representatives of generators, hazardous  
24 waste facility operators, environmental organizations, the  
25 Legislature, and other interested parties.

26 (5) In determining to which generators the department will send  
27 the request specified in paragraph (2), the department shall give  
28 priority to notifying generators transporting offsite for disposal  
29 more than 1000 pounds per year of the type of hazardous waste  
30 that would be the subject of the request, to the extent this  
31 prioritization is feasible within the information management  
32 capabilities of the department.

33 (b) (1) If, after the department receives a statement from a  
34 generator pursuant to paragraph (2) of subdivision (a), the  
35 department finds the recycling of a hazardous waste to be  
36 economically and technologically feasible, the department shall  
37 inform the generator, in writing, by certified mail, return receipt  
38 requested, that 30 days after the date the generator receives notice  
39 of the department's finding, any of the generators' hazardous waste  
40 transported offsite to which the department's finding applies shall,

1 after that date, be recycled. The department may establish  
2 procedures for rescinding or modifying any finding made by the  
3 department pursuant to this paragraph if there is a pertinent change  
4 in circumstances related to that finding.

5 (2) Notwithstanding paragraph (1), the department shall not  
6 find the recycling of a hazardous waste to be economically and  
7 technologically feasible if a generator includes a good faith  
8 determination in the statement submitted pursuant to paragraph  
9 (2) of subdivision (a) that sending its hazardous waste to any  
10 recycling facility where it is otherwise feasible to recycle the  
11 hazardous waste constitutes an unacceptable environmental or  
12 business risk.

13 (c) A generator who does not recycle a hazardous waste after  
14 the generator receives a notice of the departments' findings  
15 pursuant to subdivision (b) that the hazardous waste is  
16 economically and technologically feasible to recycle is subject to  
17 five times the disposal fee that would otherwise apply to the  
18 disposal of that hazardous waste pursuant to Section 25174.1.

19 (d) For purposes of this section, "recycle" and "recycling" shall  
20 have the same meaning as set forth in subdivision (a) of Section  
21 25121.1.

22 (e) *This section applies only to fees due for the 2013 and earlier*  
23 *reporting periods.*

24 (f) *This section shall remain in effect only until January 1, 2014,*  
25 *and as of that date is repealed, unless a later enacted statute, that*  
26 *is enacted before January 1, 2014, deletes or extends that date.*

27 *SEC. 18. Section 25175 is added to the Health and Safety Code,*  
28 *to read:*

29 25175. (a) (1) *The department shall prepare and adopt, by*  
30 *regulation, a list, and when appropriate, shall revise, by regulation,*  
31 *that list, of specified hazardous wastes that the department finds*  
32 *are economically and technologically feasible to recycle either*  
33 *onsite or at an offsite commercial hazardous waste recycling*  
34 *facility in the state, taking into consideration various factors that*  
35 *shall include, but are not limited to, the quantities of,*  
36 *concentrations of, and potential contaminants in, these hazardous*  
37 *wastes, the number and location of recycling facilities, and the*  
38 *proximity of these facilities to hazardous waste generators.*

39 (2) *Whenever any hazardous waste on the list adopted or revised*  
40 *pursuant to paragraph (1) is transported offsite for disposal, the*

1 department may request, in writing, by certified mail with return  
2 receipt requested, and the generator of that waste shall supply the  
3 department with a formal, complete, and detailed statement  
4 justifying why the waste was not recycled. The generator shall  
5 supply the statement in writing, by certified mail with return receipt  
6 requested, within 30 calendar days of receipt of the department's  
7 request. This statement shall include the generator's assessment  
8 of the economic and technological feasibility of recycling the  
9 wastes and may include, but need not to be limited to, the  
10 generator's good faith determination that sending the hazardous  
11 waste to any recycling facility where it is feasible to recycle that  
12 hazardous waste would constitute an unacceptable environmental  
13 or business risk. This determination by the generator shall be  
14 based upon an environmental audit or other reasonably diligent  
15 investigation of the environmental and other relevant business  
16 practices of the recycling facility or facilities where it would  
17 otherwise be feasible to recycle the waste. If the request is made  
18 of any entity listed in Section 25118 other than an individual, the  
19 statement shall be issued by the responsible management of that  
20 entity. The department shall keep confidential any trade secrets  
21 contained in that statement.

22 (3) The department shall establish a procedure for the  
23 department to independently verify whether any hazardous waste  
24 identified in the list adopted pursuant to paragraph (1) is disposed  
25 of, rather than recycled. The department shall prepare and adopt  
26 those regulations that the department finds necessary to ensure  
27 that it can fully perform its duties pursuant to subdivisions (k) and  
28 (l) of Section 25170 to encourage the exchange of hazardous waste  
29 and to establish and maintain an information clearinghouse of  
30 hazardous wastes that may be recyclable.

31 (4) The department shall establish an advisory committee to  
32 advise the department on the development of the regulations  
33 required or authorized by this section and on the department's  
34 implementation of this section. The advisory committee shall  
35 consist of representatives of generators, hazardous waste facility  
36 operators, environmental organizations, the Legislature, and other  
37 interested parties.

38 (5) In determining to which generators the department will send  
39 the request specified in paragraph (2), the department shall give  
40 priority to notifying generators transporting offsite for disposal

1 more than 1000 pounds per year of the type of hazardous waste  
2 that would be the subject of the request, to the extent this  
3 prioritization is feasible within the information management  
4 capabilities of the department.

5 (b) (1) If, after the department receives a statement from a  
6 generator pursuant to paragraph (2) of subdivision (a), the  
7 department finds the recycling of a hazardous waste to be  
8 economically and technologically feasible, the department shall  
9 inform the generator, in writing, by certified mail, return receipt  
10 requested, that 30 days after the date the generator receives notice  
11 of the department's finding, any of the generators' hazardous  
12 waste transported offsite to which the department's finding applies  
13 shall, after that date, be recycled. The department may establish  
14 procedures for rescinding or modifying any finding made by the  
15 department pursuant to this paragraph if there is a pertinent  
16 change in circumstances related to that finding.

17 (2) Notwithstanding paragraph (1), the department shall not  
18 find the recycling of a hazardous waste to be economically and  
19 technologically feasible if a generator includes a good faith  
20 determination in the statement submitted pursuant to paragraph  
21 (2) of subdivision (a) that sending its hazardous waste to any  
22 recycling facility where it is otherwise feasible to recycle the  
23 hazardous waste constitutes an unacceptable environmental or  
24 business risk.

25 (c) A generator who does not recycle a hazardous waste after  
26 the generator receives a notice of the departments' findings  
27 pursuant to subdivision (b) that the hazardous waste is  
28 economically and technologically feasible to recycle is subject to  
29 five times the generation and handling fee that would otherwise  
30 apply to of that hazardous waste pursuant to Section 25205.5.

31 (d) For purposes of this section, "recycle" and "recycling"  
32 shall have the same meaning as set forth in subdivision (a) of  
33 Section 25121.1.

34 (e) This section shall become operative on January 1, 2014,  
35 and shall apply to the fees due for the 2014 reporting period and  
36 thereafter, including the prepayments due following the reporting  
37 period and the final reconciliation fee due and payable following  
38 the reporting period.

39 SEC. 19. Section 25178.1 of the Health and Safety Code is  
40 amended to read:

1 25178.1. (a) The State Board of Equalization shall provide  
2 quarterly reports to the Legislature on the fees collected pursuant  
3 to Sections ~~25174.1~~, 25205.2; and 25205.5. The reports shall be  
4 due on the 15th day of the second month following each quarter.

5 (b) *The report submitted pursuant to this subdivision shall be*  
6 *submitted in compliance with Section 9795 of the Government*  
7 *Code.*

8 *SEC. 20. Section 25189.3 of the Health and Safety Code is*  
9 *amended to read:*

10 25189.3. (a) For purposes of this section, the term “permit”  
11 means a hazardous waste facilities permit, interim status  
12 authorization, or standardized permit.

13 (b) The department shall suspend the permit of any facility for  
14 nonpayment of any facility fee assessed pursuant to Section  
15 25205.2 or activity fee assessed pursuant to ~~subdivision (d) of~~  
16 Section 25205.7, if the operator of the facility is subject to the fee,  
17 and if *the department or* the State Board of Equalization has  
18 certified in writing to all of the following:

19 (1) The facility’s operator is delinquent in the payment of the  
20 fee for one or more reporting periods.

21 (2) *The department or the* State Board of Equalization has  
22 notified the facility’s operator of the delinquency.

23 (3) ~~The~~ *For a facility operator that exercised the option to pay*  
24 *the flat activity fee rate under subdivision (d) of Section 25205.7*  
25 *as that section read on January 1, 2013, the operator has exhausted*  
26 ~~the~~ *his or her* administrative rights of appeal provided by Chapter  
27 3 (commencing with Section 43151) of Part 22 of Division 2 of  
28 the Revenue and Taxation Code, and the State Board of  
29 Equalization has determined that the operator is liable for the fee,  
30 or that the operator has failed to assert those rights.

31 (c) (1) The department shall suspend the permit of any facility  
32 for nonpayment of a penalty assessed upon the owner or operator  
33 for failure to comply with this chapter or the regulations adopted  
34 pursuant to this chapter, if the penalty has been imposed by a trial  
35 court judge or by an administrative hearing ~~officer~~, *officer* if the  
36 person has agreed to pay the penalty pursuant to a written  
37 agreement resolving a lawsuit or an administrative ~~order~~, *order* or  
38 if the penalty has become final due to the person’s failure to  
39 respond to the lawsuit or order.

1 (2) The department may suspend a permit pursuant to this  
2 subdivision only if the owner or operator is delinquent in the  
3 payment of the penalty and the department has notified the owner  
4 or operator of the delinquency pursuant to subdivision (d).

5 (d) Before suspending a permit pursuant to this section, the  
6 department shall notify the owner or operator of its intent to do  
7 so, and shall allow the owner or operator a minimum of 30 days  
8 in which to cure the delinquency.

9 (e) The department may deny a new permit or refuse to renew  
10 a permit on the same grounds for which the department is required  
11 to suspend a permit under this section, subject to the same  
12 requirements and conditions.

13 (f) (1) The department shall reinstate a permit that is suspended  
14 pursuant to this section upon payment of the amount ~~due~~, *due* if  
15 the permit has not otherwise been revoked or suspended pursuant  
16 to any other provision of this chapter or regulation. Until the  
17 department reinstates a permit suspended pursuant to this section,  
18 if the facility stores, treats, disposes of, or recycles hazardous  
19 wastes, the facility shall be in violation of this chapter. If the  
20 operator of the facility subsequently pays the amount due, the  
21 period of time for which the operator shall have been in violation  
22 of this chapter shall be from the date of the activity that is in  
23 violation until the day after the owner or operator submits the  
24 payment to the department.

25 (2) Except as otherwise provided in this section, the department  
26 is not required to take any other statutory or regulatory procedures  
27 governing the suspension of the permit before suspending a permit  
28 in compliance with the procedures of this section.

29 (g) (1) A suspension under this section shall be stayed while  
30 an authorized appeal of the fee or penalty is pending before a court  
31 or an administrative agency.

32 (2) For purposes of this subdivision, “an authorized appeal”  
33 means any appeal allowed pursuant to an applicable regulation or  
34 statute.

35 (h) The department may suspend a permit under this section  
36 based on a failure to pay the required fee or penalty that  
37 commenced prior to January 1, 2002, if the failure to pay has been  
38 ongoing for at least 30 days following that date.

39 (i) Notwithstanding Section 43651 of the Revenue and Taxation  
40 Code, the suspension of a permit pursuant to this section, the reason

1 for the suspension, and any documentation supporting the  
2 suspension, shall be a matter of public record.

3 (j) (1) This section does not authorize the department to suspend  
4 a permit held by a government agency if the agency does not  
5 dispute the payment but nonetheless is unable to process the  
6 payment in a timely manner.

7 (2) This section does not apply to a site owned or operated by  
8 a federal agency if the department has entered into an agreement  
9 with that federal agency regarding the remediation of that site.

10 (k) This section does not limit or supersede Section 25186.

11 *SEC. 21. Section 25205.2 of the Health and Safety Code is*  
12 *amended to read:*

13 25205.2. (a) Except as provided in subdivisions (c) and (h),  
14 in addition to the fees specified in Section 25174.1, each operator  
15 of a facility shall pay a facility fee for each reporting period, or  
16 any portion thereof, to the board based on the size and type of the  
17 facility, as specified in Section 25205.4. On or before January 31  
18 of each calendar year, the department annually shall notify the  
19 board of all known facility operators by facility type and size. The  
20 department shall also notify the board of any operator who is issued  
21 a permit or grant of interim status within 30 days from the date  
22 that a permit or grant of interim status is issued to the operator.  
23 The fee specified in this section does not apply to facilities  
24 exempted pursuant to Section 25205.12.

25 (b) The board shall deposit all fees collected pursuant to  
26 subdivision (a) in the Hazardous Waste Control Account in the  
27 General Fund. The fees so deposited may be expended by the  
28 department, upon appropriation by the Legislature, for the purposes  
29 specified in subdivision (b) of Section 25174.

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

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

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

1 (2) The operator shall pay the applicable facility fee for one  
2 additional reporting period immediately following the final  
3 reporting period in which the facility actually engaged in that  
4 treatment or storage. For the 1994 reporting period and thereafter,  
5 the facility's size for that additional reporting period shall be  
6 deemed to be the largest size at which the facility has ever been  
7 subject to the fee. If the department previously approved a unit or  
8 portion of the facility for a variance, closure, or permit-by-rule,  
9 the facility's size for that reporting period shall be deemed to be  
10 its largest size since the department granted the approval.

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

15 (4) For the 1994 reporting period and thereafter, a facility shall  
16 not be deemed to have stopped treating, storing, or disposing of  
17 hazardous waste unless it has actually ceased that activity and has  
18 notified the department of its intent to close.

19 (5) If the reporting period which immediately followed the final  
20 reporting period in which a facility actually engaged in the  
21 treatment, storage, or disposal of the hazardous waste was the  
22 six-month period from July 1, 1991, through December 31, 1991,  
23 the operator shall be subject to twice the fee otherwise applicable  
24 to that operator for that reporting period under paragraphs (2) and  
25 (3).

26 (e) No facility shall be subject to a facility fee for treatment,  
27 storage, or disposal, if that activity ceased before July 1, 1986, and  
28 if the fee for the activity was not paid prior to January 1, 1994.

29 (f) Notwithstanding any other provision of this section, a person  
30 who ceased actual treatment, storage, or disposal of hazardous  
31 waste, whether generated onsite or received from offsite, before  
32 July 1, 1986, and who paid facility fees for any reporting period  
33 after that date pursuant to a decision of the State Board of  
34 Equalization, and who filed a claim for refund of those fees on or  
35 before January 1, 1994, shall be entitled to a refund of those  
36 amounts.

37 (g) Facility operators who treated, stored, or disposed of  
38 hazardous waste on or after July 1, 1986, shall be subject to the  
39 provisions of this section which were in effect prior to January 1,  
40 1994, as to payments which their operators made prior to January

1 1, 1994. The operators shall be subject to subdivision (d) as to any  
2 other liability for the facility fee.

3 (h) A treatment facility is not subject to the facility fee  
4 established pursuant to this section, if the facility engages in  
5 treatment exclusively to accomplish a removal or remedial action  
6 or a corrective action in accordance with an order issued by the  
7 Environmental Protection Agency pursuant to the federal act or  
8 in accordance with an order issued by the department pursuant to  
9 Section 25187, if the facility was put in operation solely for  
10 purposes of complying with that order. The department shall  
11 instead assess a fee for that facility for the actual time spent by the  
12 department for the inspection and oversight of that facility. The  
13 department shall base the fee on the department's work standards  
14 and shall assess the fee on an hourly basis.

15 (i) Notwithstanding subdivision (a), a facility operating pursuant  
16 to a standardized permit or grant of interim status, as specified in  
17 Section 25201.6, shall receive a credit for the annual facility fee  
18 imposed by this section for a period of time equal to the number  
19 of years that the facility lawfully operated prior to September 21,  
20 1993, pursuant to a hazardous waste facilities permit or other grant  
21 of authorization and paid facility fees for the operation of the  
22 facility pursuant to this section.

23 (j) *This section applies only to fees due for the 2013 and earlier*  
24 *reporting periods, including the prepayments due during each*  
25 *reporting period and the final reconciliation fee due and payable*  
26 *by February 28 of the year following each reporting period.*

27 (k) *This section shall remain in effect only until January 1, 2014,*  
28 *and as of that date is repealed, unless a later enacted statute, that*  
29 *is enacted before January 1, 2014, deletes or extends that date.*

30 SEC. 22. *Section 25205.2 is added to the Health and Safety*  
31 *Code, to read:*

32 25205.2. (a) *Except as provided in subdivisions (c) and (e),*  
33 *each operator of a facility shall pay a facility fee for each reporting*  
34 *period, or any portion of the reporting period, to the board based*  
35 *on the size and type of the facility, as specified in Section 25205.4.*  
36 *On or before January 31 of each calendar year, the department*  
37 *annually shall notify the board of all known facility operators by*  
38 *facility type and size. The department shall also notify the board*  
39 *of any operator who is issued a permit or grant of interim status*  
40 *within 30 days from the date that a permit or grant of interim status*

1 *is issued to the operator. The fee specified in this section does not*  
2 *apply to facilities exempted pursuant to Section 25205.12.*

3 *(b) The board shall deposit all fees collected pursuant to*  
4 *subdivision (a) in the Hazardous Waste Control Account in the*  
5 *General Fund. The fees so deposited may be expended by the*  
6 *department, upon appropriation by the Legislature, for the*  
7 *purposes specified in subdivision (b) of Section 25174.*

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

13 *(d) Operators subject to facility fee liability pursuant to this*  
14 *section shall pay the following amounts:*

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

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

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

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

36 *(e) A treatment facility is not subject to the facility fee*  
37 *established pursuant to this section if the facility engages in*  
38 *treatment exclusively to accomplish a removal or remedial action*  
39 *or a corrective action in accordance with an order issued by the*  
40 *United States Environmental Protection Agency pursuant to the*

1 *federal act or in accordance with an order issued by the*  
2 *department pursuant to Section 25187, or if the removal or*  
3 *remedial action is carried out pursuant to a removal action work*  
4 *plan or a remedial action plan prepared pursuant to Section*  
5 *25356.1 and that treatment facility is authorized to operate*  
6 *pursuant to Section 25358.9, if the facility was put in operation*  
7 *solely for purposes of complying with that order. The department*  
8 *shall instead assess a fee for that facility for the actual time spent*  
9 *by the department for the inspection and oversight of that facility.*  
10 *The department shall base the fee on the department's work*  
11 *standards and shall assess the fee on an hourly basis.*

12 *(f) This section shall become operative on January 1, 2014 and*  
13 *shall apply to the annual facility fees due for the 2014 reporting*  
14 *period and thereafter, including the prepayments due during the*  
15 *reporting period and the final reconciliation fee due and payable*  
16 *by February 28 of the year following the reporting period.*

17 *SEC. 23. Section 25205.3 of the Health and Safety Code is*  
18 *amended to read:*

19 25205.3. The following facilities are exempt from the fees  
20 imposed by this article:

21 (a) Any household hazardous waste collection facility operated  
22 pursuant to Article 10.8 (commencing with Section 25218).

23 (b) Any facility operated by a local government agency, or by  
24 any person operating a hazardous waste collection program under  
25 an agreement with a public agency, which is used for wastes which  
26 meet the requirements of paragraph (3) of subdivision (a) of Section  
27 25174.7.

28 (c) That portion of a solid waste facility permitted pursuant to  
29 Chapter 3 (commencing with Section 44001) of Part 4 of Division  
30 30 of the Public Resources Code, which is used for the segregation,  
31 handling, and storage of hazardous waste separated from solid  
32 waste loads received by the facility, pursuant to a load checking  
33 program.

34 (d) A facility used solely for the treatment, storage, disposal,  
35 or recycling of hazardous waste which results when a public agency  
36 or its contractor investigates, removes, or remedies a release of  
37 hazardous waste caused by another person.

38 (e) (1) For purposes of fees assessed in any reporting period  
39 beginning July 1, 1990, or subsequently, a facility which has been

1 issued a permit for the purpose of storing hazardous waste onsite,  
2 and whose permit has expired, if all of the following has occurred:

3 (A) The facility has received no waste from offsite since the  
4 permit expired.

5 (B) The owner or operator gave the department timely  
6 notification of intent to close the facility, pursuant to regulations  
7 adopted by the department.

8 (C) At least 90 days have elapsed since the owner or operator  
9 gave the department that notification.

10 (D) The department did not complete its review of the closure  
11 plan within 90 days of receiving the notification.

12 (2) This exclusion shall take effect the reporting period  
13 following the reporting period in which the facility first satisfied  
14 the requirements of paragraph (1) and did not accumulate waste  
15 onsite for more than 90 consecutive days.

16 (f) *This section applies only to fees due for the 2013 and earlier*  
17 *reporting periods.*

18 (g) *This section shall remain in effect only until January 1, 2014,*  
19 *and as of that date is repealed, unless a later enacted statute, that*  
20 *is enacted before January 1, 2014, deletes or extends that date.*

21 *SEC. 24. Section 25205.3 is added to the Health and Safety*  
22 *Code, to read:*

23 *25205.3. The following facilities are exempt from the fees*  
24 *imposed by this article:*

25 (a) *Any household hazardous waste collection facility operated*  
26 *pursuant to Article 10.8 (commencing with Section 25218).*

27 (b) *Any facility operated by a local government agency or by*  
28 *any person operating a hazardous waste collection program under*  
29 *an agreement with a public agency that is used for wastes that*  
30 *meet the requirements of paragraph (3) of subdivision (a) of*  
31 *Section 25205.5.2.*

32 (c) *That portion of a solid waste facility permitted pursuant to*  
33 *Chapter 3 (commencing with Section 44001) of Part 4 of Division*  
34 *30 of the Public Resources Code, which is used for the segregation,*  
35 *handling, and storage of hazardous waste separated from solid*  
36 *waste loads received by the facility, pursuant to a load checking*  
37 *program.*

38 (d) *A facility used solely for the treatment, storage, disposal,*  
39 *or recycling of hazardous waste that results when a public agency*

1 *or its contractor investigates, removes, or remedies a release of*  
2 *hazardous waste caused by another person.*

3 *(e) (1) A facility that has been issued a permit for the purpose*  
4 *of storing hazardous waste onsite and whose permit has expired,*  
5 *if all of the following has occurred:*

6 *(A) The facility has received no waste from offsite since the*  
7 *permit expired.*

8 *(B) The owner or operator gave the department timely*  
9 *notification of intent to close the facility, pursuant to regulations*  
10 *adopted by the department.*

11 *(C) At least 90 days have elapsed since the owner or operator*  
12 *gave the department that notification.*

13 *(D) The department did not complete its review of the closure*  
14 *plan within 90 days of receiving the notification.*

15 *(2) This exclusion shall take effect the reporting period following*  
16 *the reporting period in which the facility first satisfied the*  
17 *requirements of paragraph (1) and did not accumulate waste onsite*  
18 *for more than 90 consecutive days.*

19 *(f) This section shall become operative on January 1, 2014, and*  
20 *shall apply to the fees due for the 2014 reporting period and*  
21 *thereafter. This includes the prepayments due during the reporting*  
22 *period and the final reconciliation fee due and payable following*  
23 *the reporting period.*

24 *SEC. 25. Section 25205.4 of the Health and Safety Code is*  
25 *amended to read:*

26 *25205.4. (a) The base rate for the ~~1997 2013~~ reporting period*  
27 *for the facility fee imposed by Section 25205.2 is ~~nineteen thousand~~*  
28 *~~seven hundred sixty-one dollars (\$19,761)~~ thirty thousand five*  
29 *dollars (\$30,005). Commencing with the ~~1998 2014~~ reporting*  
30 *period, and for each reporting period thereafter, the board shall*  
31 *adjust the base rate annually to reflect increases or decreases in*  
32 *the cost of living during the prior fiscal year, as measured by the*  
33 *Consumer Price Index issued by the Department of Industrial*  
34 *Relations or by a successor agency.*

35 *(b) The determination of the facility fee pursuant to this section,*  
36 *including the redetermination of the base rate, is exempt from*  
37 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*  
38 *3 of Title 2 of the Government Code.*

1 (c) Except as provided in subdivision (e), in computing the  
2 facility fees *pursuant to this section*, all of the following shall  
3 apply:

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

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

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

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

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

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

16 (7) The fee to be paid by a large offsite treatment facility shall  
17 be as follows: *three times the base facility rate.*

18 ~~(A) The annual facility fees for 1998, 1999, and 2000 shall equal~~  
19 ~~2.25 times the base facility rate.~~

20 ~~(B) Beginning with the annual facility fee for 2001, the annual~~  
21 ~~facility fee shall equal three times the base facility rate.~~

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

24 (9) (A) The fee to be paid by a facility with a postclosure permit  
25 shall be five thousand seven hundred twenty-five dollars (\$5,725)  
26 annually for a small facility, eleven thousand four hundred fifty  
27 dollars (\$11,450) annually for a medium facility, and seventeen  
28 thousand one hundred seventy-five dollars (\$17,175) for a large  
29 facility during the first five years of the postclosure period. The  
30 fee to be paid by a facility with a postclosure permit during the  
31 remaining years of the postclosure care period shall be three  
32 thousand fifty dollars (\$3,050) annually for a small facility, six  
33 thousand one hundred dollars (\$6,100) annually for a medium  
34 facility, and ten thousand three hundred dollars (\$10,300) annually  
35 for a large facility.

36 (B) The fees required by subparagraph (A) shall be reduced by  
37 50 percent for any facility for which an agency, other than the  
38 department, is the lead agency pursuant to paragraph (1) of  
39 subdivision (b) of Section 25204.6.

1 (d) If a facility falls into more than one category listed in either  
2 subdivision (c) or (e), or any combination thereof, or multiple  
3 operations under a single hazardous waste facilities permit or grant  
4 of interim status fall into more than one category listed in  
5 subdivision (c) or (e), or any combination thereof, the facility  
6 operator shall pay only the rate for the facility category which is  
7 the highest rate.

8 (e) Notwithstanding subdivision (c), the facility fee for a facility  
9 that has been issued a standardized permit shall be as follows:

10 (1) The fee to be paid for a facility that has been issued a Series  
11 A standardized permit shall be eleven thousand seven hundred  
12 thirty dollars (\$11,730).

13 (2) The fee to be paid for a facility that has been issued a Series  
14 B standardized permit shall be five thousand four hundred  
15 ninety-seven dollars (\$5,497).

16 (3) Except as specified in paragraph (4), the fee to be paid for  
17 a facility that has been issued a Series C standardized permit shall  
18 be four thousand six hundred seventeen dollars (\$4,617).

19 (4) The fee for a facility that has been issued a Series C  
20 standardized permit is two thousand three hundred eight dollars  
21 (\$2,308) if the facility meets all of the following conditions:

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

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

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

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

34 *SEC. 26. Section 25205.5 of the Health and Safety Code is*  
35 *amended to read:*

36 25205.5. (a) In addition to the fee imposed pursuant to Section  
37 25174.1, every generator of hazardous waste, in the amounts  
38 specified in subdivision (c), shall pay the board a generator fee for  
39 each generator site for each calendar year, or portion thereof, unless  
40 the generator has paid a facility fee or received a credit, as specified

1 in Section 25205.2, for each specific site, for the calendar year for  
2 which the generator fee is due.

3 (b) The base fee rate for the fee imposed pursuant to subdivision  
4 (a) is two thousand seven hundred forty-eight dollars (\$2,748).

5 (c) (1) Each generator who generates an amount equal to, or  
6 more than, five tons, but less than 25 tons, of hazardous waste  
7 during the prior calendar year shall pay 5 percent of the base rate.

8 (2) Each generator who generates an amount equal to, or more  
9 than, 25 tons, but less than 50 tons, of hazardous waste during the  
10 prior calendar year shall pay 40 percent of the base rate.

11 (3) Each generator who generates an amount equal to, or more  
12 than, 50 tons, but less than 250 tons, of hazardous waste during  
13 the prior calendar year shall pay the base rate.

14 (4) Each generator who generates an amount equal to, or more  
15 than, 250 tons, but less than 500 tons, of hazardous waste during  
16 the prior calendar year shall pay five times the base rate.

17 (5) Each generator who generates an amount equal to, or more  
18 than, 500 tons, but less than 1,000 tons, of hazardous waste during  
19 the prior calendar year shall pay 10 times the base rate.

20 (6) Each generator who generates an amount equal to, or more  
21 than, 1,000 tons, but less than 2,000 tons, of hazardous waste  
22 during the prior calendar year shall pay 15 times the base rate.

23 (7) Each generator who generates an amount equal to, or more  
24 than, 2,000 tons of hazardous waste during the prior calendar year  
25 shall pay 20 times the base rate.

26 (d) The base rate established pursuant to subdivision (b) was  
27 the base rate for the 1997 calendar year and the board shall adjust  
28 the base rate annually to reflect increases or decreases in the cost  
29 of living, during the prior fiscal year, as measured by the Consumer  
30 Price Index issued by the Department of Industrial Relations or  
31 by a successor agency.

32 (e) The establishment of the annual operating fee pursuant to  
33 this section is exempt from Chapter 3.5 (commencing with Section  
34 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

35 (f) The following materials are not hazardous wastes for  
36 purposes of this section:

37 (1) Hazardous materials which are recycled, and used onsite,  
38 and are not transferred offsite.

39 (2) Aqueous waste treated in a treatment unit operating, or which  
40 subsequently operates, pursuant to a permit-by-rule, or pursuant

1 to Section 25200.3 or 25201.5. However, hazardous waste  
2 generated by a treatment unit treating waste pursuant to a  
3 permit-by-rule, by a unit which subsequently obtains a  
4 permit-by-rule, or other authorization pursuant to Section 25200.3  
5 or 25201.5 is hazardous waste for purposes of this section.

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

9 (h) (1) A generator who pays a hazardous waste generator  
10 inspection fee to a certified unified program agency, which is  
11 imposed as part of a single fee system and fee accountability  
12 program that are both in compliance with the requirements of  
13 Section 25404.5, shall be eligible for a refund of all, or part of, the  
14 generator fee paid pursuant to subdivision (a) if both of the  
15 following conditions apply:

16 (A) The generator received a credit pursuant to Section 43152.7  
17 or 43152.11 of the Revenue and Taxation Code for fees paid for  
18 hazardous waste generated in 1996.

19 (B) The department certifies, pursuant to subdivision (b) of  
20 Section 25205.9, that funds are available to pay all or part of the  
21 refund.

22 (2) A generator who is eligible for a refund pursuant to  
23 paragraph (1) shall submit an application for that refund to the  
24 board by September 30 following the fiscal year during which the  
25 generator paid the generator fee pursuant to subdivision (a). An  
26 application for a refund postmarked after September 30 is void,  
27 shall not be processed by the board, and shall be returned to the  
28 applicant.

29 (i) (1) A generator who transfers hazardous materials to an  
30 offsite facility for recycling at that offsite facility or another offsite  
31 facility shall be eligible for a refund of all, or part of, the generator  
32 fee paid pursuant to subdivision (a) if all of the following  
33 conditions apply:

34 (A) The offsite facility to which the hazardous materials are  
35 manifested pays a facility fee pursuant to Section 25205.2.

36 (B) The amount of hazardous materials transferred to the offsite  
37 facility and recycled there, when deducted from the total tonnage  
38 of hazardous waste generated at the generator's site, results in the  
39 generator becoming eligible for a generator fee that is lower than  
40 the fee paid pursuant to subdivision (a).

1 (C) The hazardous materials transferred to the offsite facility  
2 are not burned in a boiler, industrial furnace, or an incinerator, as  
3 those terms are defined in Section 260.10 of Title 40 of the Code  
4 of Federal Regulations, used in a manner constituting disposal, or  
5 used to produce products that are applied to land.

6 (D) The department certifies, pursuant to subdivision (b) of  
7 Section 25205.9, that funds are available to pay all or part of the  
8 refund.

9 (2) A generator who is eligible for a refund pursuant to  
10 paragraph (1) shall submit an application for that refund to the  
11 board by September 30 following the fiscal year during which the  
12 generator paid the generator fee pursuant to subdivision (a). An  
13 application for a refund postmarked after September 30 is void,  
14 shall not be processed by the board, and shall be returned to the  
15 applicant.

16 (j) (1) The amendment of this section made by Chapter 1125  
17 of the Statutes of 1991 does not constitute a change in, but is  
18 declaratory of, existing law.

19 (2) The amendment of subdivision (a) of this section made by  
20 Chapter 259 of the Statutes of 1996 does not constitute a change  
21 in, but is declaratory of, existing law.

22 (k) *This section applies only to fees due for the 2013 and earlier*  
23 *reporting periods, including the prepayments due during each*  
24 *reporting period and the final reconciliation fee due and payable*  
25 *by February 28 of the year following each reporting period.*

26 (l) *This section shall remain in effect only until January 1, 2014,*  
27 *and as of that date is repealed, unless a later enacted statute, that*  
28 *is enacted before January 1, 2014, deletes or extends that date.*

29 SEC. 27. Section 25205.5 is added to the Health and Safety  
30 Code, to read:

31 25205.5. (a) (1) *Except as otherwise provided in this section,*  
32 *each generator, as defined in subdivision (e) of Section 25205.1,*  
33 *of hazardous waste that generates an amount equal to, or greater*  
34 *than, five tons of hazardous waste shall pay the board for each*  
35 *generator site for each calendar year, or portion of the calendar*  
36 *year, a generation and handling fee of thirty-one dollars and*  
37 *fifty-two cents (\$31.52) per ton of hazardous waste generated.*

38 (2) *A generator that is issued a hazardous waste facilities permit*  
39 *from the department and that pays an annual facility fee, as*  
40 *specified in Section 25205.2, may deduct, from the amount of*

1 hazardous waste otherwise subject to this subdivision that is  
2 generated per calendar year, the amount of hazardous waste that  
3 is solely stored, bulked, or transferred through the location of the  
4 permitted hazardous waste facility and that is in route to another  
5 facility that is authorized to do any of the following:

6 (A) Manage the hazardous waste for reclamation and recovery,  
7 including fuel blending prior to energy recovery at another site.

8 (B) Manage the hazardous waste through destruction methods  
9 or treatment prior to disposal at another site.

10 (C) Manage the hazardous waste by any form of treatment.

11 (D) Dispose of the hazardous waste.

12 (b) Generators of more than five tons of hazardous waste in the  
13 prior calendar year are subject to the prepayment due during each  
14 reporting period and the final reconciliation fee due and payable  
15 by February 28 of the year following each reporting period.

16 (c) Notwithstanding subdivision (a), a generator of used oil  
17 shall pay a generation and handling fee of twenty-seven dollars  
18 and eighty-six cents (\$27.86) per ton of used oil generated.

19 (d) The base rates established pursuant to subdivisions (a)  
20 and (c) are the rates for the 2014 reporting period and the board  
21 shall adjust the base rates annually to reflect increases or  
22 decreases in the cost of living, during the prior fiscal year, as  
23 measured by the Consumer Price Index issued by the Department  
24 of Industrial Relations or by a successor agency.

25 (e) The following materials are not hazardous wastes for  
26 purposes of this section:

27 (1) Hazardous materials that are recycled and used onsite, and  
28 that are not transferred offsite.

29 (2) Aqueous waste treated in a treatment unit operating, or  
30 which subsequently operates, pursuant to a permit-by-rule, or  
31 pursuant to Section 25200.3 or 25201.5. However, hazardous  
32 waste generated by a treatment unit treating waste pursuant to a  
33 permit-by-rule, by a unit that subsequently obtains a  
34 permit-by-rule, or by other authorization pursuant to Section  
35 25200.3 or 25201.5 is hazardous waste for purposes of this section.

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

39 (g) This section shall become operative on January 1, 2014,  
40 and shall apply to the annual generation and handling fees due

1 *for the 2014 reporting period and thereafter. This includes the*  
2 *prepayments due during the reporting period and the final*  
3 *reconciliation fee due and payable by February 28 of the year*  
4 *following the reporting period.*

5 *SEC. 28. Section 25205.5.1 of the Health and Safety Code is*  
6 *amended to read:*

7 25205.5.1. Notwithstanding Sections 25174.1 and 25205.5,  
8 the department may adopt regulations exempting victims of  
9 disasters from the hazardous waste disposal fee imposed pursuant  
10 to Section 25174.1 and the generator fee imposed pursuant to  
11 Section 25205.5. The regulations may allow that exemption if all  
12 of the following apply:

13 (a) The hazardous waste is generated in a geographical area  
14 identified in a state of emergency proclamation by the Governor  
15 pursuant to Section 8625 of the Government Code because of fire,  
16 flood, storm, earthquake, riot, or civil unrest.

17 (b) The hazardous waste is generated when property owned or  
18 controlled by the victim is damaged or destroyed as a result of the  
19 disaster.

20 (c) The hazardous waste is not hazardous waste that is routinely  
21 produced as part of a manufacturing or commercial business or  
22 that is managed by a hazardous waste facility or a facility operated  
23 by a generator of hazardous waste who files a hazardous waste  
24 notification statement with the department pursuant to subdivision  
25 (a) of Section 25158.

26 (d) The victim meets any other condition or limitation on  
27 eligibility specified by the department.

28 (e) *This section shall remain in effect only until January 1, 2014,*  
29 *and as of that date is repealed, unless a later enacted statute, that*  
30 *is enacted before January 1, 2014, deletes or extends that date.*

31 *SEC. 29. Section 25205.5.1 is added to the Health and Safety*  
32 *Code, to read:*

33 25205.5.1. Notwithstanding Section 25205.5, the department  
34 may adopt regulations exempting victims of disasters from the  
35 generation and handling fee imposed pursuant to Section 25205.5.  
36 The regulations may allow that exemption if all of the following  
37 apply:

38 (a) The hazardous waste is generated in a geographical area  
39 identified in a state of emergency proclamation by the Governor

1 pursuant to Section 8625 of the Government Code because of fire,  
2 flood, storm, earthquake, riot, or civil unrest.

3 (b) The hazardous waste is generated when property owned or  
4 controlled by the victim is damaged or destroyed as a result of the  
5 disaster.

6 (c) The hazardous waste is not hazardous waste that is routinely  
7 produced as part of a manufacturing or commercial business or  
8 that is managed by a hazardous waste facility or a facility operated  
9 by a generator of hazardous waste who files a hazardous waste  
10 notification statement with the department pursuant to subdivision  
11 (a) of Section 25158.

12 (d) The victim meets any other condition or limitation on  
13 eligibility specified by the department.

14 (e) This section shall become operative on January 1, 2014,  
15 and shall apply to the fees due for the 2014 reporting period and  
16 thereafter, including the prepayments due following the reporting  
17 period and the final reconciliation fee due and payable following  
18 the reporting period.

19 SEC. 30. Section 25205.5.2 is added to the Health and Safety  
20 Code, to read:

21 25205.5.2. (a) The fees provided for in Section 25205.5 do  
22 not apply to any of the following:

23 (1) Hazardous wastes that result when a government agency,  
24 or its contractor, removes or remedies a release of hazardous  
25 waste in the state caused by another person.

26 (2) Hazardous waste generated or disposed of by a public  
27 agency operating a household hazardous waste collection facility  
28 in the state pursuant to Article 10.8 (commencing with Section  
29 25218), including, but not limited to, hazardous waste received  
30 from conditionally exempt small quantity commercial generators,  
31 authorized pursuant to Section 25218.3.

32 (3) Hazardous waste generated by a local vector control agency  
33 that has entered into a cooperative agreement pursuant to Section  
34 116180 or by a county agricultural commissioner, if the hazardous  
35 wastes result from the agency's or commissioner's control or  
36 regulatory activities and if the agency or commissioner complies  
37 with the requirements of this chapter and regulations adopted  
38 pursuant to this chapter.

1 (4) Hazardous waste generated by any person, which is  
2 discovered and separated from solid waste as part of a load  
3 checking program.

4 (5) Hazardous waste used oil generated by a used oil collection  
5 center certified by the Department of Resources Recycling and  
6 Recovery pursuant to Section 48660 of the Public Resources Code  
7 for the collection of used oil from the public.

8 (b) Notwithstanding paragraph (1) of subdivision (a), any person  
9 responsible for a release of hazardous waste, which has been  
10 removed or remedied by a government agency, or its contractor,  
11 shall pay the fee pursuant to Section 25205.5.

12 (c) Any person who acquires land for the sole purpose of  
13 owner-occupied single-family residential use, and who acquires  
14 that land without actual or constructive notice or knowledge that  
15 there is a tank containing hazardous waste on or under that  
16 property, is exempt from the fees imposed pursuant to Section  
17 25205.5 in connection with the removal of the tank.

18 (d) This section shall become operative on January 1, 2014,  
19 and shall apply to the fees due for the 2014 reporting period and  
20 thereafter, including the prepayments due during the reporting  
21 period and the final reconciliation fee due and payable following  
22 the reporting period.

23 SEC. 31. Section 25205.7 of the Health and Safety Code is  
24 amended to read:

25 25205.7. (a) (1) ~~Except as otherwise provided in this section,~~  
26 ~~any~~ A person who applies for, or requests, ~~one~~ any of the following  
27 shall enter into a written agreement with the department pursuant  
28 to which that person shall reimburse the department, pursuant to  
29 Article 9.2 (commencing with Section 25206.1), for the costs  
30 incurred by the department in processing the application or  
31 responding to the request, *including the costs of reviewing and*  
32 *overseeing corrective action as set forth in subdivision (b):*

33 (A) A new hazardous waste facilities permit, including a  
34 standardized permit.

35 (B) A hazardous waste facilities permit for postclosure.

36 (C) A renewal of an existing hazardous waste facilities permit,  
37 including a standardized permit or postclosure permit.

38 (D) A class 2 or class 3 modification of an existing hazardous  
39 waste facilities permit or grant of interim status, including a

1 standardized permit or grant of interim status or a postclosure  
2 permit.

3 (E) A variance.

4 (F) A waste classification determination.

5 (2) Any agreement required pursuant to paragraph (1) ~~may shall~~  
6 provide for ~~some, or all,~~ *at least 25 percent* of the reimbursement  
7 to be made in advance of the processing of the application or the  
8 response to the request.

9 (3) Any agreement entered into pursuant to this ~~subdivision~~  
10 ~~may section shall, if applicable,~~ include costs of reviewing and  
11 overseeing corrective action as set forth in subdivision (b).

12 ~~(4) This subdivision does not apply to any application or request~~  
13 ~~submitted to the department prior to July 1, 1998. Any person who~~  
14 ~~submitted such an application or request shall pay the applicable~~  
15 ~~fee, if not already paid, for the application or request as required~~  
16 ~~by this chapter as it read prior to January 1, 1998, unless the~~  
17 ~~department and the applicant or requester mutually agree to enter~~  
18 ~~into a reimbursement agreement in lieu of any unpaid portion of~~  
19 ~~the required fee.~~

20 (b) ~~The department shall recover all~~ *An applicant pursuant to*  
21 *paragraph (1) of subdivision (a) shall pay the department's costs*  
22 *in reviewing and overseeing any corrective action program*  
23 *described in the application for a standardized permit pursuant to*  
24 *subparagraph (C) of paragraph (2) of subdivision (c) of Section*  
25 *25201.6 or required pursuant to subdivision (b) of Section*  
26 *25200.10, and in reviewing and overseeing any corrective action*  
27 *work undertaken at the facility pursuant to that corrective action*  
28 *program.*

29 (c) (1) *An applicant pursuant to paragraph (1) of subdivision*  
30 *(a) shall, pursuant to Section 21089 of the Public Resources Code,*  
31 *pay all costs incurred by the department for purposes of complying*  
32 *with the California Environmental Quality Act (Division 13*  
33 *(commencing with Section 21000) of the Public Resources Code)*  
34 *in conjunction with an application or request, including any*  
35 *activities associated with corrective action for any of the activities*  
36 *identified in subdivision (a).*

37 (2) *Paragraph (1) does not apply to projects that are exempt*  
38 *from the California Environmental Quality Act (Division 13*  
39 *(commencing with Section 21000) of the Public Resources Code).*

40 (e)

1 (d) Any reimbursements received pursuant to this section shall  
2 be placed in the Hazardous Waste Control Account for  
3 appropriation in accordance with Section 25174.

4 ~~(d) (1) In lieu of entering into a reimbursement agreement with  
5 the department pursuant to subdivision (a), any person who applies  
6 for a new permit, a permit for postclosure, a renewal of an existing  
7 permit, or a class 2 or class 3 permit modification may instead  
8 elect to pay a fee as follows:~~

9 ~~(A) A person submitting a hazardous waste facilities permit  
10 application for a land disposal facility shall pay one hundred four  
11 thousand one hundred eighty-seven dollars (\$104,187) for a small  
12 facility, two hundred twenty-two thousand one hundred  
13 eighty-three dollars (\$222,183) for a medium facility, and three  
14 hundred eighty-one thousand six hundred two dollars (\$381,602)  
15 for a large facility.~~

16 ~~(B) A person submitting a hazardous waste facilities permit  
17 application for any incinerator shall pay sixty-two thousand seven  
18 hundred sixty-two dollars (\$62,762) for a small facility, one  
19 hundred thirty-three thousand sixty dollars (\$133,060) for a  
20 medium facility, and two hundred twenty-eight thousand four  
21 hundred fifty-eight dollars (\$228,458) for a large facility.~~

22 ~~(C) Except as provided in subparagraph (D), a person submitting  
23 a hazardous waste facility permit application for a storage facility,  
24 a treatment facility, or a storage and treatment facility shall pay  
25 twenty-one thousand three hundred forty dollars (\$21,340) for a  
26 small facility, thirty-eight thousand nine hundred thirteen dollars  
27 (\$38,913) for a medium facility, and seventy-five thousand three  
28 hundred seventeen dollars (\$75,317) for a large facility.~~

29 ~~(D) A person submitting an application for a standardized permit  
30 for a storage facility, a treatment facility, or a storage and treatment  
31 facility, as specified in Section 25201.6, shall pay thirty-two  
32 thousand fifty-two dollars (\$32,052) for a Series A standardized  
33 permit, twenty thousand eleven dollars (\$20,011) for a Series B  
34 standardized permit, and five thousand three hundred thirty-two  
35 dollars (\$5,332) for a Series C standardized permit. The board  
36 shall assess the fees specified in this subparagraph, in accordance  
37 with paragraph (2), based upon the classifications specified in  
38 subdivision (a) of Section 25201.6.~~

39 ~~(E) (i) A person submitting a hazardous waste facilities permit  
40 application for a transportable treatment unit shall pay sixteen~~

1 thousand three hundred twenty dollars (\$16,320) for a small unit,  
2 thirty-seven thousand six hundred fifty-seven dollars (\$37,657)  
3 for a medium unit, and seventy-five thousand three hundred  
4 seventeen dollars (\$75,317) for a large unit.

5 (ii) Notwithstanding clause (i), the fee for any application for  
6 a new permit, permit modification, or permit renewal for a  
7 transportable treatment unit, that was pending before the  
8 department as of January 1, 1996, shall be determined according  
9 to the type of permit authorizing operation of that unit, as provided  
10 by subdivision (d) of Section 25200.2 or the regulations adopted  
11 pursuant to subdivision (a) of Section 25200.2. Any standardized  
12 permit issued to the operator of a transportable treatment unit after  
13 January 1, 1996, that succeeds a full hazardous waste facilities  
14 permit issued by the department prior to January 1, 1996, in  
15 accordance with subdivision (d) of Section 25200.2 or the  
16 regulations adopted pursuant to subdivision (a) of Section 25200.2,  
17 shall not be considered to be a new hazardous waste facilities  
18 permit.

19 (F) A person submitting a hazardous waste facilities permit  
20 application for a postclosure permit shall pay a fee of ten thousand  
21 forty dollars (\$10,040) for a small facility, twenty-two thousand  
22 five hundred ninety-six dollars (\$22,596) for a medium facility,  
23 and thirty-seven thousand six hundred fifty-seven dollars (\$37,657)  
24 for a large facility.

25 (G) A person submitting an application for one or more class 2  
26 permit modifications, including a class 2 modification to a  
27 standardized permit, shall pay a fee equal to 20 percent of the fee  
28 for a new permit for that facility for each unit directly impacted  
29 by the modifications, up to a maximum of 40 percent for each  
30 application, except that each person who applies for one or more  
31 class 2 permit modifications for a land disposal facility or an  
32 incinerator shall pay a fee equal to 15 percent of the fee for a new  
33 permit for that facility for each unit directly impacted by the  
34 modifications, up to a maximum of 30 percent for each application.

35 (H) A person submitting an application for one or more class 3  
36 permit modifications, including a class 3 modification to a  
37 standardized permit, shall pay a fee equal to 40 percent of the fee  
38 for a new permit for that facility for each unit directly impacted  
39 by the modifications, up to a maximum of 80 percent for each  
40 application, except that a person who applies for one or more class

1 3-permit modifications for a land disposal facility or an incinerator  
2 shall pay a fee equal to 30 percent of the fee for a new permit for  
3 that facility for each unit directly impacted by the modifications;  
4 up to a maximum of 60 percent for each application.

5 (I) A person who submits an application for renewal of any  
6 existing permit shall pay an amount equal to the fee that would  
7 have been assessed had the person requested the same changes in  
8 a modification application, but not less than one-half the fee  
9 required for a new permit.

10 (J) A person who submits a single application for a facility that  
11 falls within more than one fee category shall pay only the higher  
12 fee.

13 (2) The fees required by paragraph (1) shall be assessed by the  
14 board upon application to the department. For a facility operating  
15 pursuant to a grant of interim status, the submittal of the application  
16 shall be the submittal of the Part B application in accordance with  
17 regulations adopted by the department. The fee shall be  
18 nonrefundable, even if the application is withdrawn or denied. The  
19 department shall provide the board with any information that is  
20 necessary to assess fees pursuant to this section. The fee shall be  
21 collected in accordance with Part 22 (commencing with Section  
22 43001) of Division 2 of the Revenue and Taxation Code, and  
23 deposited into the Hazardous Waste Control Account.

24 (3) The amounts stated in this subdivision are the base rates for  
25 the 1997 calendar year. Thereafter, the fees shall be adjusted  
26 annually by the board to reflect increases or decreases in the cost  
27 of living, during the prior fiscal year, as measured by the Consumer  
28 Price Index issued by the Department of Industrial Relations, or  
29 a successor agency.

30 (4) Except as provided in paragraph (5), for purposes of this  
31 section, and notwithstanding Section 25205.1, any facility or unit  
32 is “small” if it manages 0.5 tons (1,000 pounds) or less of  
33 hazardous waste during any one month of the state’s current fiscal  
34 year, “medium” if it manages more than 0.5 tons (1,000 pounds),  
35 but less than 1,000 tons, of hazardous waste during any one month  
36 of the state’s current fiscal year, and “large” if it manages 1,000  
37 or more tons of hazardous waste during any one month of the  
38 state’s current fiscal year.

39 (5) For purposes of subparagraph (F) of paragraph (1) of this  
40 subdivision and paragraph (8) of subdivision (c) of Section

1 25205.4, any facility or unit is “small” if 0.5 tons (1,000 pounds)  
2 or less of hazardous waste remain after closure, “medium” if more  
3 than 0.5 tons (1,000 pounds), but less than 1,000 tons of hazardous  
4 waste remain after closure, and “large” if 1,000 or more tons of  
5 hazardous waste remain after closure.

6 ~~(6) The amounts stated in this subdivision are in addition to any~~  
7 ~~amounts required to reimburse the department for the corrective~~  
8 ~~action review and oversight costs required to be recovered pursuant~~  
9 ~~to subdivision (b).~~

10 (e) Subdivision (a) does not apply to any variance granted  
11 pursuant to Article 4 (commencing with Section 66263.40) of  
12 Chapter 13 of Division 4.5 of Title 22 of the California Code of  
13 Regulations.

14 ~~(f) Subdivisions (a) and (d) do not apply to a permit modification~~  
15 ~~resulting from a revision of a facility’s or operator’s closure plan~~  
16 ~~if the facility is exempted from fees pursuant to subdivision (e) of~~  
17 ~~Section 25205.3, or if the operator is subject to paragraph (2) or~~  
18 ~~(3) of subdivision (d) of Section 25205.2.~~

19 ~~(g) (1) Except as provided in paragraphs (3) and (4),~~  
20 ~~subdivisions (a) and (d) do not apply to any permit or variance to~~  
21 ~~operate a research, development, and demonstration facility, if the~~  
22 ~~duration of the permit or variance is not longer than one year,~~  
23 ~~unless the permit or variance is renewed pursuant to the regulations~~  
24 ~~adopted by the department.~~

25 ~~(2) For purposes of this section, a “research, development, and~~  
26 ~~demonstration facility” is a facility which proposes to utilize an~~  
27 ~~innovative and experimental hazardous waste treatment technology~~  
28 ~~or process for which regulations prescribing permit standards have~~  
29 ~~not been adopted.~~

30 ~~(3) The exemption provided by this subdivision does not apply~~  
31 ~~to a facility which operates as a medium or large multiuser offsite~~  
32 ~~commercial hazardous waste facility and which does not otherwise~~  
33 ~~possess a hazardous waste facilities permit pursuant to Section~~  
34 ~~25200.~~

35 ~~(4) The fee exemption authorized pursuant to paragraph (1)~~  
36 ~~shall be effective for a total duration of not more than two years.~~

37 ~~(h) Subdivisions (a) and (d) do~~

38 ~~(f) Subdivision (a) does not apply to any of the following:~~

39 (1) Any variance issued to a public agency to transport wastes  
40 for purposes of operating a household hazardous waste collection

1 facility, or to transport waste from a household hazardous waste  
2 collection facility, which receives household hazardous waste or  
3 hazardous waste from conditionally exempted small quantity  
4 generators pursuant to Article 10.8 (commencing with Section  
5 25218).

6 (2) A permanent household hazardous waste collection facility.

7 (3) Any variance issued to a public agency to conduct a  
8 collection program for agricultural wastes.

9 ~~(i) Notwithstanding subdivisions (a) and (b), the department  
10 shall not assess any fees or seek any reimbursement for the  
11 department's costs in reviewing and overseeing any preliminary  
12 site assessment in conjunction with a hazardous waste facilities  
13 permit application.~~

14 ~~(j) The changes made in this section by Chapter 870 of the  
15 Statutes of 1997 do not require amendment of, or otherwise affect,  
16 any agreement entered into prior to July 1, 1998, pursuant to which  
17 any person has agreed to reimburse the department for the costs  
18 incurred by the department in processing applications, responding  
19 to requests, or otherwise providing other services pursuant to this  
20 chapter.~~

21 *(g) (1) This section applies to applications and requests  
22 submitted to the department on or after July 1, 2013, and  
23 applications and requests pending before the department as of  
24 July 1, 2013.*

25 *(2) For purposes of applying the provisions of this subdivision,  
26 the Legislature finds and declares all of the following:*

27 *(A) The department expends a substantial amount of time and  
28 resources in processing permit applications and modifications.*

29 *(B) The former flat fee option paid by applicants was most often  
30 insufficient to cover the actual costs to the department in reviewing  
31 and processing the applications and modifications.*

32 *(C) The applicant, being the primary beneficiary of the permit  
33 process, in fairness should pay the actual costs of the department  
34 in reviewing permit applications and modifications.*

35 *(D) The amendment to the act adding this subdivision in the  
36 2013–14 Regular Session eliminating the flat fee option and  
37 revising provisions requiring applicants to enter into a written  
38 reimbursement agreement with the department is intended to apply  
39 both to future and pending applications and modification requests  
40 in order to remedy this inequity.*

1 (3) For an application or request that is submitted to the  
2 department prior to July 1, 2013, which remains pending as of  
3 that date, the reimbursement agreement shall provide credit for  
4 any fee previously paid to the department, minus the value of  
5 services provided by the department prior to July 1, 2013, in  
6 conjunction with that application or request pursuant to this section  
7 as it read prior to January 1, 2013.

8 (4) Only time and resources expended by the department after  
9 July 1, 2013, on already pending permit applications and  
10 modification requests will be the subject of the written  
11 reimbursement agreement with the department.

12 SEC. 32. Section 25205.9 of the Health and Safety Code is  
13 repealed.

14 ~~25205.9. (a) On or before June 30 of each year, the department~~  
15 ~~shall determine if there are surplus funds in the Hazardous Waste~~  
16 ~~Control Account and shall, upon appropriation by the Legislature,~~  
17 ~~allocate these surplus funds to pay refunds in the following order~~  
18 ~~of priority:~~

19 ~~(1) To pay refunds to generators pursuant to subdivision (c).~~

20 ~~(2) To pay refunds to generators pursuant to subdivision (d).~~  
21 ~~However, the department shall not pay refunds pursuant to~~  
22 ~~subdivision (d) until all applications for refunds pursuant to~~  
23 ~~subdivision (c) have first been paid.~~

24 ~~(b) The department shall certify the amount of the surplus in~~  
25 ~~the Hazardous Waste Control Account to the board and shall direct~~  
26 ~~the board to pay refunds to generators pursuant to subdivisions (c)~~  
27 ~~and (d) to the extent funds permit. If funds are not sufficient to~~  
28 ~~pay all the refunds for which the board receives applications~~  
29 ~~pursuant to subdivision (h) of Section 25205.5, the department~~  
30 ~~shall direct the board to pay refunds pursuant to subdivision (c)~~  
31 ~~on a pro rata basis. If funds are sufficient to pay all refunds for~~  
32 ~~which applications are received pursuant to subdivision (h) of~~  
33 ~~Section 25205.5 but not sufficient to pay all refunds for which~~  
34 ~~applications were received by the board pursuant to subdivision~~  
35 ~~(i) of Section 25205.5, the department shall direct the board to pay~~  
36 ~~refunds pursuant to subdivision (d) on a pro rata basis.~~

37 ~~(c) (1) If the department certifies that there are sufficient funds~~  
38 ~~to do so, the board shall issue refunds, in the manner directed by~~  
39 ~~the department pursuant to subdivision (b), to hazardous waste~~

1 generators who are eligible for refunds pursuant to paragraph (1)  
2 of subdivision (h) of Section 25205.5.

3 (2) ~~The refund made to a generator pursuant to this subdivision~~  
4 ~~shall not exceed the fee paid by the generator pursuant to Section~~  
5 ~~25205.5, or exceed the hazardous waste generator inspection fee~~  
6 ~~paid to the certified unified program agency for the previous~~  
7 ~~calendar year, whichever is less.~~

8 (3) ~~The board may issue refunds pursuant to this section only~~  
9 ~~if the department certifies, pursuant to subdivision (b), that funds~~  
10 ~~for these refunds are available.~~

11 (d) (1) ~~If the department certifies that there are sufficient funds~~  
12 ~~to do so, the board shall issue refunds, in the manner directed by~~  
13 ~~the department pursuant to subdivision (b), to hazardous waste~~  
14 ~~generators who are eligible for refunds pursuant to paragraph (1)~~  
15 ~~of subdivision (i) of Section 25205.5.~~

16 (2) ~~The refund made to a generator pursuant to this subdivision~~  
17 ~~shall be equal to the difference between the amount of the generator~~  
18 ~~fee paid by the generator pursuant to Section 25205.5 and the~~  
19 ~~amount the generator would have paid if the amount of hazardous~~  
20 ~~materials transferred to an offsite facility for recycling had been~~  
21 ~~deducted from the total tonnage of hazardous waste generated at~~  
22 ~~the generator's site. However, if a generator receives a refund~~  
23 ~~pursuant to subdivision (c), the generator may not receive a refund~~  
24 ~~pursuant to this subdivision that exceeds the difference between~~  
25 ~~the amount of the generator fee paid pursuant to Section 25205.5~~  
26 ~~and the amount of the refund received pursuant to subdivision (c).~~

27 (3) ~~The board may issue refunds pursuant to this subdivision~~  
28 ~~only if the department certifies, pursuant to subdivision (b), that~~  
29 ~~funds for these refunds are available.~~

30 (e) ~~For purposes of this section, "surplus" means the amount in~~  
31 ~~the Hazardous Waste Control Account on June 30 of each year~~  
32 ~~that is in excess of the reserve required by subdivision (k) of~~  
33 ~~Section 25174.~~

34 *SEC. 33. Section 25205.12 of the Health and Safety Code is*  
35 *amended to read:*

36 25205.12. (a) The owner of a hazardous waste facility  
37 authorized to operate pursuant to a permit-by-rule, authorized  
38 under a grant of conditional authorization pursuant to Section  
39 25200.3, exempted pursuant to subdivision (a) or (c) of Section  
40 25201.5, or exempted pursuant to Section 25144.6 or 25201.14 is

1 exempt from the ~~facility~~ fee specified in Section 25205.2 for any  
2 activities authorized by the permit-by-rule, under a grant of  
3 conditional authorization pursuant to Section 25200.3, exempted  
4 pursuant to subdivision (a) or (c) of Section 25201.5, or exempted  
5 pursuant to Section 25144.6 or 25201.14 at that facility for any  
6 year or reporting period during which the facility is operating.

7 ~~(b) The retroactive portion of the facility fee exemption provided~~  
8 ~~by subdivision (a) does not apply to any facility that was authorized~~  
9 ~~by the department to operate on or before June 1, 1991, for any~~  
10 ~~fees paid or billed prior to September 1, 1992.~~

11 ~~(e)~~

12 ~~(b) The operator of a hazardous waste facility authorized by the~~  
13 ~~department to clean and recycle excavated underground storage~~  
14 ~~tanks is exempt from the facility fee specified in Section 25205.2~~  
15 ~~with regard to those activities conducted before January 1, 1994,~~  
16 ~~and those activities conducted after that date, until the effective~~  
17 ~~date of a regulation adopted by the department governing the~~  
18 ~~statewide requirements for the issuance of a permit for tank~~  
19 ~~cleaning and recycling facilities.~~

20 ~~(d) The operator of a hazardous waste facility operating pursuant~~  
21 ~~to a standardized permit or a grant of interim status, as specified~~  
22 ~~in Section 25201.6, is exempt from the facility fee specified in~~  
23 ~~Sections 25205.2 and 25205.4 for any year or reporting period~~  
24 ~~prior to January 1, 1993, during which the facility operated, if the~~  
25 ~~hazardous waste treatment or storage activity was conducted prior~~  
26 ~~to January 1, 1993, and the owner or operator is in compliance~~  
27 ~~with the notification and application requirements of Section~~  
28 ~~25201.6, as amended in the 1993-94 Regular Session of the~~  
29 ~~Legislature, or as amended thereafter, and either of the following~~  
30 ~~circumstances apply:~~

31 ~~(1) The owner or operator was not authorized by the department~~  
32 ~~before July 1, 1993, to conduct the eligible treatment or storage~~  
33 ~~activity.~~

34 ~~(2) The owner or operator did not pay a hazardous waste facility~~  
35 ~~fee, as specified in Section 25205.2, for that year or reporting~~  
36 ~~period prior to July 1, 1993, for the facility that is the subject of~~  
37 ~~the standardized permit.~~

38 *SEC. 34. Section 25205.14 of the Health and Safety Code is*  
39 *amended to read:*

1 25205.14. (a) Except as provided in Section 25404.5, the owner  
2 or operator of a facility or transportable treatment unit operating  
3 pursuant to a permit-by-rule shall pay a fee to the board per facility  
4 or transportable treatment unit for each reporting period, or portion  
5 thereof *of a reporting period*. The fee for the ~~1997 2013~~ reporting  
6 period shall be ~~nine hundred fifty-eight dollars (\$958)~~ *one thousand*  
7 *four hundred fifty-seven dollars (\$1,457)*. ~~Until July 1, 1998, the~~  
8 ~~owner or operator of a facility or transportable treatment unit~~  
9 ~~operating pursuant to a permit-by-rule shall also pay a fee in the~~  
10 ~~amount of 50 percent of the fee specified in this subdivision for~~  
11 ~~each modification of the notification required by Sections 67450.2~~  
12 ~~and 67450.3 of Title 22 of the California Code of Regulations, as~~  
13 ~~those sections read on January 1, 1995, or as those sections may~~  
14 ~~subsequently be amended.~~ Thereafter, the fee shall be adjusted  
15 annually by the board to reflect increases and decreases in the cost  
16 of living, as measured by the Consumer Price Index issued by the  
17 Department of Industrial Relations or a successor agency. The  
18 reporting period shall begin January 1 of each calendar year. On  
19 or before January 31 of each calendar year, the department shall  
20 notify the board of all known owners or operators operating  
21 pursuant to a permit-by-rule who are not exempted from this fee  
22 pursuant to Section 25404.5. The department shall also notify the  
23 board of any owner or operator authorized to operate pursuant to  
24 a permit-by-rule, who is not exempted from this fee pursuant to  
25 Section 25404.5, within 60 days after the owner or operator is  
26 authorized.

27 (b) Except as provided in Section 25404.5, a generator operating  
28 under a grant of conditional authorization pursuant to Section  
29 25200.3 shall pay a fee to the board per facility for each reporting  
30 period, or portion thereof, unless the generator is subject to a fee  
31 under a permit-by-rule. The fee for the ~~1997 2013~~ reporting period  
32 shall be ~~nine hundred fifty-eight dollars (\$958)~~ *one thousand four*  
33 *hundred fifty-seven dollars (\$1,457)*. Thereafter, the fee shall be  
34 adjusted annually by the board to reflect increases and decreases  
35 in the cost of living, during the prior fiscal year, as measured by  
36 the Consumer Price Index issued by the Department of Industrial  
37 Relations or a successor agency. The reporting period shall begin  
38 January 1 of each calendar year. On or before January 31 of each  
39 calendar year, the department shall notify the board of all known  
40 generators operating pursuant to a grant of conditional authorization

1 under Section 25200.3 who are not exempted from this fee pursuant  
2 to Section 25404.5. The department shall also notify the board of  
3 any generator authorized to operate under a grant of conditional  
4 authorization, who is not exempted from this fee pursuant to  
5 Section 25404.5, within 60 days of the receipt of notification.

6 (c) Except as provided in Section 25404.5, a generator  
7 performing treatment conditionally exempted pursuant to Section  
8 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay  
9 thirty-eight dollars (\$38) to the board per facility for each reporting  
10 period, unless that generator is subject to a fee under a  
11 permit-by-rule or a conditional authorization pursuant to Section  
12 25200.3. ~~Until July 1, 1998, a generator performing treatment~~  
13 ~~conditionally exempted pursuant to Section 25144.6 or subdivision~~  
14 ~~(a) or (c) of Section 25201.5 shall pay one hundred dollars (\$100)~~  
15 ~~to the board per facility for the initial operating period, or portion~~  
16 ~~thereof, unless that generator is subject to a fee under a~~  
17 ~~permit-by-rule or a conditional authorization pursuant to Section~~  
18 ~~25200.3.~~ The reporting period shall begin January 1 of each  
19 calendar year. On or before January 31 of each calendar year, the  
20 department shall notify the board of all known facilities performing  
21 treatment conditionally exempted by Section 25144.6 or  
22 subdivision (a) or (c) of Section 25201.5 who are not exempted  
23 from this fee pursuant to Section 25404.5. The department shall  
24 also notify the board of any generator who notifies the department  
25 that the generator is conducting a conditionally exempt treatment  
26 operation, and who is not exempted from this fee pursuant to  
27 Section 25404.5, within 60 days of the receipt of the notification.

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

31 *SEC. 35. Section 25205.15 of the Health and Safety Code is*  
32 *amended to read:*

33 25205.15. (a) Except for the first four manifests used in a  
34 calendar year by a business with less than 100 employees, and  
35 except as provided in paragraph (2), in addition to any fees to cover  
36 printing and distribution costs, the department shall impose a  
37 manifest fee of seven dollars and fifty cents (\$7.50) for each  
38 California Hazardous Waste Manifest form or electronic equivalent  
39 used after June 30, 1998, by any person, in the following manner:

1 (1) The department shall bill generators for each California  
2 Uniform Hazardous Waste Manifest form, manifest number, or  
3 electronic equivalent used after June 30, 1998. The billing  
4 frequency specified by the department may range from monthly  
5 to annually, with the payment by the generator required within 30  
6 days from the date of receipt of the billing, and shall be determined  
7 based on consultation with the regulated community. In preparing  
8 the bills, the department shall distinguish between manifests used  
9 solely for recycled hazardous wastes and those used for  
10 nonrecycled hazardous wastes. In determining the billing  
11 frequency, the department may take into account each person's  
12 volume of manifest usage.

13 (2) (A) The manifest fee shall not be collected on the use of  
14 California Hazardous Waste Recycling Manifests that are used  
15 solely for hazardous wastes that are recycled.

16 (B) The manifest fee for each California Uniform Hazardous  
17 Waste Manifest form used solely for hazardous waste derived from  
18 air compliance solvents, shall be three dollars and fifty cents  
19 (\$3.50) This is in addition to any fees charged to cover printing  
20 and distribution costs.

21 (3) The department shall implement a system for the use of  
22 manifests that distinguishes among recycling manifests used solely  
23 for hazardous wastes that are to be recycled, manifests used solely  
24 to transport hazardous waste derived from air compliance solvents,  
25 and general manifests that may be used for transporting waste for  
26 any purpose.

27 (4) (A) If a person erroneously reports on a California Uniform  
28 Hazardous Waste Manifest that the manifest is being used for the  
29 transport of hazardous wastes that are being shipped for recycling  
30 or for the transport of hazardous wastes derived from air  
31 compliance solvents rather than the transport of other types of  
32 hazardous waste, the person shall pay the seven dollars and fifty  
33 cents (\$7.50) manifest fee and an additional error correction fee  
34 of twenty dollars (\$20) per manifest, as required pursuant to  
35 Section 25160.5.

36 (B) Notwithstanding subparagraph (A) the department shall  
37 provide the manifest user with a reasonable opportunity to notify  
38 the department of any incorrect use of the recycling manifest, as  
39 described in subparagraph (A), and to provide the department with

1 the appropriate manifest fee payment without additional fines,  
2 penalties, or payment of the error correction fee.

3 (5) The department may adopt regulations to implement and  
4 administer the manifest fee system imposed pursuant to this  
5 subdivision.

6 (b) For purposes of subdivision (a), a California Uniform  
7 Hazardous Waste Manifest means either of the following:

8 (1) A manifest document printed and supplied by the state for  
9 a shipment initiated on and before September 4, 2006.

10 (2) The Uniform Hazardous Waste Manifest printed by a source  
11 registered with the United States Environmental Protection Agency  
12 for a shipment initiated on and after September 5, 2006, if the  
13 manifest originates from a generator located in California, is  
14 received by the designated facility located in California where the  
15 manifest is signed and terminated, or is imported or exported  
16 through a point of entry or exit in California.

17 (c) On and after July 1, 1999, commencing with 1999–2000  
18 fiscal year and annually thereafter, the department shall expend,  
19 upon appropriation by the Legislature in the annual Budget Act,  
20 not less than one million fifty thousand dollars (\$1,050,000) from  
21 the manifest fees, deposited in the Hazardous Waste Control  
22 Account, to establish a program to encourage hazardous waste  
23 generators to implement pollution prevention measures. The  
24 program shall be administered pursuant to administrative and  
25 expenditure criteria to be established by the Legislature.

26 (d) The manifest fees shall be deposited in the Hazardous Waste  
27 Control Account and be available for expenditure, upon  
28 appropriation by the Legislature.

29 (e) For purposes of this section, “air compliance solvent” means  
30 a solvent, including aqueous solutions, that are required or  
31 approved for use by regulations adopted by the State Air Resources  
32 Board, an air pollution control district, or an air quality  
33 management district, to meet air emission standards adopted by  
34 that board or district and, pursuant to those regulations, is required  
35 to be used instead of another solvent that was used and recycled  
36 prior to the adoption of those regulations.

37 (f) *This section shall apply only to fees due for the 2013 and*  
38 *earlier reporting periods.*

1 (g) *This section shall remain in effect only until January 1, 2014,*  
2 *and as of that date is repealed, unless a later enacted statute, that*  
3 *is enacted before January 1, 2014, deletes or extends that date.*

4 SEC. 36. *Section 25205.16 of the Health and Safety Code is*  
5 *amended to read:*

6 25205.16. (a) (1) The department may impose an annual  
7 verification fee upon all generators, transporters, and facility  
8 operators with 50 or more employees that possess a valid  
9 identification number issued either by the department or by the  
10 Environmental Protection Agency. The fee charged shall be one  
11 hundred fifty dollars (\$150) for each generator, transporter, and  
12 facility operator with 50 or more employees, but less than 75  
13 employees; one hundred seventy-five dollars (\$175) for each  
14 generator, transporter, and facility operator with 75 or more  
15 employees, but less than 100 employees; two hundred dollars  
16 (\$200) for each generator, transporter, and facility operator with  
17 100 or more employees, but less than 250 employees; two hundred  
18 twenty-five dollars (\$225) for each generator, transporter, and  
19 facility operator with 250 or more employees, but less than 500  
20 employees; two hundred fifty dollars (\$250) for each generator,  
21 transporter, and facility operator with 500 or more employees.  
22 However, no generator, transporter, or facility operator shall be  
23 assessed fees pursuant to this section that exceed, in total, five  
24 thousand dollars (\$5,000).

25 (2) The generator, transporter, or facility operator subject to the  
26 fee shall submit payment of the fee within 30 days from the date  
27 of receiving a notice of assessment from the department. The notice  
28 shall be sent once during each fiscal year to each holder of a valid  
29 identification number. The fee imposed by this section shall be  
30 deposited in the Hazardous Waste Control Account and be  
31 available for expenditure, upon appropriation by the Legislature.  
32 For purposes of this section, “employee” shall have the same  
33 meaning set forth in Section 25205.6.

34 (b) The department shall establish an identification number  
35 certification system to biennially verify the accuracy of information  
36 related to generators, transporters, and facilities authorized to treat,  
37 store, or dispose of hazardous waste. However, if the number of  
38 identification numbers issued since the previous certification  
39 exceeds 20 percent of the active identification numbers, the  
40 department may implement an annual certification. Each entity

1 issued an identification number shall provide or verify the  
2 information specified in paragraphs (1) to (9), inclusive, when  
3 requested by the department. The system shall include the provision  
4 or verification of all of the following information:

5 (1) The name, mailing address, facsimile number, fictitious  
6 business name, federal employer number, State Board of  
7 Equalization identification number, SIC code, electronic mail  
8 address, if available, and telephone number of the firm or  
9 organization engaged in hazardous waste activities.

10 (2) The name, mailing address, facsimile number, and telephone  
11 number of the owner of the firm or organization.

12 (3) The name, title, mailing address, facsimile number, and  
13 telephone number of a contact person for the firm or organization.

14 (4) The identification number assigned to the firm or  
15 organization.

16 (5) The site location address or description associated with the  
17 firm or organization's identification number provided in paragraph

18 (4).

19 (6) The number of employees of the firm or organization.

20 (7) If the firm or organization is a generator, a statement of  
21 whether the generator produces RCRA hazardous waste or  
22 non-RCRA hazardous waste.

23 (8) An identification of any of the following hazardous waste  
24 activities in which the firm or organization is engaged:

25 (A) Generation.

26 (B) Transportation.

27 (C) Onsite treatment, storage, or disposal.

28 (9) The waste codes associated with the four largest hazardous  
29 waste streams, by volume, of the firm or organization. The federal  
30 waste code shall be verified for RCRA hazardous waste and the  
31 California waste code shall be verified for non-RCRA hazardous  
32 waste.

33 (c) Any generator, transporter, and facility operator who fails  
34 to comply with this section, or who fails to provide information  
35 required by the department to verify the accuracy of hazardous  
36 waste activity data, shall be subject to suspension of any and all  
37 identification numbers assigned to the generator, transporter, or  
38 facility operator and to any other authorized enforcement action.

39 (d) *This section shall apply only to fees due for the 2013 and*  
40 *earlier reporting periods.*

1 (e) This section shall remain in effect only until January 1, 2014,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2014, deletes or extends that date.

4 SEC. 37. Section 25205.16 is added to the Health and Safety  
5 Code, to read:

6 25205.16. (a) The department shall establish an identification  
7 number certification system to annually verify the accuracy of  
8 information related to generators, transporters, and facilities  
9 authorized to treat, store, or dispose of hazardous waste. Each  
10 entity issued an identification number shall provide or verify the  
11 information specified in paragraphs (1) to (9), inclusive, when  
12 requested by the department. The system shall include the provision  
13 or verification of all of the following information:

14 (1) The name, mailing address, facsimile number, fictitious  
15 business name, federal employer number, State Board of  
16 Equalization identification number, SIC code, electronic mail  
17 address, if available, and telephone number of the firm or  
18 organization engaged in hazardous waste activities.

19 (2) The name, mailing address, facsimile number, and telephone  
20 number of the owner of the firm or organization.

21 (3) The name, title, mailing address, facsimile number, and  
22 telephone number of a contact person for the firm or organization.

23 (4) The identification number assigned to the firm or  
24 organization.

25 (5) The site location address or description associated with the  
26 firm or organization's identification number provided in paragraph  
27 (4).

28 (6) The number of employees of the firm or organization.

29 (7) If the firm or organization is a generator, a statement of  
30 whether the generator produces RCRA hazardous waste or  
31 non-RCRA hazardous waste.

32 (8) An identification of any of the following hazardous waste  
33 activities in which the firm or organization is engaged:

34 (A) Generation.

35 (B) Transportation.

36 (C) Onsite treatment, storage, or disposal.

37 (9) The waste codes associated with the four largest hazardous  
38 waste streams, by volume, of the firm or organization. The federal  
39 waste code shall be verified for RCRA hazardous waste and the

1 California waste code shall be verified for non-RCRA hazardous  
2 waste.

3 (b) Any generator, transporter, and facility operator who fails  
4 to comply with this section, or who fails to provide information  
5 required by the department to verify the accuracy of hazardous  
6 waste activity data, shall be subject to suspension of any and all  
7 identification numbers assigned to the generator, transporter, or  
8 facility operator and to any other authorized enforcement action.

9 (c) This section shall become operative on January 1, 2014,  
10 and shall apply to the fees due for the 2014 reporting period and  
11 thereafter, including the prepayments due following the reporting  
12 period and the final reconciliation fee due and payable following  
13 the reporting period.

14 SEC. 38. Section 25205.18 of the Health and Safety Code is  
15 amended to read:

16 25205.18. (a) If a facility has a permit or an interim status  
17 document ~~which~~ that sets forth the facility's allowable capacity  
18 for treatment or storage, the facility's size for purposes of the  
19 annual facility fee pursuant to Section 25205.2 shall be based upon  
20 that capacity, except as provided in subdivision (d).

21 (b) If a facility's allowable capacity changes or is initially  
22 established as a result of a permit modification, or a submission  
23 of a certification pursuant to subdivision (d), the fee that is due for  
24 the reporting period in which the change occurs shall be ~~the lower~~  
25 ~~fee until December 31, 1994. After that date, the fee that is due~~  
26 ~~for the reporting period in which a change occurs shall be the~~  
27 higher fee.

28 (c) ~~(1)~~ The department may require the facility to submit an  
29 application to modify its permit to provide for an allowable  
30 capacity.

31 ~~(2) Subdivisions (a) and (d) of Section 25205.7 do not apply to~~  
32 ~~an application for modification required by the department pursuant~~  
33 ~~to this subdivision.~~

34 (d) A facility may reduce its allowable capacity below the  
35 amounts specified in subdivision (a) or (c) by submitting a  
36 certification signed by the owner or operator in which the owner  
37 or operator pledges that the facility will not handle hazardous waste  
38 at a capacity above the amount specified in the certification. In  
39 that case, the facility's size for purposes of the annual facility fee  
40 pursuant to Section 25205.2 shall be based upon the capacity

1 specified in the certification, until the certification is withdrawn.  
 2 Exceeding the capacity limits specified in a certification that has  
 3 not been withdrawn shall be a violation of the hazardous waste  
 4 control law and may subject a facility or its operator to a penalty  
 5 and corrective action as provided in this chapter, including, but  
 6 not limited to, an augmentation pursuant to Section 25191.1.

7 (e) This section shall have no bearing on the imposition of the  
 8 annual postclosure facility fee.

9 *SEC. 39. Section 25205.19 of the Health and Safety Code is*  
 10 *amended to read:*

11 25205.19. (a) If a facility has a permit or an interim status  
 12 document ~~which~~ *that* sets forth the facility's type, pursuant to  
 13 Section 25205.1, as either treatment, storage, or disposal, the  
 14 facility's type for purposes of the annual facility fee *pursuant to*  
 15 *Section 25205.2* shall be rebuttably presumed to be what is set  
 16 forth in that permit or document.

17 (b) If the facility's type changes as a result of a permit or interim  
 18 status modification, any change in the annual ~~facility~~ fee shall be  
 19 effective the reporting period following the one in which the  
 20 modification becomes effective.

21 (c) ~~(1)~~ If the facility's permit or interim status document does  
 22 not set forth its type, the department may require the facility to  
 23 submit an application to modify the permit or interim status  
 24 document to provide for a facility type.

25 ~~(2) Subdivisions (a) and (d) of Section 25205.7 do not apply to~~  
 26 ~~an application for modification pursuant to this subdivision.~~

27 (d) A permit or interim status document may set forth more than  
 28 one facility type or size. In accordance with subdivision ~~(e)~~ *(d)* of  
 29 Section 25205.4, the facility shall be subject only to the highest  
 30 applicable fee.

31 *SEC. 40. Section 25205.20 of the Health and Safety Code is*  
 32 *repealed.*

33 ~~25205.20. (a) In issuing a variance, the department may, for~~  
 34 ~~purposes of the annual facility fee only, make the variance~~  
 35 ~~retroactive to not earlier than one year after the date of the variance~~  
 36 ~~application's submittal to the department, or January 1, 1994,~~  
 37 ~~whichever is later.~~

38 ~~(b) A facility which is subject to the annual facility fee shall~~  
 39 ~~pay such fee while the variance application is pending. Within one~~  
 40 ~~year of the issuance of the variance, the board shall issue a refund~~

1 of facility fees paid for all reporting periods following the period  
2 to which the variance is retroactive. The refund shall not include  
3 interest.

4 (e) ~~Variance, for purposes of this section, means a variance from~~  
5 ~~the requirement of obtaining a hazardous waste facilities permit~~  
6 ~~or grant of interim status.~~

7 *SEC. 41. Section 25205.21 of the Health and Safety Code is*  
8 *amended to read:*

9 25205.21. (a) Notwithstanding Section 25205.4, a disposal  
10 facility operator ~~which~~ *that* is a government agency shall be subject  
11 to a maximum facility fee *pursuant to Section 25205.2* of ten  
12 thousand dollars (\$10,000) for any reporting period of 12 months  
13 and five thousand dollars (\$5,000) for any reporting period of six  
14 months, for that disposal facility for any reporting period in which  
15 it did not at any time dispose of hazardous waste therein. This  
16 section shall apply to all reporting periods since the inception of  
17 the facility fee ~~up to and including the reporting period ending~~  
18 ~~December 31, 1998.~~

19 (b) ~~Prior to January 1, 1998, no interest or penalty shall accrue~~  
20 ~~on any amount owed by an operator pursuant to subdivision (a).~~

21 (e)

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

24 *SEC. 42. Section 25205.22 of the Health and Safety Code is*  
25 *amended to read:*

26 25205.22. (a) Prior to January 1, 1996, any person transporting,  
27 importing, or receiving non-RCRA hazardous waste imported into  
28 this state for purposes of treatment, recycling, or disposal shall be  
29 considered the generator of that waste and the facility shall be  
30 considered the site of generation for purposes of payment of the  
31 generator fee pursuant to Section 25205.5, and the facility operator  
32 shall pay the applicable generator fee even if the operator has also  
33 paid a facility fee, but no generator fee shall be assessed for  
34 non-RCRA hazardous waste imported prior to January 1, 1994.

35 (b) Notwithstanding subdivision (c), any fees due pursuant to  
36 this chapter for calendar year 1995 and which are due and payable  
37 in calendar year 1996 shall be paid in 1996 in accordance with  
38 Section 43152.7 of the Revenue and Taxation Code.

39 (c) On and after January 1, 1996, any person transporting,  
40 importing, or receiving non-RCRA hazardous waste imported into

1 this state for purposes of treatment, recycling, or disposal shall be  
2 exempt from the payment of the generator fee imposed pursuant  
3 to Section 25205.5 and the generator surcharge imposed pursuant  
4 to Section 25205.9.

5 *(d) This section applies only to fees due for the 2013 and earlier*  
6 *reporting periods, including the prepayments due during each*  
7 *reporting period and the final reconciliation fee due and payable*  
8 *by February 28 of the year following each reporting period.*

9 *(e) This section shall remain in effect only until January 1, 2014,*  
10 *and as of that date is repealed, unless a later enacted statute, that*  
11 *is enacted before January 1, 2014, deletes or extends that date.*

12 *SEC. 43. Section 25205.22 is added to the Health and Safety*  
13 *Code, to read:*

14 *25205.22. (a) On and after January 1, 2014, for hazardous*  
15 *waste imported into this state for purposes of treatment, recycling,*  
16 *or disposal, the operator of the facility receiving the imported*  
17 *hazardous waste shall pay the applicable generation and handling*  
18 *fee.*

19 *(b) This section shall initially apply to the annual generation*  
20 *and handling fees due for the 2014 reporting period. This includes*  
21 *the prepayments due during the reporting period and the final*  
22 *reconciliation fee due and payable by February 28 of the year*  
23 *following the reporting period.*

24 *(c) This section shall become operative on January 1, 2014.*

25 *SEC. 44. Section 25207.12 of the Health and Safety Code is*  
26 *amended to read:*

27 *25207.12. (a) Any eligible participant who submits banned,*  
28 *unregistered, or outdated agricultural wastes for collection in a*  
29 *program established pursuant to this article is exempt from the*  
30 *fees and reimbursements required by Sections 25174.1, 25205.2,*  
31 *25205.5, and 25205.7, with regard to the wastes submitted for*  
32 *collection.*

33 *(b) An eligible participant who submits banned, unregistered,*  
34 *or outdated agricultural wastes for collection is exempt from the*  
35 *hazardous waste facilities permit requirements of Section 25201*  
36 *with regard to the management of the wastes submitted for*  
37 *collection.*

38 *(c) A county operating a collection program in compliance with*  
39 *this article shall not be held liable in any cost recovery action*  
40 *brought pursuant to Section 25360 for any hazardous waste which*

1 has been properly handled and transported to an authorized  
2 hazardous waste treatment or disposal facility, in compliance with  
3 this chapter, at a location other than that of the collection program.

4 *(d) This section shall remain in effect only until January 1, 2014,*  
5 *and as of that date is repealed, unless a later enacted statute, that*  
6 *is enacted before January 1, 2014, deletes or extends that date.*

7 *SEC. 45. Section 25207.12 is added to the Health and Safety*  
8 *Code, to read:*

9 *25207.12. (a) Any eligible participant who submits banned,*  
10 *unregistered, or outdated agricultural wastes for collection in a*  
11 *program established pursuant to this article is exempt from the*  
12 *fees and reimbursements required by Sections 25205.2, 25205.5,*  
13 *and 25205.7, with regard to the wastes submitted for collection.*

14 *(b) An eligible participant who submits banned, unregistered,*  
15 *or outdated agricultural wastes for collection is exempt from the*  
16 *hazardous waste facilities permit requirements of Section 25201*  
17 *with regard to the management of the wastes submitted for*  
18 *collection.*

19 *(c) A county operating a collection program in compliance with*  
20 *this article shall not be held liable in any cost recovery action*  
21 *brought pursuant to Section 25360 for any hazardous waste that*  
22 *has been properly handled and transported to an authorized*  
23 *hazardous waste treatment or disposal facility, in compliance with*  
24 *this chapter, at a location other than that of the collection program.*

25 *(d) This section shall become operative on January 1, 2014,*  
26 *and shall apply to the fees due for the 2014 reporting period and*  
27 *thereafter, including the prepayments due following the reporting*  
28 *period and the final reconciliation fee due and payable following*  
29 *the reporting period.*

30 *SEC. 46. Section 25247 of the Health and Safety Code is*  
31 *amended to read:*

32 *25247. (a) The department shall review each plan submitted*  
33 *pursuant to Section 25246 and shall approve the plan if it finds*  
34 *that the plan complies with the regulations adopted by the*  
35 *department and complies with all other applicable state and federal*  
36 *regulations.*

37 *(b) The department shall not approve the plan until at least one*  
38 *of the following occurs:*

39 *(1) The plan has been approved pursuant to Section 13227 of*  
40 *the Water Code.*

1 (2) Sixty days expire after the owner or operator of an interim  
2 status facility submits the plan to the department. If the department  
3 denies approval of a plan for an interim status facility, this 60-day  
4 period shall not begin until the owner or operator resubmits the  
5 plan to the department.

6 (3) The director finds that immediate approval of the plan is  
7 necessary to protect public health, safety, or the environment.

8 (c) Any action taken by the department pursuant to this section  
9 is subject to Section 25204.5.

10 (d) (1) To the extent consistent with the federal act, the  
11 department shall impose the requirements of a hazardous waste  
12 facility postclosure plan on the owner or operator of a facility  
13 through the issuance of an enforcement order, entering into an  
14 enforceable agreement, or issuing a postclosure permit.

15 (A) A hazardous waste facility postclosure plan imposed or  
16 modified pursuant to an enforcement order, a permit, or an  
17 enforceable agreement shall be approved in compliance with the  
18 California Environmental Quality Act (Division 13 (commencing  
19 with Section 21000) of the Public Resources Code).

20 (B) Before the department initially approves or significantly  
21 modifies a hazardous waste facility postclosure plan pursuant to  
22 this subdivision, the department shall provide a meaningful  
23 opportunity for public involvement, which, at a minimum, shall  
24 include public notice and an opportunity for public comment on  
25 the proposed action.

26 (C) For the purposes of subparagraph (B), a “significant  
27 modification” is a modification that the department determines  
28 would constitute a class 3 permit modification if the change were  
29 being proposed to a hazardous waste facilities permit. In  
30 determining whether the proposed modification would constitute  
31 a class 3 modification, the department shall consider the similarity  
32 of the modification to class 3 modifications codified in Appendix  
33 I of Chapter 20 (commencing with Section 66270.1) of Division  
34 4.5 of Title 22 of the California Code of Regulations. In  
35 determining whether the proposed modification would constitute  
36 a class 3 modification, the department shall also consider whether  
37 there is significant public concern about the proposed modification,  
38 and whether the proposed change is so substantial or complex in  
39 nature that the modification requires the more extensive procedures  
40 of a class 3 permit modification.

1 (2) This subdivision does not limit or delay the authority of the  
2 department to order any action necessary at a facility to protect  
3 public health or safety.

4 (3) If the department imposes a hazardous waste facility  
5 postclosure plan in the form of an enforcement order or enforceable  
6 agreement, in lieu of issuing or renewing a postclosure permit, the  
7 owner or operator who submits the plan for approval shall, at the  
8 time the plan is submitted, ~~pay the same fee specified in~~  
9 ~~subparagraph (F) of paragraph (1) of subdivision (d) of Section~~  
10 ~~25205.7, or enter into a cost reimbursement agreement pursuant~~  
11 ~~to subdivision (a) of Section 25205.7 and upon commencement~~  
12 ~~of the postclosure period shall pay the fee required by paragraph~~  
13 ~~(9) of subdivision (c) of Section 25205.4. For purposes of this~~  
14 ~~paragraph and paragraph (9) of subdivision (c) of Section 25205.4,~~  
15 ~~the commencement of the postclosure period shall be the effective~~  
16 ~~date of the postclosure permit, enforcement order, or enforceable~~  
17 ~~agreement.~~

18 (4) In addition to any other remedy available under state law to  
19 enforce a postclosure plan imposed in the form of an enforcement  
20 order or enforcement agreement, the department may take any of  
21 the following actions:

22 (A) File an action to enjoin a threatened or continuing violation  
23 of a requirement of the enforcement order or agreement.

24 (B) Require compliance with requirements for corrective action  
25 or other emergency response measures that the department deems  
26 necessary to protect human health and the environment.

27 (C) Assess or file an action to recover civil penalties and fines  
28 for a violation of a requirement of an enforcement order or  
29 agreement.

30 (e) Subdivision (d) does not apply to a postclosure plan for  
31 which a final or draft permit has been issued by the department on  
32 or before December 31, 2003, unless the department and the facility  
33 mutually agree to replace the permit with an enforcement order or  
34 enforceable agreement pursuant to the provisions of subdivision  
35 (d).

36 (f) (1) Except as provided in paragraphs (2) and (3), the  
37 department may only impose postclosure plan requirements through  
38 an enforcement order or an enforceable agreement pursuant to  
39 subdivision (d) until January 1, 2009.

1 (2) This subdivision does not apply to an enforcement order or  
2 enforceable agreement issued prior to January 1, 2009, or an order  
3 or agreement for which a public notice is issued on or before  
4 January 1, 2009.

5 (3) This subdivision does not apply to the modification on or  
6 after January 1, 2009, of an enforcement order or enforceable  
7 agreement that meets the conditions in paragraph (2).

8 (g) If the department determines that a postclosure permit is  
9 necessary to enforce a postclosure plan, the department may, at  
10 any time, rescind and replace an enforcement order or an  
11 enforceable agreement issued pursuant to this section by issuing  
12 a postclosure permit for the hazardous waste facility, in accordance  
13 with the procedures specified in the department's regulations for  
14 the issuance of postclosure permits.

15 (h) Nothing in this section may be construed to limit or delay  
16 the authority of the department to order any action necessary at a  
17 facility to protect public health or safety, or the environment.

18 *SEC. 47. Section 25250.24 of the Health and Safety Code is*  
19 *amended to read:*

20 25250.24. (a) Except as provided in subdivision (b), any person  
21 who generates, receives, stores, transfers, transports, treats, or  
22 recycles used oil, unless specifically exempted or unless the used  
23 oil is not regulated by the department pursuant to subdivision (b)  
24 of Section 25250.1, shall comply with all provisions of this chapter.

25 (b) Used oil which is removed from a motor vehicle and which  
26 is subsequently recycled, by a recycler who is permitted pursuant  
27 to this article, shall not be included in the calculation of the amount  
28 of hazardous waste generated for purposes of the generator fee  
29 imposed pursuant to Section 25205.5.

30 (c) *This section shall remain in effect only until January 1, 2014,*  
31 *and as of that date is repealed, unless a later enacted statute, that*  
32 *is enacted before January 1, 2014, deletes or extends that date.*

33 *SEC. 48. Section 25250.24 is added to the Health and Safety*  
34 *Code, to read:*

35 25250.24. (a) *A person who generates, receives, stores,*  
36 *transfers, transports, treats, or recycles used oil, unless specifically*  
37 *exempted or unless the used oil is not regulated by the department*  
38 *pursuant to subdivision (b) of Section 25250.1, shall comply with*  
39 *all provisions of this chapter.*

1 (b) *This section shall become operative on January 1, 2014,*  
2 *and shall apply to the fees due for the 2014 reporting period and*  
3 *thereafter, including the prepayments due following the reporting*  
4 *period and the final reconciliation fee due and payable following*  
5 *the reporting period.*

6 SEC. 49. *Section 44299.91 of the Health and Safety Code is*  
7 *amended to read:*

8 44299.91. Of the funds appropriated pursuant to Item  
9 3900-001-6053 of Section 2.00 of the Budget Act of 2007, the  
10 State Air Resources Board shall allocate the funds in accordance  
11 with all of the following:

12 (a) All schoolbuses in operation in the state of model year 1976  
13 or earlier shall be replaced.

14 (b) (1) The funds remaining after the allocation made pursuant  
15 to subdivision (a) shall be apportioned to local air quality  
16 management districts and air pollution control districts based on  
17 the number of schoolbuses of model years 1977 to 1986, inclusive,  
18 that are in operation within each district.

19 (2) Each district shall determine the percentage of its allocation  
20 to spend between replacement of schoolbuses of model years 1977  
21 to 1986, inclusive, and retrofit of schoolbuses of any model year.  
22 Of the funds spent by a district for replacement of schoolbuses  
23 pursuant to this paragraph, a district shall replace the oldest  
24 schoolbuses of model years 1977 to 1986, inclusive, within the  
25 district. Of the funds spent by a district for retrofit of schoolbuses  
26 pursuant to this paragraph, a district shall retrofit the most polluting  
27 schoolbuses within the district.

28 (c) All schoolbuses replaced pursuant to this section shall be  
29 scrapped.

30 (d) These funds shall be administered by either the California  
31 Energy Commission or the local air district.

32 (e) If a local air district's funds, including accrued interest, are  
33 not committed by an executed contract as reported to the State Air  
34 Resources Board on or before June 30, 2012, then those funds  
35 shall be transferred, on or before January 1, 2013, to another local  
36 air district that demonstrates an ability to expend the funds by  
37 January 1, 2014. In implementing this section, the State Air  
38 Resources Board in consultation with the local air districts shall,  
39 by September 30, 2012, establish a list of potential recipient local

1 air districts, prioritizing local air districts with the most polluting  
2 school buses and the greatest need for school bus funding.

3 (f) Each allocation made pursuant to this section to a local air  
4 district shall provide enough funding for at least one project to be  
5 implemented pursuant to the Lower-Emission School Bus Program  
6 adopted by the State Air Resources Board. In the event a local air  
7 district has unspent funds as of January 1, 2014, the local air district  
8 shall work with the State Air Resources Board to transfer the  
9 unspent funds to an alternative local air district with existing  
10 demand.

11 (g) Funds made available pursuant to this chapter to a local air  
12 district shall be expended by June 30, 2014.

13 (h) All funds not expended by a local air district by June 30,  
14 2014, shall be returned to the State Air Resources Board.

15 (i) *Funds authorized by the State Air Resources Board during*  
16 *or subsequent to the 2013–14 fiscal year shall be allocated to local*  
17 *air districts by prioritizing to retrofit or replace the most polluting*  
18 *schoolbuses in small local air districts first and then medium local*  
19 *air districts as defined by the State Air Resources Board. Each*  
20 *allocation shall provide sufficient funding for at least one project*  
21 *to be implemented pursuant to the Lower-Emission School Bus*  
22 *Program adopted by the State Air Resources Board. If a local air*  
23 *district has unspent funds within six months of the expenditure*  
24 *deadline, the local air district shall work with the State Air*  
25 *Resources Board to transfer those funds to an alternative local*  
26 *air district with existing demand.*

27 *SEC. 50. Section 12211 of the Public Contract Code is amended*  
28 *to read:*

29 12211. (a) ~~Each~~ (1) *Except as provided in paragraph (2), a*  
30 *state agency shall report annually to the board their progress in*  
31 *meeting the recycled product purchasing requirements using the*  
32 *SABRC report format provided by the board. Department of*  
33 *Resources Recycling and Recovery.*

34 (2) *The reporting requirement in paragraph (1) does not apply*  
35 *to the Department of Forestry and Fire Protection.*

36 (b) On or before October 31 of each year, the department shall  
37 provide to the ~~board~~ *Department of Resources Recycling and*  
38 *Recovery* the following information:

39 (1) A list, by category, of individual reportable recycled  
40 products, materials, goods, and supplies that were available for

1 purchase by state agencies from a statewide-use contract,  
2 agreement, or schedule during the previous fiscal year.

3 (2) A list, by category, of all reportable products, materials,  
4 goods, and supplies that were available for purchase by state  
5 agencies from a statewide-use contract, agreement, or schedule,  
6 including contract, agreement, or schedule tracking numbers,  
7 during the previous fiscal year.

8 ~~(e) The board shall annually provide an agency-specific report  
9 to the Legislature identifying all state agency SABRC reporting  
10 figures.~~

11 ~~(d) Every three years, the board shall provide, as part of the  
12 report described in subdivision (e), recommendations to the  
13 Legislature for changes necessary to increase the purchase of  
14 recycled content products, materials, goods, and supplies and  
15 improve SABRC program efficiency.~~

16 *SEC. 51. Section 4124 of the Public Resources Code is*  
17 *repealed.*

18 ~~4124. The department shall submit an annual report to the Joint  
19 Legislative Budget Committee, in accordance with Section 9795  
20 of the Government Code, regarding emergency incidents funded  
21 entirely or in part from Item 3540-006-0001 of Section 2.00 of the  
22 annual Budget Act, commonly referred to as the "emergency fund,"  
23 or from a similar provision of any future Budget Act that provides  
24 funds for emergency fire suppression and detection costs and  
25 related emergency revegetation costs, and for which the department  
26 administratively classifies these funds as being expended from the  
27 emergency fund. The report shall include all of the following:~~

28 ~~(a) For each incident that is estimated to cost more than five  
29 million dollars (\$5,000,000), as adjusted annually by the  
30 department to account for inflation using the California Consumer  
31 Price Index published by the Department of Industrial Relations,  
32 the report shall include all of the following information, to the  
33 extent the information is known by the department:~~

34 ~~(1) The administrative district or districts and the county or  
35 counties in which the incident occurred, and whether the incident  
36 occurred in a state responsibility area, local responsibility area,  
37 federal responsibility area, or some combination of those areas.~~

38 ~~(2) A general description of the incident and the department's  
39 response to the incident.~~

1     ~~(3) The total estimated cost of the incident, listed by appropriate~~  
2 ~~category, including, but not limited to, overtime, additional staffing,~~  
3 ~~inmate costs, travel, accommodations, air support, and nonstate~~  
4 ~~vendor costs.~~

5     ~~(4) The estimated costs charged to the emergency fund, listed~~  
6 ~~by appropriate category, including, but not limited to, overtime,~~  
7 ~~additional staffing, inmate costs, travel, accommodations, air~~  
8 ~~support, and nonstate vendor costs.~~

9     ~~(5) The number of personnel and equipment assigned to the~~  
10 ~~incident, including state resources, federal resources, and local~~  
11 ~~resources.~~

12     ~~(6) Whether the state's costs to respond to the incident are~~  
13 ~~eligible for reimbursement from the federal government or a local~~  
14 ~~government.~~

15     ~~(7) Whether the department had performed any fuel reduction,~~  
16 ~~vegetation management, controlled burns, or other fuel treatment~~  
17 ~~in the area of the incident that impacted either the course of the~~  
18 ~~incident or the department's response to the incident.~~

19     ~~(b) For each incident that is estimated to cost less than five~~  
20 ~~million dollars (\$5,000,000), as adjusted annually by the~~  
21 ~~department to account for inflation using the California Consumer~~  
22 ~~Price Index published by the Department of Industrial Relations,~~  
23 ~~the report shall include a list of those incidents, specifying each~~  
24 ~~incident's total estimated cost and total estimated costs charged~~  
25 ~~to the emergency fund.~~

26     ~~(c) Information on any other costs paid in whole or in part from~~  
27 ~~the emergency fund.~~

28     ~~SEC. 52. Section 4515 of the Public Resources Code is~~  
29 ~~repealed.~~

30     ~~4515. The board shall submit to the Legislature on December~~  
31 ~~1st of each year a report on the actions taken pursuant to this~~  
32 ~~chapter during the preceding fiscal year. Such report shall include~~  
33 ~~a statement of the actions, including legislative recommendations,~~  
34 ~~which are necessary to more fully carry out the purposes and~~  
35 ~~requirements of this chapter.~~

36     ~~SEC. 53. Section 4785 of the Public Resources Code is~~  
37 ~~amended to read:~~

38     ~~4785. The department shall from time to time prepare reports~~  
39 ~~setting forth data as to the experiments so conducted and its the~~  
40 ~~department's findings and conclusions with reference thereto to~~

1 *those experiments* and submit these reports to the board for its  
2 guidance and assistance in determining the policy to be followed  
3 by the board with reference to range and forage lands. ~~The board~~  
4 ~~shall make these reports available to the Legislature.~~

5 *SEC. 54. Section 5018.1 of the Public Resources Code is*  
6 *amended to read:*

7 5018.1. (a) Notwithstanding any other ~~provision of~~ law, the  
8 Department of Finance may delegate to the department the right  
9 to exercise the same authority granted to the Division of the State  
10 Architect and the Real Estate Services Division in the Department  
11 of General Services, to plan, design, construct, and administer  
12 contracts and professional services for legislatively approved  
13 capital outlay projects.

14 (b) Any right afforded to the department pursuant to subdivision  
15 (a) to exercise project planning, design, construction, and  
16 administration of contracts and professional services may be  
17 revoked, in whole or in part, by the Department of Finance at any  
18 time prior to January 1, ~~2014~~, 2019.

19 (c) This section shall remain in effect only until January 1, ~~2014~~,  
20 2019, and as of that date is repealed, unless a later enacted statute,  
21 that is enacted before January 1, ~~2014~~, 2019, deletes or extends  
22 that date.

23 *SEC. 55. Section 5080.18 of the Public Resources Code is*  
24 *amended to read:*

25 5080.18. All concession contracts entered into pursuant to this  
26 article shall contain, but are not limited to, all of the following  
27 provisions:

28 (a) (1) The maximum term shall be 10 years, except that a term  
29 of more than 10 years may be provided if the director determines  
30 that the longer term is necessary to allow the concessionaire to  
31 amortize improvements made by the concessionaire, to facilitate  
32 the full utilization of a structure that is scheduled by the department  
33 for replacement or redevelopment, or to serve the best interests of  
34 the state. The term shall not exceed 20 years without specific  
35 authorization by statute.

36 (2) The maximum term shall be 50 years if the concession  
37 contract is for the construction, development, and operation of  
38 multiple-unit lodging facilities equipped with full amenities,  
39 including plumbing and electrical, that is anticipated to exceed an  
40 initial cost of one million five hundred thousand dollars

1 (\$1,500,000) in capital improvements in order to begin operation.  
2 The term for a concession contract described in this paragraph  
3 shall not exceed 50 years without specific authorization by statute.

4 (3) *Notwithstanding paragraph (1), a concession agreement at*  
5 *Will Rogers State Beach executed prior to December 31, 1997,*  
6 *including, but not limited to, an agreement signed pursuant to*  
7 *Section 25907 of the Government Code, may be extended to exceed*  
8 *20 years in total length without specific authorization by statute,*  
9 *upon approval by the director and pursuant to a determination by*  
10 *the director that the longer term is necessary to allow the*  
11 *concessionaire to amortize improvements made by the*  
12 *concessionaire that are anticipated to exceed one million five*  
13 *hundred thousand dollars (\$1,500,000) in capital improvements.*  
14 *Any extensions granted pursuant to this paragraph shall not be*  
15 *for more than 15 years.*

16 (b) Every concessionaire shall submit to the department all sales  
17 and use tax returns.

18 (c) Every concession shall be subject to audit by the department.

19 (d) A performance bond shall be obtained and maintained by  
20 the concessionaire. In lieu of a bond, the concessionaire may  
21 substitute a deposit of funds acceptable to the department. Interest  
22 on the deposit shall accrue to the concessionaire.

23 (e) The concessionaire shall obtain and maintain in force at all  
24 times a policy of liability insurance in an amount adequate for the  
25 nature and extent of public usage of the concession and naming  
26 the state as an additional insured.

27 (f) Any discrimination by the concessionaire or his or her agents  
28 or employees against any person because of the marital status or  
29 ancestry of that person or any characteristic listed or defined in  
30 Section 11135 of the Government Code is prohibited.

31 (g) To be effective, any modification of the concession contract  
32 shall be evidenced in writing.

33 (h) Whenever a concession contract is terminated for substantial  
34 breach, there shall be no obligation on the part of the state to  
35 purchase any improvements made by the concessionaire.

36 *SEC. 56. Section 5096.650 of the Public Resources Code is*  
37 *amended to read:*

38 5096.650. The one billion two hundred seventy-five million  
39 dollars (\$1,275,000,000) allocated pursuant to subdivision (c) of  
40 Section 5096.610 shall be available for the acquisition and

1 development of land, air, and water resources in accordance with  
2 the following schedule:

3 (a) Notwithstanding Section 13340 of the Government Code,  
4 the sum of three hundred million dollars (\$300,000,000) is  
5 continuously appropriated to the Wildlife Conservation Board for  
6 the acquisition, development, rehabilitation, restoration, and  
7 protection of habitat that promotes the recovery of threatened and  
8 endangered species, that provides corridors linking separate habitat  
9 areas to prevent habitat fragmentation, and that protects significant  
10 natural landscapes and ecosystems such as old growth redwoods  
11 and oak woodlands and other significant habitat areas; and for  
12 grants and related state administrative costs pursuant to the Wildlife  
13 Conservation Law of 1947 (Chapter 4 (commencing with Section  
14 1300) of Division 2 of the Fish and Game Code). Funds scheduled  
15 in this subdivision may be used to prepare management plans for  
16 properties acquired in fee by the Wildlife Conservation Board.

17 (b) The sum of four hundred forty-five million dollars  
18 (\$445,000,000) to the conservancies in accordance with the  
19 particular provisions of the statute creating each conservancy for  
20 the acquisition, development, rehabilitation, restoration, and  
21 protection of land and water resources; for grants and state  
22 administrative costs; and in accordance with the following  
23 schedule:

24		
25	(1) To the State Coastal Conservancy .....	\$200,000,000
26	(2) To the California Tahoe Conservancy .....	\$ 40,000,000
27	(3) To the Santa Monica Mountains Conservancy .....	\$ 40,000,000
28	(4) To the Coachella Valley Mountains Conservancy .....	\$ 20,000,000
29	(5) To the San Joaquin River Conservancy .....	\$ 25,000,000
30	(6) To the San Gabriel and Lower Los Angeles Rivers	
31	and Mountains Conservancy .....	\$ 40,000,000
32	(7) To the Baldwin Hills Conservancy .....	\$ 40,000,000
33	(8) To the San Francisco Bay Area Conservancy	
34	Program .....	\$ 40,000,000
35		

36 (c) The sum of three hundred seventy-five million dollars  
37 (\$375,000,000) shall be available for grants to public agencies and  
38 nonprofit organizations for acquisition, development, restoration,  
39 and associated planning, permitting, and administrative costs for

1 the protection and restoration of water resources in accordance  
2 with the following schedule:

3 (1) The sum of seventy-five million dollars (\$75,000,000) to  
4 the secretary for the acquisition and development of river parkways  
5 and for protecting urban streams. The secretary shall make funds  
6 available in accordance with Sections 7048 and 78682.2 of the  
7 Water Code, and pursuant to any other applicable statutory  
8 authorization. Not less than five million dollars (\$5,000,000) shall  
9 be available for grants for the urban streams program, pursuant to  
10 Section 7048 of the Water Code.

11 (2) The sum of three hundred million dollars (\$300,000,000)  
12 shall be available for the purposes of clean beaches, watershed  
13 protection, and water quality projects to protect beaches, coastal  
14 waters, rivers, lakes, and streams from contaminants, pollution,  
15 and other environmental threats.

16 (d) (1) The sum of fifty million dollars (\$50,000,000) to the  
17 State Air Resources Board for grants to air districts pursuant to  
18 Chapter 9 (commencing with Section 44275) of Part 5 of Division  
19 26 of the Health and Safety Code for projects that reduce air  
20 pollution that affects air quality in state and local park and  
21 recreation areas. Eligible projects shall meet the requirements of  
22 Section 16727 of the Government Code and shall be consistent  
23 with Section 43023.5 of the Health and Safety Code, if Assembly  
24 Bill 1390 of the 2001–02 Regular Session of the Legislature is  
25 enacted on or before January 1, 2003. Each *air* district shall be  
26 eligible for grants of not less than two hundred thousand dollars  
27 (\$200,000). Not more than 5 percent of the funds allocated to a *an*  
28 *air* district may be used to cover the costs associated with  
29 implementing the grant program.

30 (2) *Allocations of funds pursuant to this subdivision to the*  
31 *Lower-Emission School Bus Program shall be prioritized to retrofit*  
32 *or replace the most polluting schoolbuses in small air districts*  
33 *first and then to medium air districts as defined by the State Air*  
34 *Resources Board. Each allocation for this purpose shall provide*  
35 *enough funding for at least one project to be implemented pursuant*  
36 *to the Lower-Emission School Bus Program adopted by the State*  
37 *Air Resources Board. If a local air district has unspent funds within*  
38 *six months of the expenditure deadline, the air district shall work*  
39 *with the State Air Resources Board to transfer funds to an*  
40 *alternative air district with existing demand.*

1 (e) The sum of twenty million dollars (\$20,000,000) to the  
2 California Conservation Corps for the acquisition, development,  
3 restoration, and rehabilitation of land and water resources, and for  
4 grants and state administrative costs in accordance with the  
5 following schedule:

6 (1) The sum of five million dollars (\$5,000,000) shall be  
7 available for resource conservation activities.

8 (2) The sum of fifteen million dollars (\$15,000,000) shall be  
9 available for grants to local conservation corps for acquisition and  
10 development of facilities to support local conservation corps  
11 programs.

12 (f) The sum of seventy-five million dollars (\$75,000,000) shall  
13 be available for grants for the preservation of agricultural lands  
14 and grazing lands, including oak woodlands and grasslands.

15 (g) The sum of ten million dollars (\$10,000,000) to the  
16 Department of Forestry and Fire Protection for grants for urban  
17 forestry programs pursuant to the California Urban Forestry Act  
18 of 1978 (Chapter 2 (commencing with Section 4799.06) of Part  
19 2.5 of Division 1).

20 *SEC. 57. Section 14538 of the Public Resources Code is*  
21 *amended to read:*

22 14538. (a) (1) *The department shall certify the operators of*  
23 *recycling centers pursuant to this section.*

24 (2) *The department shall review whether an application for*  
25 *certification or renewal is complete within 30 working days of*  
26 *receipt, including compliance with subdivision (c). If the*  
27 *department deems an application complete, the department shall*  
28 *approve or deny the application no later than 60 calendar days*  
29 *after the date when the application was deemed complete.*

30 ~~(a)~~

31 ~~(b) The department shall certify the operators of recycling~~  
32 ~~centers pursuant to this section. The director shall adopt, by~~  
33 ~~regulation, a procedure for the certification of recycling centers,~~  
34 ~~including standards and requirements for certification. These~~  
35 ~~regulations shall require that all information be submitted to the~~  
36 ~~department under penalty of perjury. A recycling center shall meet~~  
37 ~~all of the standards and requirements contained in the regulations~~  
38 ~~for certification. The regulations shall require, but shall not be~~  
39 ~~limited to requiring, that all of the following conditions be met for~~  
40 ~~certification:~~

1 (1) The operator of the recycling center demonstrates, to the  
2 satisfaction of the department, that the operator will operate in  
3 accordance with this division.

4 (2) If one or more certified entities have operated at the same  
5 location within the past five years, the operations at the location  
6 of the recycling center exhibit, to the satisfaction of the department,  
7 a pattern of operation in compliance with the requirements of this  
8 division and regulations adopted pursuant to this division.

9 (3) The operator of the recycling center notifies the department  
10 promptly of any material change in the nature of his or her  
11 operations which conflicts with information submitted in the  
12 operator's application for certification.

13 *(c) (1) On and after January 1, 2014, an applicant for*  
14 *certification as a recycling center, and a recycling center applying*  
15 *for renewal of a certification, shall complete the precertification*  
16 *training program required by this subdivision and meet all other*  
17 *qualification requirements prescribed by the department, which*  
18 *may include, but are not limited to, requiring the applicant to*  
19 *obtain a passing score on an examination administered by the*  
20 *department.*

21 *(2) The department may use staff or industry experts, or may*  
22 *seek expertise available in other state agencies, to provide the*  
23 *training program required by this subdivision, which shall include*  
24 *providing technical assistance to better prepare recycling centers*  
25 *for successful participation in this division, thereby reducing the*  
26 *potential for errors, fraud, or other activities that compromise the*  
27 *integrity of the implementation of this division.*

28 ~~(b)~~

29 *(d) A certified recycling center shall comply with all of the*  
30 *following requirements for operation:*

31 (1) The operator of the recycling center shall not pay a refund  
32 value for, or receive a refund value from any processor for, any  
33 food or drink packaging material or any beverage container or  
34 other product that does not have a refund value established pursuant  
35 to Section 14560.

36 (2) The operator of a recycling center shall take those actions  
37 that satisfy the department to prevent the payment of a refund value  
38 for any food or drink packaging material or any beverage container  
39 or other product that does not have a refund value established  
40 pursuant to Section 14560.

1 (3) Unless exempted pursuant to subdivision (b) of Section  
2 14572, a certified recycling center shall accept, and pay at least  
3 the refund value for, all empty beverage containers, regardless of  
4 type.

5 (4) A certified recycling center shall not pay any refund values,  
6 processing payments, or administrative fees to a noncertified  
7 recycler.

8 (5) A certified recycling center shall not pay any refund values,  
9 processing payments, or administrative fees on empty beverage  
10 containers or other containers that the certified recycling center  
11 knew, or should have known, were coming into the state from out  
12 of the state.

13 (6) A certified recycling center shall not claim refund values,  
14 processing payments, or administrative fees on empty beverage  
15 containers that the certified recycling center knew, or should have  
16 known, were received from noncertified recyclers or on beverage  
17 containers that the certified recycling center knew, or should have  
18 known, come from out of the state.

19 (7) A certified recycling center shall prepare and maintain the  
20 following documents involving empty beverage containers, as  
21 specified by the department by regulation:

22 (A) Shipping reports that are required to be prepared by the  
23 recycling center, or that are required to be obtained from other  
24 recycling centers.

25 (B) Consumer transaction receipts.

26 (C) Consumer transaction logs.

27 (D) Rejected container receipts on materials subject to this  
28 division.

29 (E) Receipts for transactions with beverage manufacturers on  
30 materials subject to this division.

31 (F) Receipts for transactions with beverage distributors on  
32 materials subject to this division.

33 (G) Documents authorizing the recycling center to cancel empty  
34 beverage containers.

35 (H) Weight tickets.

36 (8) In addition to the requirements of paragraph (7), a certified  
37 recycling center shall cooperate with the department and make  
38 available its records of scrap transactions when the review of these  
39 records is necessary for an audit or investigation by the department.

40 (e)

1 (e) The department may recover, in restitution pursuant to  
2 paragraph (5) of subdivision (c) of Section 14591.2, payments  
3 made from the fund to the certified recycling center pursuant to  
4 Section 14573.5 that are based on the documents specified in  
5 paragraph (7), that are not prepared or maintained in compliance  
6 with the department's regulations, and that do not allow the  
7 department to verify claims for program payments.

8 ~~(d)~~

9 (f) The department may certify a recycling center that will  
10 operate less than 30 hours a week, as specified in paragraph (2) of  
11 subdivision (b) of Section 14571.

12 *SEC. 58. Section 14539 of the Public Resources Code is*  
13 *amended to read:*

14 14539. (a) (1) *The department shall certify processors*  
15 *pursuant to this section.*

16 (2) *The department shall review whether an application for*  
17 *certification or renewal is complete within 30 working days of*  
18 *receipt, including compliance with subdivision (c). If the*  
19 *department deems an application complete, the department shall*  
20 *approve or deny the application no later than 60 calendar days*  
21 *after the date when the application was deemed complete.*

22 ~~(a)~~

23 ~~(b) The department shall certify processors pursuant to this~~  
24 ~~section. The director shall adopt, by regulation, requirements and~~  
25 ~~standards for certification. The regulations shall require, but shall~~  
26 ~~not be limited to requiring, that all of the following conditions be~~  
27 ~~met for certification:~~

28 (1) The processor demonstrates to the satisfaction of the  
29 department that the processor will operate in accordance with this  
30 division.

31 (2) If one or more certified entities have operated at the same  
32 location within the past five years, the operations at the location  
33 of the processor exhibit, to the satisfaction of the department, a  
34 pattern of operation in compliance with the requirements of this  
35 division and regulations adopted pursuant to this division.

36 (3) The processor notifies the department promptly of any  
37 material change in the nature of the processor's operations that  
38 conflicts with the information submitted in the operator's  
39 application for certification.

1 (c) (1) *On and after January 1, 2014, an applicant for*  
2 *certification as a processor and a processor applying for renewal*  
3 *of a certification shall complete the precertification training*  
4 *program required by this subdivision and meet all other*  
5 *qualification requirements prescribed by the department, which*  
6 *may include, but are not limited to, requiring the applicant to*  
7 *obtain a passing score on an examination administered by the*  
8 *department.*

9 (2) *The department may use staff or industry experts, or may*  
10 *seek expertise available in other state agencies, to provide the*  
11 *training program required by this subdivision, which shall include*  
12 *providing technical assistance to better prepare processors for*  
13 *successful participation in this division, thereby reducing the*  
14 *potential for errors, fraud, or other activities which compromise*  
15 *the integrity of the implementation of this division.*

16 ~~(b)~~

17 (d) A certified processor shall comply with all of the following  
18 requirements for operation:

19 (1) The processor shall not pay a refund value for, or receive a  
20 refund value from the department for, any food or drink packaging  
21 material or any beverage container or other product that does not  
22 have a refund value established pursuant to Section 14560.

23 (2) The processor shall take those actions that satisfy the  
24 department to prevent the payment of a refund value for any food  
25 or drink packaging material or any beverage container or other  
26 product that does not have a refund value established pursuant to  
27 Section 14560.

28 (3) Unless exempted pursuant to subdivision (b) of Section  
29 14572, the processor shall accept, and pay at least the refund value  
30 for, all empty beverage containers, regardless of type, for which  
31 the processor is certified.

32 (4) A processor shall not pay any refund values, processing  
33 payments, or administrative fees to a noncertified recycler. A  
34 processor may pay refund values, processing payments, or  
35 administrative fees to any entity that is identified by the department  
36 on its list of certified recycling centers.

37 (5) A processor shall not pay any refund values, processing  
38 payments, or administrative fees on empty beverage containers or  
39 other containers that the processor knew, or should have known,  
40 were coming into the state from out of the state.

1 (6) A processor shall not claim refund values, processing  
2 payments, or administrative fees on empty beverage containers  
3 that the processor knew, or should have known, were received  
4 from noncertified recyclers or on beverage containers that the  
5 processor knew, or should have known, come from out of the state.  
6 A processor may claim refund values, processing payments, or  
7 administrative fees on any empty beverage container that does not  
8 come from out of the state and that is received from any entity that  
9 is identified by the department on its list of certified recycling  
10 centers.

11 (7) A processor shall take the actions necessary and approved  
12 by the department to cancel containers to render them unfit for  
13 redemption.

14 (8) A processor shall prepare or maintain the following  
15 documents involving empty beverage containers, as specified by  
16 the department by regulation:

17 (A) Shipping reports that are required to be prepared by the  
18 processor or that are required to be obtained from recycling centers.

19 (B) Processor invoice reports.

20 (C) Cancellation verification documents.

21 (D) Documents authorizing recycling centers to cancel empty  
22 beverage containers.

23 (E) Processor-to-processor transaction receipts.

24 (F) Rejected container receipts on materials subject to this  
25 division.

26 (G) Receipts for transactions with beverage manufacturers on  
27 materials subject to this division.

28 (H) Receipts for transactions with distributors on materials  
29 subject to this division.

30 (I) Weight tickets.

31 (9) In addition to the requirements of paragraph (7), a processor  
32 shall cooperate with the department and make available its records  
33 of scrap transactions when the review of these records is necessary  
34 for an audit or investigation by the department.

35 (e)

36 (e) The department may recover, in restitution pursuant to  
37 paragraph (5) of subdivision (c) of Section 14591.2, any payments  
38 made by the department to the processor pursuant to Section 14573  
39 that are based on the documents specified in paragraph (8) of  
40 subdivision (b) of this section, that are not prepared or maintained

1 in compliance with the department's regulations, and that do not  
2 allow the department to verify claims for program payments.

3 *SEC. 59. Section 14549.5 of the Public Resources Code is*  
4 *amended to read:*

5 14549.5. On or before ~~the 90th day after the effective date of~~  
6 ~~the act amending this section, April 1, 2004,~~ and annually  
7 thereafter, or more frequently as determined to be necessary by  
8 the department, the department shall review and, if necessary in  
9 order to ensure payment of the most accurate commingled rate  
10 feasible, recalculate commingled rates paid for beverage containers  
11 and postfilled containers paid to curbside recycling ~~programs,~~  
12 ~~collection programs, programs and recycling centers.~~ *collection*  
13 *programs.* Prior to recalculating a commingled rate pursuant to  
14 this section, the department shall do all of the following:

15 (a) Consult with private and public operators of curbside  
16 recycling ~~programs, collection programs, programs and recycling~~  
17 ~~centers~~ *collection programs* concerning the size of the statewide  
18 sample, appropriate sampling methodologies, and alternatives to  
19 exclusive reliance on a statewide commingled rate.

20 (b) At least 60 days prior to the effective date of any new  
21 commingled rate, hold a public hearing, after giving notice, to  
22 make available to the public and affected parties the department's  
23 review and any proposed recalculations of the commingled rate.

24 (c) At least 60 days prior to the effective date of any new  
25 commingled rate, and upon the request of any party, make available  
26 documentation or studies which were prepared as part of the  
27 department's review of a commingled rate.

28 (d) (1) Notwithstanding this division, the department may  
29 calculate a curbside recycling program commingled rate pursuant  
30 to this subdivision for bimetal containers and a combined  
31 commingled rate for all plastic beverage containers displaying the  
32 resin identification code "3," "4," "5," "6," or "7" pursuant to  
33 Section 18015.

34 (2) The department may enter into a contract for the services  
35 required to implement the amendments to this section made by the  
36 ~~act Chapter 753 of the first half Statutes of the 2003-04 Regular~~  
37 ~~Session of the Legislature amending this section. 2003.~~ The  
38 department may not expend more than two hundred fifty thousand  
39 dollars (\$250,000) for each year of the contract. The contract shall  
40 be paid only from revenues derived from redemption payments

1 and processing fees paid on plastic beverage containers displaying  
 2 the resin identification code “3,” “4,” “5,” “6,” or “7” pursuant to  
 3 Section 18015. If the department determines that insufficient funds  
 4 will be available from these revenues, after refund values are paid  
 5 to processors and the reduction is made in the processing fee  
 6 pursuant to subdivision—(f) (e) of Section 14575 for these  
 7 containers, the department may determine not to calculate a  
 8 commingled rate pursuant to this subdivision.

9 *SEC. 60. Section 14553 of the Public Resources Code is*  
 10 *amended to read:*

11 14553. (a) ~~All~~ *Except as provided in subdivision (b), all*  
 12 *reports, claims, and other information required pursuant to this*  
 13 *division and submitted to the department shall be complete, legible,*  
 14 *and accurate, as determined by the department by regulation, and*  
 15 *shall be signed, by an officer, director, managing employee, or*  
 16 *owner of the certified recycling center, processor, distributor,*  
 17 *beverage manufacturer, container manufacturer, or other entity.*

18 *(b) Notwithstanding subdivision (a), a person submitting the*  
 19 *reports, claims, and other information specified in subdivision (a)*  
 20 *shall use the Division of Recycling Integrated Information System*  
 21 *(DORIIS) or other system designated by the department for*  
 22 *reporting, making, or claiming payments, or providing other*  
 23 *information required pursuant to this division.*

24 ~~(b)~~  
 25 *(c) The department may inspect the operations, processes, and*  
 26 *records of—any an entity required to submit a report to the*  
 27 *department pursuant to this division to determine the accuracy of*  
 28 *the report and compliance with the requirements of this division.*

29 ~~(e)~~  
 30 *(d) (1) A violation of this section is subject to the penalties*  
 31 *specified in Section 14591.1.*

32 *(2) The department may take an enforcement action against a*  
 33 *certified recycling center or processor that fails to comply with*  
 34 *this section, including, but not limited to, imposing penalties,*  
 35 *denying claims for payment, or terminating the certification of the*  
 36 *certified recycling center or processor.*

37 *SEC. 61. Section 14572 of the Public Resources Code is*  
 38 *amended to read:*

39 14572. (a) (1) *Except as provided in subdivision (b), a*  
 40 *certified recycling center shall accept from any consumer or dropoff*

1 or collection program any empty beverage container, and shall pay  
2 to the consumer or dropoff or collection program the refund value  
3 of the beverage container. ~~The center may pay the refund value~~  
4 ~~based on the weight of returned containers.~~

5 (2) *Except as provided in paragraph (3), the recycling center*  
6 *may pay the refund value based on the weight of returned*  
7 *containers.*

8 (3) *On and after September 1, 2013, for beverage containers*  
9 *redeemed by consumers, a certified recycling center shall pay the*  
10 *refund value using the applicable segregated rate, as defined in*  
11 *paragraph (43) of subsection (a) of Section 2000 of Title 14 of the*  
12 *California Code of Regulations, as that section read on September*  
13 *1, 2013, which shall be based on the weight of the redeemed*  
14 *beverage containers.*

15 (b) Any recycling center or processor ~~which that~~ was in  
16 existence on January 1, 1986, and ~~which that~~ refused, as of January  
17 1, 1986, to accept at a particular location a certain type of empty  
18 beverage container may continue to refuse to accept at the location  
19 the type or types of empty beverage containers that the recycling  
20 center or processor refused to accept as of January 1, 1986. ~~Any~~  
21 A certified recycling center ~~which that~~ refuses, pursuant to this  
22 subdivision, to accept a certain type or types of empty beverage  
23 containers is not eligible to receive handling fees unless the center  
24 agrees to accept all types of empty beverage containers and is a  
25 supermarket site. This subdivision does not preclude the certified  
26 recycling center from receiving a handling fee for beverage  
27 containers redeemed at supermarket sites ~~which that~~ do accept all  
28 types of containers.

29 (c) The department shall develop procedures by which recycling  
30 centers and processors ~~which that~~ meet the criteria of subdivision  
31 (b) may recertify to change the material types accepted.

32 (d) (1) Only a certified recycling center may pay the refund  
33 value to consumers or dropoff or collection programs. ~~No~~ A person  
34 shall *not* pay a noncertified recycler for empty beverage containers  
35 an amount ~~which that~~ exceeds the current scrap value for each  
36 container type, which shall be determined in the following manner:

37 (A) For a plastic or glass beverage container, the current scrap  
38 value shall be determined by the department.

39 (B) For an aluminum beverage container, the current scrap value  
40 shall be not greater than the amount paid to the processor for that

1 aluminum beverage container, on the date the container was  
 2 purchased, by the location of end use, as defined in the regulations  
 3 of the department.

4 (2) ~~No~~A person ~~may~~ shall not receive or retain, for empty  
 5 beverage containers ~~which~~ that come from out of state, any refund  
 6 values, processing payments, or administrative fees for which a  
 7 claim is made to the department against the fund.

8 (3) Paragraph (1) does not affect curbside programs under  
 9 contract with cities or counties.

10 SEC. 62. Section 14591 of the Public Resources Code is  
 11 amended to read:

12 14591. (a) Except as provided in subdivision (b), in addition  
 13 to any other applicable civil or criminal penalties, ~~any~~ a person  
 14 convicted of a violation of this division, *or a regulation adopted*  
 15 *pursuant to this division*, is guilty of an infraction, which is  
 16 punishable by a fine of one hundred dollars (\$100) for each initial  
 17 separate violation and not more than one thousand dollars (\$1,000)  
 18 for each subsequent separate violation per day.

19 (b) (1) Every person who, with intent to defraud, *knowingly*  
 20 takes any of the following actions is guilty of ~~fraud~~ a crime:

21 (A) Submits a false or fraudulent claim for payment pursuant  
 22 to Section 14573 or 14573.5.

23 (B) Fails to accurately report the number of beverage containers  
 24 sold, as required by subdivision (b) of Section 14550.

25 (C) Fails to make payments as required by Section 14574.

26 (D) Redeems out-of-state containers, rejected containers, line  
 27 breakage, or containers that have already been redeemed.

28 (E) Returns redeemed containers to the *California* marketplace  
 29 for redemption.

30 (F) Brings out-of-state containers, rejected containers, or line  
 31 breakage to the *California* marketplace for redemption.

32 (G) Submits a false or fraudulent claim for handling fee  
 33 payments pursuant to Section 14585.

34 (2) If the money obtained or withheld pursuant to paragraph (1)  
 35 exceeds nine hundred fifty dollars (\$950), ~~the fraud~~ a person  
 36 convicted of a crime pursuant to paragraph (1) is ~~punishable~~  
 37 subject to punishment by imprisonment in the county jail for not  
 38 more than one year or by a fine not exceeding ten thousand dollars  
 39 (\$10,000), or by both, or by imprisonment pursuant to subdivision

40 (h) of Section 1170 of the Penal Code for 16 months, two years,

1 or three years, or by a fine not exceeding twenty-five thousand  
2 dollars (\$25,000) or twice the late or unmade payments plus  
3 interest, whichever is greater, or by both fine and imprisonment.  
4 If the money obtained or withheld pursuant to paragraph (1) equals,  
5 or is less than, nine hundred fifty dollars (\$950), the ~~fraud person~~  
6 ~~is punishable~~ *subject to punishment* by imprisonment in the county  
7 jail for not more than six months or by a fine not exceeding one  
8 thousand dollars (\$1,000), or by both.

9 (c) For purposes of this section and Chapter 8.5 (commencing  
10 with Section 14595), “line breakage” and “rejected container”  
11 have the same meanings as defined in the regulations adopted or  
12 amended by the department pursuant to this division.

13 *SEC. 63. Section 25711.5 is added to the Public Resources*  
14 *Code, to read:*

15 *25711.5. In administering moneys in the fund for research,*  
16 *development, and demonstration programs under this chapter, the*  
17 *commission shall develop and implement the Electric Program*  
18 *Investment Charge (EPIC) program to do all of the following:*

19 (a) *Award funds for projects that will benefit electricity*  
20 *ratepayers and lead to technological advancement and*  
21 *breakthroughs to overcome the barriers that prevent the*  
22 *achievement of the state’s statutory energy goals and that result*  
23 *in a portfolio of projects that is strategically focused and*  
24 *sufficiently narrow to make advancement on the most significant*  
25 *technological challenges that shall include, but not be limited to,*  
26 *energy storage, renewable energy and its integration into the*  
27 *electrical grid, energy efficiency, integration of electric vehicles*  
28 *into the electrical grid, and accurately forecasting the availability*  
29 *of renewable energy for integration into the grid.*

30 (b) *In consultation with the Treasurer, establish terms that shall*  
31 *be imposed as a condition to receipt of funding for the state to*  
32 *accrue any intellectual property interest or royalties that may*  
33 *derive from projects funded by the EPIC program. The commission,*  
34 *when determining if imposition of the proposed terms is*  
35 *appropriate, shall balance the potential benefit to the state from*  
36 *those terms and the effect those terms may have on the state*  
37 *achieving its statutory energy goals. The commission shall require*  
38 *each reward recipient, as a condition of receiving moneys pursuant*  
39 *to this chapter, to agree to any terms the commission determines*  
40 *are appropriate for the state to accrue any intellectual property*

1 *interest or royalties that may derive from projects funded by the*  
2 *EPIC program.*

3 *(c) Require each applicant to report how the proposed project*  
4 *may lead to technological advancement and potential*  
5 *breakthroughs to overcome barriers to achieving the state's*  
6 *statutory energy goals.*

7 *(d) Establish a process for tracking the progress and outcomes*  
8 *of each funded project, including an accounting of the amount of*  
9 *funds spent by program administrators and individual grant*  
10 *recipients on administrative and overhead costs and whether the*  
11 *project resulted in any technological advancement or breakthrough*  
12 *to overcome barriers to achieving the state's statutory energy*  
13 *goals.*

14 *(e) Notwithstanding Section 10231.5 of the Government Code,*  
15 *prepare and submit to the Legislature no later than April 30 of*  
16 *each year an annual report in compliance with Section 9795 of*  
17 *the Government Code that shall include all of the following:*

18 *(1) A brief description of each project for which funding was*  
19 *awarded in the immediately prior calendar year, including the*  
20 *name of the recipient and the amount of the award, a description*  
21 *of how the project is thought to lead to technological advancement*  
22 *or breakthroughs to overcome barriers to achieving the state's*  
23 *statutory energy goals, and a description of why the project was*  
24 *selected.*

25 *(2) A brief description of each project funded by the EPIC*  
26 *program that was completed in the immediately prior calendar*  
27 *year, including the name of the recipient, the amount of the award,*  
28 *and the outcomes of the funded project.*

29 *(3) A brief description of each project funded by the EPIC*  
30 *program for which an award was made in the previous years but*  
31 *that is not completed, including the name of the recipient and the*  
32 *amount of the award, and a description of how the project will*  
33 *lead to technological advancement or breakthroughs to overcome*  
34 *barriers to achieving the state's statutory energy goals.*

35 *(4) Identification of the award recipients that are*  
36 *California-based entities, small businesses, or businesses owned*  
37 *by women, minorities, or disabled veterans.*

38 *(5) Identification of which awards were made through a*  
39 *competitive bid, interagency agreement, or sole source method,*  
40 *and the action of the Joint Legislative Budget Committee pursuant*

1 to paragraph (2) of subdivision (g) for each award made through  
2 an interagency agreement or sole source method.

3 (6) Identification of the total amount of administrative and  
4 overhead costs incurred for each project.

5 (f) Establish requirements to minimize program administration  
6 and overhead costs, including costs incurred by program  
7 administrators and individual grant recipients. Each program  
8 administrator and grant recipient, including a public entity, shall  
9 be required to justify actual administration and overhead costs  
10 incurred, even if the total costs incurred do not exceed a cap on  
11 those costs that the commission may adopt.

12 (g) (1) The commission shall use a sealed competitive bid as  
13 the preferred method to solicit project applications and award  
14 funds pursuant to the EPIC program.

15 (2) (A) The commission may use a sole source or interagency  
16 agreement method if the project cannot be described with sufficient  
17 specificity so that bids can be evaluated against specifications and  
18 criteria set forth in a solicitation for bid and if both of the following  
19 conditions are met:

20 (i) The commission, at least 60 days prior to making an award  
21 pursuant to this subdivision, notifies the Joint Legislative Budget  
22 Committee and the relevant policy committees in both houses of  
23 the Legislature, in writing, of its intent to take the proposed action.

24 (ii) The Joint Legislative Budget Committee either approves or  
25 does not disapprove the proposed action within 60 days from the  
26 date of notification required by clause (i).

27 (B) It is the intent of the Legislature to enact this paragraph to  
28 ensure legislative oversight for awards made on a sole source  
29 basis, or through an interagency agreement.

30 (3) Notwithstanding any other law, standard terms and  
31 conditions that generally apply to contracts between the  
32 commission and any entities, including state entities, do not  
33 automatically preclude the award of moneys from the fund through  
34 the sealed competitive bid method.

35 SEC. 64. Section 25711.7 is added to the Public Resources  
36 Code, to read:

37 25711.7. (a) The Public Utilities Commission shall not require  
38 the collection of funds pursuant to its Decision 12-05-037 (May  
39 24, 2012), Phase 2 Decision Establishing Purposes and  
40 Governance for Electric Program Investment Charge and

1 *Establishing Funding Collections for 2013-2020, as corrected by*  
2 *Decision 12-07-001 (July 3, 2012), Order Correcting Error, and*  
3 *as modified by Decision 13-04-030 (April 18, 2013), Order*  
4 *Modifying Decision (D.) 12-05-037, and Denying Rehearing of*  
5 *Decision, as Modified, in an annual amount greater than the*  
6 *amount specified in those decisions.*

7 *(b) This section does not modify, alter, or, in any way, affect*  
8 *the operation of Section 25712.*

9 *SEC. 65. Section 25751 of the Public Resources Code is*  
10 *amended to read:*

11 25751. (a) The Renewable Resource Trust Fund is hereby  
12 created in the State Treasury.

13 (b) The Emerging Renewable Resources Account is hereby  
14 established within the Renewable Resources Trust Fund.  
15 Notwithstanding Section 13340 of the Government Code, the  
16 moneys in the account are hereby continuously appropriated to  
17 the commission without regard to fiscal years for the following  
18 purposes:

19 (1) To close out the award of incentives for emerging  
20 technologies in accordance with former Section 25744, as this law  
21 existed prior to the enactment of the Budget Act of 2012, for which  
22 applications had been approved before the enactment of the Budget  
23 Act of 2012.

24 (2) To close out consumer education activities in accordance  
25 with former Section 25746, as this law existed prior to the  
26 enactment of the Budget Act of 2012.

27 (3) *To provide funding for the New Solar Homes Partnership*  
28 *pursuant to paragraph (3) of subdivision (e) of Section 2851 of*  
29 *the Public Utilities Code.*

30 (c) The Controller shall provide to the commission funds  
31 pursuant to the continuous appropriation in, and for purposes  
32 specified in, subdivision (b).

33 (d) The Controller shall provide to the commission moneys  
34 from the fund sufficient to satisfy all contract and grant awards  
35 that were made by the commission pursuant to former Sections  
36 25744 and 25746, and Chapter 8.8 (commencing with Section  
37 25780), as these laws existed prior to the enactment of the Budget  
38 Act of 2012.

39 *SEC. 66. Section 26052 of the Public Resources Code is*  
40 *amended to read:*

1 26052. “Applicant” means, for the purposes of Article 2  
2 (commencing with Section 26060), a public agency as defined in  
3 paragraph (3) of subdivision (c) of Section 5898.20 of the Streets  
4 and Highways Code, *or an entity administering a PACE loan*  
5 *program on behalf of and with written consent of a public agency,*  
6 and, for the purposes of Article 3 (commencing with Section  
7 26070), a financial institution providing a loan pursuant to that  
8 chapter to finance the installation of distributed generation  
9 renewable energy sources, electric vehicle charging infrastructure,  
10 or energy or water efficiency improvements.

11 *SEC. 67. Section 26055 of the Public Resources Code is*  
12 *amended to read:*

13 26055. “PACE program” means a program established by an  
14 applicant that is financed by the PACE bond *or a PACE loan*  
15 *program regardless of funding sources.*

16 *SEC. 68. Section 26060 of the Public Resources Code is*  
17 *amended to read:*

18 26060. (a) The authority shall develop and administer a PACE  
19 Reserve program to reduce overall costs to the property owners  
20 of PACE bonds issued by an applicant by providing a reserve of  
21 no more than 10 percent of the initial principal amount of the PACE  
22 bond.

23 (b) *The authority shall develop and administer a PACE risk*  
24 *mitigation program for PACE loans to increase their acceptance*  
25 *in the marketplace and protect against the risk of default and*  
26 *foreclosure.*

27 *SEC. 69. Section 26062 of the Public Resources Code is*  
28 *amended to read:*

29 26062. An applicant shall submit to the authority an application  
30 providing a detailed description of the PACE program, a detailed  
31 description of the transactional activities associated with the PACE  
32 bond issuance, including all transactional costs, *information*  
33 *regarding any credit enhancement or loan insurance associated*  
34 *with a PACE loan program,* and other information deemed  
35 necessary by the authority.

36 *SEC. 70. Section 26063 of the Public Resources Code is*  
37 *amended to read:*

38 26063. (a) In evaluating eligibility, the authority shall consider  
39 whether the applicant’s PACE program includes the following  
40 conditions:

1 (1) Loan recipients are legal owners of underlying property.

2 (2) Loan recipients are current on mortgage and property tax  
3 payments.

4 (3) Loan recipients are not in default or in bankruptcy  
5 proceedings.

6 (4) Loans are for less than 10 percent of the value of the  
7 property.

8 (5) The property is within the geographical boundaries of the  
9 PACE program.

10 (6) The program offers financing for energy efficiency  
11 improvements or electric vehicle charging infrastructure.

12 (7) Improvements financed by the program follow applicable  
13 standards of energy efficiency retrofit work, including any  
14 guidelines adopted by the State Energy Resources Conservation  
15 and Development Commission.

16 (b) In evaluating an application, the authority shall consider all  
17 of the following factors:

18 (1) The use by the PACE program of best practices, adopted by  
19 the authority, to qualify eligible properties for participation in  
20 underwriting the PACE program.

21 (2) The cost efficiency of the applicant's PACE program,  
22 including bond issuance, *credit enhancement*, or *loan insurance*.

23 (3) The projected number of jobs created by the PACE program.

24 (4) The applicant's PACE program requirements for quality  
25 assurance and consumer protection as related to achieving  
26 efficiency and clean energy production.

27 (5) The mechanisms by which savings produced by this program  
28 are passed on to the property owners.

29 (6) Any other factors deemed appropriate by the authority.

30 *SEC. 71. Section 35600 of the Public Resources Code is*  
31 *amended to read:*

32 35600. (a) The Ocean Protection Council is established in  
33 state government. The council consists of the Secretary of the  
34 *Natural Resources Agency*, the Secretary for Environmental  
35 Protection, the Chair of the State Lands Commission, and two  
36 members of the public appointed by the Governor.

37 (b) The two public members shall each serve a term of four  
38 years, and may each be reappointed to one additional term. The  
39 public members of the board shall be appointed on the basis of  
40 their educational and professional qualifications and their general

1 knowledge of, interest in, and experience in the protection and  
2 conservation of coastal waters and ocean ecosystems. One of the  
3 public members shall have a scientific professional background  
4 and experience in coastal and ocean ecosystems.

5 (c) Except as provided in this section, members of the council  
6 shall serve without compensation. A member shall be reimbursed  
7 for actual and necessary expenses incurred in the performance of  
8 his or her duties, and in addition shall be compensated at one  
9 hundred dollars (\$100) for each day during which the member is  
10 engaged in the performance of official duties of the council.  
11 Payment for actual and necessary expenses shall be paid only to  
12 the extent that those expenses are not provided or payable by  
13 another public agency. The total number of days for which a  
14 member shall be compensated may not exceed 25 days in any one  
15 fiscal year.

16 *SEC. 72. Section 35605 of the Public Resources Code is*  
17 *amended to read:*

18 35605. ~~At The Secretary of the council's first meeting in a~~  
19 ~~calendar year, Natural Resources Agency shall serve as the council~~  
20 ~~chairperson of the council, and the Secretary for Environmental~~  
21 ~~Protection shall elect a chair from among its voting members.~~  
22 *serve as the vice chairperson of the council. The Assistant*  
23 *Secretary for Coastal Matters at the Natural Resources Agency*  
24 *shall be designated as the Deputy Secretary of the Natural*  
25 *Resources Agency for Ocean and Coastal Policy, and the deputy*  
26 *secretary shall also serve as the executive director for the council.*

27 *SEC. 73. Section 35625 of the Public Resources Code is*  
28 *amended to read:*

29 35625. (a) Under the direction of the Secretary of the *Natural*  
30 *Resources Agency, the executive officer of the State Coastal*  
31 ~~*Conservancy council shall act as secretary to the council,*~~  
32 *administer its affairs, and provide the staff services that the council*  
33 *needs to carry out this division, including, but not limited to, both*  
34 *of the following:*

35 (1) Administering grants and expenditures authorized by the  
36 council from the fund or other sources, including, but not limited  
37 to, block grants from other state boards, commissions, or  
38 departments.

39 (2) Arranging meetings, agendas, and other administrative  
40 functions in support of the council.

1 (b) The Legislature may make appropriations to be used for the  
 2 purposes of this division directly to the ~~State Coastal Conservancy,~~  
 3 *Secretary of the Natural Resources Agency*, for expenditures  
 4 authorized by the council. If an expenditure has been approved by  
 5 the council for the purposes of this division, approval of the ~~State~~  
 6 ~~Coastal Conservancy~~ *secretary* is not required, except in the case  
 7 of block grants provided by the council to be administered by the  
 8 ~~State Coastal Conservancy~~ *secretary*.

9 (c) *Any bond funds received by the State Coastal Conservancy,*  
 10 *on or before July 1, 2013, which authorized the use of funds for*  
 11 *council programs, shall be transferred to the Natural Resources*  
 12 *Agency for use for those programs.*

13 (d) (1) *The Legislature finds and declares that, on the effective*  
 14 *date of the act adding this subdivision during the 2013–14 Regular*  
 15 *Session, various contracts and grants will be pending or remain*  
 16 *subject to management and control by the State Coastal*  
 17 *Conservancy on behalf of the council. On and after that date, the*  
 18 *Secretary of the Natural Resources Agency is hereby designated*  
 19 *as the legal successor to the State Coastal Conservancy, and the*  
 20 *Secretary of the Natural Resources Agency shall assume*  
 21 *management and control of those contracts and grants and shall*  
 22 *have all of the same powers and duties as the State Coastal*  
 23 *Conservancy.*

24 (2) *In addition to the powers and duties described in paragraph*  
 25 *(1), on and after the effective date of the act adding this subdivision*  
 26 *during the 2013–14 Regular Session, the Secretary of the Natural*  
 27 *Resources Agency shall have the following powers and duties on*  
 28 *behalf of the council:*

29 (A) *The management of all contracts and grants, including the*  
 30 *completion, modification, and cancellation of those contracts and*  
 31 *grants in accordance with existing law.*

32 (B) *The negotiation and settlement of claims relating to*  
 33 *contracts and grants.*

34 (C) *Responsibility for the completion, maintenance, and disposal*  
 35 *of any records relating to the transfer of responsibilities from the*  
 36 *State Coastal Conservancy to the Natural Resources Agency.*

37 SEC. 74. *Section 42977 of the Public Resources Code is*  
 38 *amended to read:*

39 42977. (a) The carpet stewardship organization submitting a  
 40 carpet stewardship plan shall pay the department ~~an annual a~~

1 *quarterly* administrative fee. The department shall set the fee at  
2 an amount that, when paid by every carpet stewardship organization  
3 that submits a carpet stewardship plan, is adequate to cover the  
4 department's full costs of administering and enforcing this chapter,  
5 including any program development costs or regulatory costs  
6 incurred by the department prior to carpet stewardship plans being  
7 submitted. The department may establish a variable fee based on  
8 relevant factors, including, but not limited to, the portion of carpets  
9 sold in the state by members of the organization compared to the  
10 total amount of carpet sold in the state by all organizations  
11 submitting a carpet stewardship plan.

12 (b) The total amount of ~~annual~~ fees collected *annually* pursuant  
13 to this section shall not exceed the amount necessary to recover  
14 costs incurred by the department in connection with the  
15 administration and enforcement of the requirements of this chapter.

16 (c) The department shall identify the direct development or  
17 regulatory costs it incurs pursuant to this chapter prior to the  
18 submittal of a carpet stewardship plan and shall establish a fee in  
19 an amount adequate to cover those costs, which shall be paid by  
20 a carpet stewardship organization that submits a carpet stewardship  
21 plan. The fee established pursuant to this subdivision shall be paid  
22 ~~in three equal payments~~ pursuant to the schedule specified in  
23 subdivision (d).

24 (d) A carpet stewardship organization subject to this section  
25 shall pay *a quarterly fee* to the department *to cover* the  
26 ~~administrative fee and enforcement costs of the requirements of~~  
27 *this chapter* pursuant to subdivision (a) on or before July 1, 2012,  
28 ~~and annually every three months~~ thereafter and the applicable  
29 portion of the fee pursuant to subdivision (c) on July 1, 2012, and  
30 ~~annually every three months~~ thereafter through July 1, 2014. Each  
31 year after the initial payment, the ~~annual~~ *total amount of the*  
32 ~~administrative fee fees paid for a calendar year~~ may not exceed  
33 5 percent of the aggregate ~~assessment~~ *assessments* collected for  
34 the preceding calendar year.

35 (e) The department shall deposit the fees collected pursuant to  
36 this section into the Carpet Stewardship Account created pursuant  
37 to Section 42977.1.

38 *SEC. 75. Section 48704 of the Public Resources Code is*  
39 *amended to read:*

1 48704. (a) The department shall review the plan within 90  
2 days of receipt, and make a determination whether or not to  
3 approve the plan. The department shall approve the plan if it  
4 provides for the establishment of a paint stewardship program that  
5 meets the requirements of Section 48703.

6 (b) (1) The approved plan shall be a public record, except that  
7 financial, production, or sales data reported to the department by  
8 a manufacturer or the stewardship organization is not a public  
9 record under the California Public Records Act, as described in  
10 Chapter 3.5 (commencing with Section 6250) of Division 7 of  
11 Title 1 of the Government Code and shall not be open to public  
12 inspection.

13 (2) Notwithstanding paragraph (1), the department may release  
14 a summary form of financial, production, or sales data if it does  
15 not disclose financial, production, or sales data of a manufacturer  
16 or stewardship organization.

17 (c) On or before July 1, 2012, or three months after a plan is  
18 approved pursuant to subdivision (a), whichever date is later, the  
19 manufacturer or stewardship organization shall implement the  
20 architectural paint stewardship program described in the approved  
21 plan.

22 (d) The department shall enforce this chapter.

23 (e) (1) The stewardship organization shall pay the department  
24 ~~an annual~~ *a quarterly* administrative fee pursuant to paragraph (2).

25 (2) The department shall impose fees in an amount that is  
26 sufficient to cover the ~~department's full administrative and~~  
27 ~~enforcement costs of administering and enforcing the requirements~~  
28 *of this chapter, including any program development costs or*  
29 *regulatory costs incurred by the department prior to the submittal*  
30 *of the stewardship plans. The stewardship organization shall pay*  
31 *the fee on or before the last day of the month following the end of*  
32 *each quarter. Fee revenues collected under this section shall only*  
33 *be used to administer and enforce this chapter.*

34 (f) (1) A civil penalty may be administratively imposed by the  
35 department on any person who violates this chapter in an amount  
36 of up to one thousand dollars (\$1,000) per violation per day.

37 (2) A person who intentionally, knowingly, or negligently  
38 violates this chapter may be assessed a civil penalty by the  
39 department of up to ten thousand dollars (\$10,000) per violation  
40 per day.

1     *SEC. 76. The Legislature hereby finds and declares all of the*  
2 *following:*

3     *(a) Environmental literacy enhances a citizen's ability to make*  
4 *informed decisions with an understanding that humans depend on*  
5 *natural systems and human actions influence natural systems in*  
6 *both beneficial and detrimental ways.*

7     *(b) Environmentally literate citizens are better able to make*  
8 *wise individual and collective decisions to conserve natural*  
9 *resources and protect environmental and human health.*

10    *(c) An environmentally literate citizenry is essential to*  
11 *confronting and overcoming the environmental challenges of the*  
12 *21st century.*

13    *(d) An environmentally literate citizenry, consisting of*  
14 *technological innovators, entrepreneurs, scientists, and engineers,*  
15 *as well as environmentally conscientious consumers, supports a*  
16 *vibrant state economy and drives California's role as a leader in*  
17 *the emerging global green marketplace.*

18    *(e) A model environmental curriculum, also known as the*  
19 *Education and the Environment Curriculum (curriculum) was*  
20 *developed by the California Environmental Protection Agency, in*  
21 *cooperation with the State Department of Education and the*  
22 *Natural Resources Agency, to increase environmental literacy*  
23 *among students in kindergarten and grades 1 to 12, inclusive.*

24    *(f) The curriculum is the first environment-based curriculum of*  
25 *its kind in the nation to receive State Board of Education approval.*

26    *(g) There are many benefits of enhanced environmental literacy,*  
27 *and the curriculum materials, along with training and support,*  
28 *should be made readily available to any educator in California*  
29 *who wishes to teach the curriculum.*

30    *(h) To achieve this goal, the Department of Resources Recycling*  
31 *and Recovery should collaborate across agencies and disciplines,*  
32 *including, but not limited to, the California Environmental*  
33 *Protection Agency, the State Department of Education, and the*  
34 *Natural Resources Agency.*

35    *(i) The state should seek to develop strong partnerships with*  
36 *the private sector, including nonprofit organizations, associations,*  
37 *businesses, and private entities, in order to support use of the*  
38 *curriculum and increase environmental literacy.*

39    *SEC. 77. Section 71300 of the Public Resources Code is*  
40 *amended to read:*

1 71300. (a) For purposes of this part, the following definitions  
2 shall apply:

3 (1) “Department” means the Department of Resources  
4 Recycling and Recovery.

5 ~~(a) For purposes of this part “office”~~

6 (2) “Office” means the Office of Education and the Environment  
7 of the Department of Resources Recycling and Recovery, as  
8 established pursuant to this section.

9 (3) “Program” means the statewide environmental education  
10 program prescribed in this part.

11 ~~(b) The Office of Education and the Environment previously~~  
12 ~~established in the California Environmental Protection Agency is~~  
13 ~~hereby established in the Department of Resources Recycling and~~  
14 ~~Recovery. The office shall dedicate its effort to implementing the~~  
15 ~~statewide environmental educational education program prescribed~~  
16 ~~pursuant to this part, including the integrated waste educational~~  
17 ~~requirements specified in paragraph (9) of subdivision (b) of~~  
18 ~~Section 71301. The office, through staffing and resources, shall~~  
19 ~~give a high priority to implementing the statewide environmental~~  
20 ~~education program.~~

21 ~~(2) Any reference to the California Environmental Protection~~  
22 ~~Agency in regard to this program shall be deemed a reference to~~  
23 ~~the Department of Resource Recycling and Recovery.~~

24 (c) The office, under the direction of the ~~Department of~~  
25 ~~Resources Recycling and Recovery, department,~~ in cooperation  
26 with the State Department of Education and the State Board of  
27 Education, shall develop and implement a unified education  
28 strategy on the environment for elementary and secondary schools  
29 in the state. The office shall develop a unified education strategy  
30 to do all of the following:

31 (1) Coordinate instructional resources and strategies for  
32 providing active pupil participation with onsite conservation efforts.

33 (2) Promote service-learning opportunities between schools and  
34 local communities.

35 (3) Assess the impact to participating pupils of the unified  
36 education strategy on pupil achievement and resource conservation.

37 (d) The State Department of Education and the State Board of  
38 Education, *in cooperation with the department,* shall develop and  
39 implement to the extent feasible, a teacher training and  
40 implementation plan, to guide the implementation of the unified

1 education strategy, for the education of pupils, faculty, and  
2 administrators on the importance of integrating environmental  
3 concepts and programs in schools throughout the state. The strategy  
4 shall project the phased implementation of elementary, middle,  
5 and high school programs.

6 (e) In implementing this part, the office may hold public  
7 meetings to receive and respond to comments from affected state  
8 agencies, stakeholders, and the public regarding the development  
9 of resources and materials pursuant to this part.

10 (f) In implementing this part, the office shall coordinate with  
11 other agencies and groups with expertise in education and the  
12 ~~environment, including, but not limited to, the California~~  
13 ~~Environmental Education Interagency Network.~~ *environment.*

14 (g) Any instructional materials developed pursuant to this part  
15 shall be subject to the requirements of Chapter 1 (commencing  
16 with Section 60000) of Part 33 of Division 4 of Title 2 of the  
17 Education Code, including, but not limited to, reviews for legal  
18 and social compliance before the materials may be used in  
19 elementary or secondary public schools.

20 *SEC. 78. Section 71301 of the Public Resources Code is*  
21 *amended to read:*

22 71301. (a) As part of the unified education ~~strategy,~~ *strategy*  
23 *specified in subdivision (c) of Section 71300,* the office, ~~under the~~  
24 ~~direction of the~~ *in cooperation with the* Secretary for  
25 Environmental Protection, ~~in cooperation with the~~ Natural  
26 Resources Agency, the State Department of ~~Education~~ *Education,*  
27 and the State Board of Education, shall develop education  
28 principles for the environment for elementary and secondary school  
29 pupils. The principles may be updated every four years beginning  
30 July 1, 2008. The principles shall be aligned to the academic  
31 content standards adopted by the State Board of Education pursuant  
32 to Section 60605 of the Education Code. The principles shall be  
33 used to do all of the following:

34 (1) To direct state agencies that include environmental education  
35 components for elementary and secondary education in regulatory  
36 decisions or enforcement actions.

37 (2) To align state agency environmental education programs  
38 and materials that are developed for elementary and secondary  
39 education.

1 (b) The education principles for the environment shall include,  
2 but not be limited to, concepts relating to the following topics:

- 3 (1) Environmental sustainability.
- 4 (2) Water.
- 5 (3) Air.
- 6 (4) Energy.
- 7 (5) Forestry.
- 8 (6) Fish and wildlife resources.
- 9 (7) Oceans.
- 10 (8) Toxics and hazardous waste.
- 11 (9) Integrated waste management.
- 12 (10) Integrated pest management.
- 13 (11) Public health and the environment.
- 14 (12) Pollution prevention.
- 15 (13) Resource conservation and recycling.
- 16 (14) Environmental justice.

17 (c) The principles shall be aligned to the applicable academic  
18 content standards adopted by the State Board of Education and  
19 shall not duplicate or conflict with any academic content standards.

20 (d) (1) The education principles for the environment shall be  
21 incorporated, as the State Board of Education determines to be  
22 appropriate, in criteria developed for textbook adoption required  
23 pursuant to Section 60200 or 60400 of the Education Code in  
24 science, mathematics, English/language arts, and history/social  
25 sciences.

26 (2) If the State Board of Education determines that the education  
27 principles for the environment are not appropriate for inclusion in  
28 the textbook adoption criteria cited in paragraph (1), the State  
29 Board of Education shall collaborate with the office to make the  
30 changes necessary to ensure that the principles are included in the  
31 textbook adoption criteria in science, mathematics,  
32 English/language arts, and history/social sciences.

33 (e) If the content standards required pursuant to Section 60605  
34 of the Education Code are revised, the education principles for the  
35 environment shall be appropriately considered for inclusion into  
36 part of the revised academic content standards.

37 *SEC. 79. Section 71302 of the Public Resources Code is*  
38 *amended to read:*

39 71302. (a) Using the education principles for the environment  
40 required ~~in~~ *to be developed pursuant to* Section 71301, the office,

1 ~~under the direction of the~~ *in cooperation with the* Secretary for  
2 Environmental Protection, ~~shall develop, in cooperation with the~~  
3 Natural Resources Agency, the State Department of Education,  
4 and the State Board of Education, *shall develop* a model  
5 environmental curriculum that incorporates these education  
6 principles for the environment. The model curriculum shall be  
7 aligned with applicable State Board of Education adopted academic  
8 content standards in Science, Mathematics, English/Language  
9 Arts, and History/Social Sciences, to the extent that any of those  
10 content areas are addressed in the model curriculum.

11 (b) The model curriculum shall be submitted to the ~~Curriculum~~  
12 ~~Development and Supplemental Materials~~ *Instructional Quality*  
13 Commission for review. The commission shall submit its  
14 recommendation to the Secretary for Environmental Protection  
15 and to the Secretary of the Natural Resources ~~Agency by July 1,~~  
16 ~~2005.~~ *Agency.*

17 (1) The Secretary for Environmental Protection and the Secretary  
18 of the Natural Resources Agency shall review and comment on  
19 the model ~~curriculum by January 1, 2006.~~ *curriculum.*

20 (2) The model curriculum along with the comments by the  
21 Secretary for Environmental Protection and the Secretary of the  
22 Natural Resources Agency shall be submitted to the State Board  
23 of Education for its approval.

24 *SEC. 80. Section 71303 of the Public Resources Code is*  
25 *amended to read:*

26 71303. (a) As determined appropriate by the Superintendent  
27 of Public Instruction, the State Department of Education shall  
28 incorporate into publications that provide examples of curriculum  
29 resources for teacher use, those materials developed by the office  
30 that provide information on the education principles for the  
31 environment ~~required in~~ *developed pursuant to* Section 71300.

32 (b) If the Superintendent of Public Instruction determines that  
33 materials developed by the office that provide information on the  
34 education principles for the environment are not appropriate for  
35 inclusion in publications that provide examples of curriculum  
36 resources for teacher use, the Superintendent of Public Instruction  
37 shall collaborate with the office to make the changes necessary to  
38 ensure that the materials are included in that information.

39 (c) ~~The model environmental curriculum approved by~~ *Pursuant*  
40 *to Section 71302, the department shall coordinate with the*

1 *Secretary for Environmental Protection, the Superintendent of*  
 2 *Public Instruction, the State Board of Education,*  
 3 ~~pursuant~~ *and the Secretary of the Natural Resources Agency to*  
 4 ~~Section 71302 shall be made available by~~ *facilitate use of the office*  
 5 ~~to model environmental curriculum by~~ *elementary and secondary*  
 6 *schools to the extent that funds are available for this purpose. The*  
 7 ~~State Department of Education shall make the model curriculum~~  
 8 ~~available electronically including posting the model curriculum~~  
 9 ~~on its Internet Web site.~~

10 *(d) The department, the Secretary for Environmental Protection,*  
 11 *the Superintendent of Public Instruction, the State Department of*  
 12 *Education, and the Secretary of the Natural Resources Agency*  
 13 *may collaborate with other federal, state, and local entities, and*  
 14 *nongovernmental entities including nonprofit organizations,*  
 15 *associations, businesses, individuals, and private entities, and may*  
 16 *enter into interagency agreements, memoranda of understanding,*  
 17 *and contracts to ensure implementation of this part.*

18 *(e) The department shall make the model curriculum available*  
 19 *electronically on the department's Internet Web site. The State*  
 20 *Department of Education shall make readily identifiable on its*  
 21 *Internet Web site a link to the department's Internet Web site*  
 22 *containing the curriculum.*

23 ~~(f)~~

24 *(f) The State Department of Education, to the extent feasible*  
 25 *and to the extent that funds are available for this purpose, shall*  
 26 *encourage the development and use of instructional materials and*  
 27 *active pupil participation in campus and community environmental*  
 28 *education programs. To the extent feasible, the environmental*  
 29 *education programs should be considered in the development and*  
 30 *promotion of after school programs for elementary and secondary*  
 31 *school pupils and state and local professional development*  
 32 *activities to provide teachers with content background and*  
 33 *resources to assist in teaching about the environment.*

34 ~~(e) (1) The California Environmental Protection Agency shall~~  
 35 ~~assume costs associated with the printing of the approved model~~  
 36 ~~curriculum as set forth in subdivision (c). The California~~  
 37 ~~Environmental Protection Agency shall use, for these purposes,~~  
 38 ~~funds that are available for its administrative costs.~~

39 ~~(2) From funds available for its administrative costs, the State~~  
 40 ~~Department of Education shall post and maintain the model~~

1 curriculum on its Internet Web site and pay any costs associated  
2 with any related online questionnaire on its Internet Web site as  
3 set forth in subdivision (c).

4 (3)

5 (g) The State Department of Education shall explore  
6 implementation of this section from its baseline resources dedicated  
7 to this purpose and if funding is not available from that source,  
8 then funding may be provided to the department, pursuant to  
9 appropriation by the Legislature, under Section 71305.

10 *SEC. 81. Section 71304 of the Public Resources Code is*  
11 *amended to read:*

12 71304. (a) The office, ~~under the direction of the~~ *in*  
13 *coordination with the* Secretary for Environmental Protection,  
14 shall be responsible for the statewide coordination of regulatory  
15 administrative decisions that require the development or encourage  
16 the promotion of environmental education for elementary and  
17 secondary school pupils.

18 (b) All California Environmental Protection Agency or Natural  
19 Resources Agency boards, departments, or offices that take  
20 regulatory actions or take enforcement actions requiring the  
21 development of, or encouraging the promotion of, environmental  
22 education for elementary and secondary school pupils shall, prior  
23 to adoption or approval of the action, seek comments on the action  
24 from the office in order to promote consistency with this part and  
25 cross-media coordination.

26 (c) The office shall coordinate with all state agencies to develop  
27 and distribute environmental education materials.

28 *SEC. 82. Section 71305 of the Public Resources Code, as added*  
29 *by Section 23 of Chapter 718 of the Statutes of 2010, is amended*  
30 *to read:*

31 71305. (a) The Environmental Education Account is hereby  
32 established within the State Treasury. Moneys in the account may,  
33 upon appropriation by the Legislature, be expended by the  
34 ~~California Environmental Protection Agency department~~ for the  
35 purposes of this part. The ~~Secretary for Environmental Protection~~  
36 *Director of Resources Recycling and Recovery* shall administer  
37 this part, including, but not limited to, the account.

38 (b) Notwithstanding any other law to the contrary, the ~~agency~~  
39 *department* may accept and receive federal, state, and local funds  
40 and contributions of funds from a public or private organization

1 or individual. The account may also receive proceeds from a  
2 judgment, *settlement, fine, penalty, or other mechanism*, in state  
3 or federal court, when the funds are contributed or the judgment  
4 specifies that the proceeds are to be used for the purposes of this  
5 part. The account may receive those funds, contributions, or  
6 proceeds from judgments, that are specifically designated for use  
7 for environmental education purposes. Private contributors shall  
8 not have the authority to further influence or direct the use of their  
9 contributions.

10 (c) Notwithstanding any other law, a state agency that requires  
11 the development of, or encourages the promotion of, environmental  
12 education for elementary and secondary school pupils, may  
13 contribute to the account.

14 (d) The ~~agency~~ *department* shall immediately deposit any funds  
15 contributed pursuant to subdivision (b) into the account.

16 (e) The Legislature finds and declares that the maintenance of  
17 the account is of the utmost importance to the state and that it is  
18 essential that any moneys in the account be used solely for the  
19 purposes authorized in this section and not be used, loaned, or  
20 transferred for any other purposes. Further, state agencies that  
21 promote environmental education for elementary and secondary  
22 school pupils will benefit from the environmental curriculum  
23 adopted pursuant to this part and should provide equitable and  
24 balanced support for the program.

25 ~~(f) This section shall become operative on January 1, 2013.~~

26 *SEC. 83. Section 309.5 of the Public Utilities Code is amended*  
27 *to read:*

28 309.5. (a) There is within the commission ~~a Division~~ *an*  
29 *independent Office* of Ratepayer Advocates to represent and  
30 advocate on behalf of the interests of public utility customers and  
31 subscribers within the jurisdiction of the commission. The goal of  
32 the ~~division office~~ shall be to obtain the lowest possible rate for  
33 service consistent with reliable and safe service levels. For revenue  
34 allocation and rate design matters, the ~~division office~~ shall primarily  
35 consider the interests of residential and small commercial  
36 customers.

37 (b) The director of the ~~division office~~ shall be appointed by, and  
38 serve at the pleasure of, the Governor, subject to confirmation by  
39 the Senate.

1 The director shall annually appear before the appropriate policy  
2 committees of the Assembly and the Senate to report on the  
3 activities of the ~~division~~ *office*.

4 (c) The director shall develop a budget for the ~~division which~~  
5 *office that* shall be subject to final approval of the ~~commission~~. In  
6 ~~accordance with~~ *Department of Finance*. As authorized in the  
7 approved budget, the ~~commission shall, by rule or order, provide~~  
8 ~~for the assignment of personnel to, and the functioning of, the~~  
9 ~~division~~. The ~~division may~~ *office shall* employ experts necessary  
10 ~~to carry out its functions~~. Personnel *personnel* and resources,  
11 including attorneys and other legal support, shall be provided by  
12 ~~the commission to the division support staff~~, at a level sufficient  
13 to ensure that customer and subscriber interests are effectively  
14 represented in all significant proceedings. The ~~office may employ~~  
15 ~~experts necessary to carry out its functions~~. The director may  
16 appoint a lead attorney who shall represent the ~~division~~, *office*,  
17 and shall report to and serve at the pleasure of the director. ~~All~~  
18 ~~attorneys assigned~~ *The lead attorney for the office shall obtain*  
19 *adequate legal personnel for the work to be conducted by the*  
20 ~~commission office from the commission's attorney appointed~~  
21 ~~pursuant to perform services for the division Section 307~~. The  
22 ~~commission's attorney shall report to timely and be directed~~  
23 ~~appropriately fulfill all requests for legal personnel made by the~~  
24 ~~lead attorney appointed by for the director~~. *office, provided the*  
25 *office has sufficient moneys and positions in its budget for the*  
26 *services requested*.

27 (d) The commission shall develop appropriate procedures to  
28 ensure that the existence of the ~~division~~ *office* does not create a  
29 conflict of roles for any employee. The procedures shall include,  
30 but shall not be limited to, the development of a code of conduct  
31 and procedures for ensuring that advocates and their representatives  
32 on a particular case or proceeding are not advising decisionmakers  
33 on the same case or proceeding.

34 (e) The ~~division~~ *office* may compel the production or disclosure  
35 of any information it deems necessary to perform its duties from  
36 any entity regulated by the commission, provided that any  
37 objections to any request for information shall be decided in writing  
38 by the assigned commissioner or by the president of the  
39 commission, if there is no assigned commissioner.

1 (f) There is hereby created the Public Utilities Commission  
2 Ratepayer Advocate Account in the General Fund. Moneys from  
3 the Public Utilities Commission Utilities Reimbursement Account  
4 in the General Fund shall be transferred in the annual Budget Act  
5 to the Public Utilities Commission Ratepayer Advocate  
6 Account. The funds in the Public Utilities Commission Ratepayer Advocate  
7 Account shall be *a budgetary program fund administered and*  
8 *utilized exclusively by the ~~division~~ office* in the performance of  
9 its duties as determined by the director. The director shall annually  
10 submit a staffing report containing a comparison of the staffing  
11 levels for each five-year period.

12 (g) On or before January 10 of each year, the ~~commission~~ office  
13 shall provide to the chairperson of the fiscal committee of each  
14 house of the Legislature and to the Joint Legislative Budget  
15 Committee all of the following information:

16 (1) The number of personnel years ~~assigned to~~ *utilized during*  
17 *the ~~Division~~ prior year by the Office* of Ratepayer Advocates.

18 (2) The total dollars expended by the ~~Division~~ Office of  
19 Ratepayer Advocates in the prior year, the estimated total dollars  
20 expended in the current year, and the total dollars proposed for  
21 appropriation in the following budget year.

22 (3) Workload standards and measures for the ~~Division~~ Office  
23 of Ratepayer Advocates.

24 (h) The ~~division~~ office shall meet and confer in an informal  
25 setting with a regulated entity prior to issuing a report or pleading  
26 to the commission regarding alleged misconduct, or a violation of  
27 a law or a commission rule or order, raised by the ~~division~~ office  
28 in a complaint. The meet and confer process shall be utilized in  
29 good faith to reach agreement on issues raised by the ~~division~~  
30 office regarding any regulated entity in the complaint proceeding.

31 *SEC. 84. Section 318 is added to the Public Utilities Code, to*  
32 *read:*

33 *318. The commission shall conduct a zero-based budget for*  
34 *all of its programs by January 10, 2015. The zero-based budget*  
35 *shall be completed for the entire commission, rather than on a*  
36 *division-by-division basis.*

37 *SEC. 85. (a) The Legislature finds and declares that the*  
38 *purpose of adding Section 740.5 to the Public Utilities Code is to*  
39 *limit the implementation of the Public Utilities Commission*  
40 *Decision 12-12-031 (December 20, 2012), Decision Granting*

1 *Authority to Enter Into a Research and Development Agreement*  
2 *with Lawrence Livermore National Laboratory for 21st Century*  
3 *Energy Systems and for costs up to \$152.19 million so that:*

4 (1) *No research and development projects other than for the*  
5 *purposes of cyber security and grid integration shall be funded by*  
6 *ratepayers as a result of Decision 12-12-031.*

7 (2) *Total funding for research and development projects for the*  
8 *purposes of cyber security and grid integration shall not exceed*  
9 *\$35 million over the five-year research period.*

10 (3) *Those program management expenditures proposed,*  
11 *commencing with page seven, in the joint advice letter filed by the*  
12 *state's three largest electrical corporations, Advice 3379-G/4215-E*  
13 *(Pacific Gas and Electric Company), Advice 2887-E (Southern*  
14 *California Edison Company), and Advice 2473-E (San Diego Gas*  
15 *and Electric Company), dated April 19, 2013, be voided.*

16 (4) *Project managers be limited to three representatives, one*  
17 *representative each from Pacific Gas and Electric Company,*  
18 *Southern California Edison Company, and San Diego Gas and*  
19 *Electric Company.*

20 (5) *The Lawrence Livermore National Laboratory, Pacific Gas*  
21 *and Electric Company, Southern California Edison Company, and*  
22 *San Diego Gas and Electric Company ensure that research*  
23 *parameters reflect a new contribution to cyber security and that*  
24 *there not be a duplication of research being done by other private*  
25 *and governmental entities.*

26 (b) *Nothing in this act authorizes the Public Utilities*  
27 *Commission's adoption of Decision 12-12-031.*

28 SEC. 86. *Section 740.5 is added to the Public Utilities Code,*  
29 *to read:*

30 740.5. (a) *For purposes of this section, "21st Century Energy*  
31 *System Decision" means commission Decision 12-12-031*  
32 *(December 20, 2012), Decision Granting Authority to Enter Into*  
33 *a Research and Development Agreement with Lawrence Livermore*  
34 *National Laboratory for 21st Century Energy Systems and for*  
35 *costs up to \$152.19 million, or any subsequent decision in*  
36 *Application 11-07-008 (July 18, 2011), Application of Pacific Gas*  
37 *and Electric Company (U39M), San Diego Gas and Electric*  
38 *Company (U902E), and Southern California Edison Company*  
39 *(U338E) for Authority to Increase Electric Rates and Charges to*  
40 *Recover Costs of Research and Development Agreement with*

1 *Lawrence Livermore National Laboratory for 21st Century Energy*  
2 *Systems.*

3 *(b) In implementing the 21st Century Energy System Decision,*  
4 *the commission shall not authorize recovery from ratepayers of*  
5 *any expense for research and development projects that are not*  
6 *for purposes of cyber security and grid integration. Total funding*  
7 *for research and development projects for the purposes of cyber*  
8 *security and grid integration pursuant to the 21st Century Energy*  
9 *System Decision shall not exceed thirty-five million dollars*  
10 *(\$35,000,000). All cyber security and grid integration research*  
11 *and development projects shall be concluded by the fifth*  
12 *anniversary of their start date.*

13 *(c) The commission shall not approve for recovery from*  
14 *ratepayers, those program management expenditures proposed,*  
15 *commencing with page seven, in the joint advice letter filed by the*  
16 *state's three largest electrical corporations, Advice 3379-G/4215-E*  
17 *(Pacific Gas and Electric Company), Advice 2887-E (Southern*  
18 *California Edison Company), and Advice 2473-E (San Diego Gas*  
19 *and Electric Company), dated April 19, 2013. Project managers*  
20 *for the 21st Century Energy System Decision shall be limited to*  
21 *three representatives, one representative each from Pacific Gas*  
22 *and Electric Company, Southern California Edison Company, and*  
23 *San Diego Gas and Electric Company.*

24 *(d) The commission shall require the Lawrence Livermore*  
25 *National Laboratory, as a condition for entering into any contract*  
26 *pursuant to the 21st Century Energy System Decision, and Pacific*  
27 *Gas and Electric Company, Southern California Edison Company,*  
28 *and San Diego Gas and Electric Company to ensure that research*  
29 *parameters reflect a new contribution to cyber security and that*  
30 *there not be a duplication of research being done by other private*  
31 *and governmental entities.*

32 *(e) (1) The commission shall require each participating*  
33 *electrical corporation to prepare and submit to the commission*  
34 *by December 1, 2013, a joint report on the scope of all proposed*  
35 *research projects, how the proposed project may lead to*  
36 *technological advancement and potential breakthroughs in cyber*  
37 *security and grid integration, and the expected timelines for*  
38 *concluding the projects. The commission shall, within 30 days of*  
39 *receiving the joint report, determine whether the report is sufficient*  
40 *or requires revision, and upon determining that the report is*

1 *sufficient submit the report to the Legislature in compliance with*  
2 *Section 9795 of the Government Code.*

3 *(2) The commission shall require each participating electrical*  
4 *corporation to prepare and submit to the commission by 60 days*  
5 *following the conclusion of all research and development projects,*  
6 *a joint report summarizing the outcome of all funded projects,*  
7 *including an accounting of expenditures by the project managers*  
8 *and grant recipients on administrative and overhead costs and*  
9 *whether the project resulted in any technological advancements*  
10 *or breakthroughs in promoting cyber security and grid integration.*  
11 *The commission shall, within 30 days of receiving the joint report,*  
12 *determine whether the report is sufficient or requires revision, and*  
13 *upon determining that the report is sufficient, submit the report to*  
14 *the Legislature in compliance with Section 9795 of the Government*  
15 *Code.*

16 *(3) This subdivision shall become inoperable January 1, 2023,*  
17 *pursuant to Section 10231.5 of the Government Code.*

18 *SEC. 87. Section 854.5 is added to the Public Utilities Code,*  
19 *to read:*

20 *854.5. (a) For purposes of this section, a “nonstate entity”*  
21 *means a company, corporation, partnership, firm, or other entity*  
22 *or group of entities, whether organized for profit or not for profit.*

23 *(b) The commission, by order, decision, motion, settlement, or*  
24 *other action, shall not establish a nonstate entity with any moneys*  
25 *other than those moneys that would otherwise belong to the public*  
26 *utility’s shareholders. A nonstate entity to be created with moneys*  
27 *from a public utility’s shareholders shall be subject to a 30-day*  
28 *review by the Joint Legislative Budget Committee prior to creation.*  
29 *This subdivision does not limit the authority of the commission to*  
30 *form an advisory committee or other body whose budget is subject*  
31 *to oversight by the commission and the Department of Finance.*

32 *(c) The commission shall not enter into a contract with a*  
33 *nonstate entity in which a person serves as an owner, director, or*  
34 *officer while serving as a commissioner. Any contract between the*  
35 *commission and a nonstate entity shall be void and cease to exist*  
36 *by operation of law, if a commissioner, who was a commissioner*  
37 *at the time the contract was awarded, entered into, or extended,*  
38 *becomes, on or after January 1, 2014, an owner, director, or officer*  
39 *of the nonstate entity while serving as a commissioner.*

1 (d) A commissioner who acts as an owner, director, or officer  
2 of a nonstate entity that was established after January 1, 2015, as  
3 a result of an order, decision, motion, settlement, or other action  
4 by the commission in which the commissioner participated, neglects  
5 his or her duty pursuant to Section 1 of Article XII of the California  
6 Constitution, for which the commissioner may be removed pursuant  
7 to that section.

8 SEC. 88. Section 2120 is added to the Public Utilities Code,  
9 to read:

10 2120. (a) The commission shall not distribute, expend, or  
11 encumber any moneys received by the commission as a result of  
12 any commission proceeding or judicial action, including the  
13 compromise or settlement of a claim, until both of the following  
14 are true:

15 (1) The commission has provided the Director of Finance with  
16 written notification of the receipt of the moneys and the basis for  
17 those moneys being received by the commission.

18 (2) The Director of Finance provides not less than 60 days'  
19 written notice to the Chairperson of the Joint Legislative Budget  
20 Committee and the chairs of the appropriate budget subcommittees  
21 of the Assembly and Senate of the receipt of the moneys and the  
22 basis for those moneys being received by the commission.

23 (b) This section does not apply to application or licensing fees  
24 charged by the commission to defray regulatory expenses.

25 (c) This section does not apply to moneys received by the  
26 commission in a court-approved settlement or as a result of a court  
27 judgment where the court orders that the moneys be used for  
28 specified purposes.

29 (d) This section does not apply to moneys received by the  
30 commission where statutes expressly provide how the moneys are  
31 to be paid or used, including all of the following:

32 (1) Payment to any fund created by Chapter 1.5 (commencing  
33 with Section 270).

34 (2) Payment to any account or fund pursuant to Chapter 2.5  
35 (commencing with Section 401).

36 (3) Payment to the Ratepayer Relief Fund pursuant to Article  
37 9.5 (commencing with Section 16428.1) of Chapter 2 of Part 2 of  
38 Division 4 of Title 2 of the Government Code.

39 SEC. 89. Section 2851 of the Public Utilities Code is amended  
40 to read:

1 2851. (a) In implementing the California Solar Initiative, the  
2 commission shall do all of the following:

3 (1) The commission shall authorize the award of monetary  
4 incentives for up to the first megawatt of alternating current  
5 generated by solar energy systems that meet the eligibility criteria  
6 established by the State Energy Resources Conservation and  
7 Development Commission pursuant to Chapter 8.8 (commencing  
8 with Section 25780) of Division 15 of the Public Resources Code.  
9 The commission shall determine the eligibility of a solar energy  
10 system, as defined in Section 25781 of the Public Resources Code,  
11 to receive monetary incentives until the time the State Energy  
12 Resources Conservation and Development Commission establishes  
13 eligibility criteria pursuant to Section 25782. Monetary incentives  
14 shall not be awarded for solar energy systems that do not meet the  
15 eligibility criteria. The incentive level authorized by the  
16 commission shall decline each year following implementation of  
17 the California Solar Initiative, at a rate of no less than an average  
18 of 7 percent per year, and shall be zero as of December 31, 2016.  
19 The commission shall adopt and publish a schedule of declining  
20 incentive levels no less than 30 days in advance of the first decline  
21 in incentive levels. The commission may develop incentives based  
22 upon the output of electricity from the system, provided those  
23 incentives are consistent with the declining incentive levels of this  
24 paragraph and the incentives apply to only the first megawatt of  
25 electricity generated by the system.

26 (2) The commission shall adopt a performance-based incentive  
27 program so that by January 1, 2008, 100 percent of incentives for  
28 solar energy systems of 100 kilowatts or greater and at least 50  
29 percent of incentives for solar energy systems of 30 kilowatts or  
30 greater are earned based on the actual electrical output of the solar  
31 energy systems. The commission shall encourage, and may require,  
32 performance-based incentives for solar energy systems of less than  
33 30 kilowatts. Performance-based incentives shall decline at a rate  
34 of no less than an average of 7 percent per year. In developing the  
35 performance-based incentives, the commission may:

36 (A) Apply performance-based incentives only to customer  
37 classes designated by the commission.

38 (B) Design the performance-based incentives so that customers  
39 may receive a higher level of incentives than under incentives  
40 based on installed electrical capacity.

1 (C) Develop financing options that help offset the installation  
2 costs of the solar energy system, provided that this financing is  
3 ultimately repaid in full by the consumer or through the application  
4 of the performance-based rebates.

5 (3) By January 1, 2008, the commission, in consultation with  
6 the State Energy Resources Conservation and Development  
7 Commission, shall require reasonable and cost-effective energy  
8 efficiency improvements in existing buildings as a condition of  
9 providing incentives for eligible solar energy systems, with  
10 appropriate exemptions or limitations to accommodate the limited  
11 financial resources of low-income residential housing.

12 (4) Notwithstanding subdivision (g) of Section 2827, the  
13 commission may develop a time-variant tariff that creates the  
14 maximum incentive for ratepayers to install solar energy systems  
15 so that the system's peak electricity production coincides with  
16 California's peak electricity demands and that ensures that  
17 ratepayers receive due value for their contribution to the purchase  
18 of solar energy systems and customers with solar energy systems  
19 continue to have an incentive to use electricity efficiently. In  
20 developing the time-variant tariff, the commission may exclude  
21 customers participating in the tariff from the rate cap for residential  
22 customers for existing baseline quantities or usage by those  
23 customers of up to 130 percent of existing baseline quantities, as  
24 required by Section 80110 of the Water Code. Nothing in this  
25 paragraph authorizes the commission to require time-variant pricing  
26 for ratepayers without a solar energy system.

27 (b) Notwithstanding subdivision (a), in implementing the  
28 California Solar Initiative, the commission may authorize the award  
29 of monetary incentives for solar thermal and solar water heating  
30 devices, in a total amount up to one hundred million eight hundred  
31 thousand dollars (\$100,800,000).

32 (c) (1) In implementing the California Solar Initiative, the  
33 commission shall not allocate more than fifty million dollars  
34 (\$50,000,000) to research, development, and demonstration that  
35 explores solar technologies and other distributed generation  
36 technologies that employ or could employ solar energy for  
37 generation or storage of electricity or to offset natural gas usage.  
38 Any program that allocates additional moneys to research,  
39 development, and demonstration shall be developed in  
40 collaboration with the Energy Commission to ensure there is no

1 duplication of efforts, and adopted by the commission through a  
2 rulemaking or other appropriate public proceeding. Any grant  
3 awarded by the commission for research, development, and  
4 demonstration shall be approved by the full commission at a public  
5 meeting. This subdivision does not prohibit the commission from  
6 continuing to allocate moneys to research, development, and  
7 demonstration pursuant to the self-generation incentive program  
8 for distributed generation resources originally established pursuant  
9 to Chapter 329 of the Statutes of 2000, as modified pursuant to  
10 Section 379.6.

11 (2) The Legislature finds and declares that a program that  
12 provides a stable source of monetary incentives for eligible solar  
13 energy systems will encourage private investment sufficient to  
14 make solar technologies cost effective.

15 (3) On or before June 30, 2009, and by June 30th of every year  
16 thereafter, the commission shall submit to the Legislature an  
17 assessment of the success of the California Solar Initiative program.  
18 That assessment shall include the number of residential and  
19 commercial sites that have installed solar thermal devices for which  
20 an award was made pursuant to subdivision (b) and the dollar value  
21 of the award, the number of residential and commercial sites that  
22 have installed solar energy systems, the electrical generating  
23 capacity of the installed solar energy systems, the cost of the  
24 program, total electrical system benefits, including the effect on  
25 electrical service rates, environmental benefits, how the program  
26 affects the operation and reliability of the electrical grid, how the  
27 program has affected peak demand for electricity, the progress  
28 made toward reaching the goals of the program, whether the  
29 program is on schedule to meet the program goals, and  
30 recommendations for improving the program to meet its goals. If  
31 the commission allocates additional moneys to research,  
32 development, and demonstration that explores solar technologies  
33 and other distributed generation technologies pursuant to paragraph  
34 (1), the commission shall include in the assessment submitted to  
35 the Legislature, a description of the program, a summary of each  
36 award made or project funded pursuant to the program, including  
37 the intended purposes to be achieved by the particular award or  
38 project, and the results of each award or project.

1 (d) (1) The commission shall not impose any charge upon the  
2 consumption of natural gas, or upon natural gas ratepayers, to fund  
3 the California Solar Initiative.

4 (2) Notwithstanding any other provision of law, any charge  
5 imposed to fund the program adopted and implemented pursuant  
6 to this section shall be imposed upon all customers not participating  
7 in the California Alternate Rates for Energy (CARE) or family  
8 electric rate assistance (FERA) programs, including those  
9 residential customers subject to the rate cap required by Section  
10 80110 of the Water Code for existing baseline quantities or usage  
11 up to 130 percent of existing baseline quantities of electricity.

12 (3) The costs of the program adopted and implemented pursuant  
13 to this section may not be recovered from customers participating  
14 in the California Alternate Rates for Energy or CARE program  
15 established pursuant to Section 739.1, except to the extent that  
16 program costs are recovered out of the nonbypassable system  
17 benefits charge authorized pursuant to Section 399.8.

18 (e) In implementing the California Solar Initiative, the  
19 commission shall ensure that the total cost over the duration of the  
20 program does not exceed three billion five hundred fifty million  
21 eight hundred thousand dollars (\$3,550,800,000). The financial  
22 components of the California Solar Initiative shall consist of the  
23 following:

24 (1) Programs under the supervision of the commission funded  
25 by charges collected from customers of San Diego Gas and Electric  
26 Company, Southern California Edison Company, and Pacific Gas  
27 and Electric Company. The total cost over the duration of these  
28 programs shall not exceed two billion three hundred sixty-six  
29 million eight hundred thousand dollars (\$2,366,800,000) and  
30 includes moneys collected directly into a tracking account for  
31 support of the California Solar Initiative.

32 (2) Programs adopted, implemented, and financed in the amount  
33 of seven hundred eighty-four million dollars (\$784,000,000), by  
34 charges collected by local publicly owned electric utilities pursuant  
35 to Section 387.5. Nothing in this subdivision shall give the  
36 commission power and jurisdiction with respect to a local publicly  
37 owned electric utility or its customers.

38 (3) Programs for the installation of solar energy systems on new  
39 ~~construction, administered by the State Energy Resources~~  
40 ~~Conservation and Development~~ *construction (New Solar Homes*

1 *Partnership Program), administered by the Energy Commission,*  
2 *and funded by charges in the amount of four hundred million*  
3 *dollars (\$400,000,000), collected from customers of San Diego*  
4 *Gas and Electric Company, Southern California Edison Company,*  
5 *and Pacific Gas and Electric Company. If the commission is notified*  
6 *by the Energy Commission that funding available pursuant to*  
7 *Section 25751 of the Public Resources Code for the New Solar*  
8 *Homes Partnership Program has been exhausted, the commission*  
9 *may require an electrical corporation to continue administration*  
10 *of the program pursuant to the guidelines established for the*  
11 *program by the Energy Commission, until the funding limit*  
12 *authorized by this paragraph has been reached. The commission,*  
13 *in consultation with the Energy Commission, shall supervise the*  
14 *administration of the continuation of the New Solar Homes*  
15 *Partnership Program by an electrical corporation. An electrical*  
16 *corporation may elect to have a third party, including the Energy*  
17 *Commission, administer the utility's continuation of the New Solar*  
18 *Homes Program. After the exhaustion of funds, the Energy*  
19 *Commission shall notify the Joint Legislative Budget Committee*  
20 *30 days prior to the continuation of the program.*

21 (4) The changes made to this subdivision by the act adding this  
22 paragraph do not authorize the levy of a charge or any increase in  
23 the amount collected pursuant to any existing charge, nor do the  
24 changes add to, or detract from, the commission's existing authority  
25 to levy or increase charges.

26 *SEC. 90. Section 5900 of the Public Utilities Code is amended*  
27 *to read:*

28 5900. (a) The holder of a state franchise shall comply with  
29 the provisions of Sections 53055, 53055.1, 53055.2, and 53088.2  
30 of the Government Code, and any other customer service standards  
31 pertaining to the provision of video service established by federal  
32 law or regulation or adopted by subsequent enactment of the  
33 Legislature. All customer service and consumer protection  
34 standards under this section shall be interpreted and applied to  
35 accommodate newer or different technologies while meeting or  
36 exceeding the goals of the standards.

37 (b) The holder of a state franchise shall comply with provisions  
38 of Section 637.5 of the Penal Code and the privacy standards  
39 contained in Section 551 et seq. of Title 47 of the United States  
40 Code.

1 (c) The local entity shall enforce all of the customer service and  
2 protection standards of this section with respect to complaints  
3 received from residents within the local entity's jurisdiction, but  
4 it may not adopt or seek to enforce any additional or different  
5 customer service or other performance standards under Section  
6 53055.3 or subdivision (q), (r), or (s) of Section 53088.2 of the  
7 Government Code, or any other authority or provision of law.

8 (d) The local entity shall, by ordinance or resolution, provide a  
9 schedule of penalties for any material breach by a holder of a state  
10 franchise of this section. No monetary penalties shall be assessed  
11 for a material breach if it is out of the reasonable control of the  
12 holder. Further, no monetary penalties may be imposed prior to  
13 January 1, 2007. Any schedule of monetary penalties adopted  
14 pursuant to this section shall in no event exceed five hundred  
15 dollars (\$500) for each day of each material breach, not to exceed  
16 one thousand five hundred dollars (\$1,500) for each occurrence  
17 of a material breach. However, if a material breach of this section  
18 has occurred, and the local entity has provided notice and a fine  
19 or penalty has been assessed, and if a subsequent material breach  
20 of the same nature occurs within 12 months, the penalties may be  
21 increased by the local entity to a maximum of one thousand dollars  
22 (\$1,000) for each day of each material breach, not to exceed three  
23 thousand dollars (\$3,000) for each occurrence of the material  
24 breach. If a third or further material breach of the same nature  
25 occurs within those same 12 months, and the local entity has  
26 provided notice and a fine or penalty has been assessed, the  
27 penalties may be increased to a maximum of two thousand five  
28 hundred dollars (\$2,500) for each day of each material breach, not  
29 to exceed seven thousand five hundred dollars (\$7,500) for each  
30 occurrence of the material breach. With respect to video providers  
31 subject to a franchise or license, any monetary penalties assessed  
32 under this section shall be reduced dollar-for-dollar to the extent  
33 any liquidated damage or penalty provision of a current cable  
34 television ordinance, franchise contract, or license agreement  
35 imposes a monetary obligation upon a video provider for the same  
36 customer service failures, and no other monetary damages may be  
37 assessed.

38 (e) The local entity shall give the video service provider written  
39 notice of any alleged material breach of the customer service  
40 standards of this division and allow the video provider at least 30

1 days from receipt of the notice to remedy the specified material  
2 breach.

3 (f) A material breach for the purposes of assessing penalties  
4 shall be deemed to have occurred for each day within the  
5 jurisdiction of each local entity, following the expiration of the  
6 period specified in subdivision (e), that any material breach has  
7 not been remedied by the video service provider, irrespective of  
8 the number of customers or subscribers affected.

9 (g) Any penalty assessed pursuant to this section shall be  
10 remitted to the local entity, which shall submit one-half of the  
11 penalty to the Digital Divide Account established in Section 280.5.

12 (h) Any interested person may seek judicial review of a decision  
13 of the local entity in a court of appropriate jurisdiction. For this  
14 purpose, a court of law shall conduct a de novo review of any  
15 issues presented.

16 (i) This section shall not preclude a party affected by this section  
17 from utilizing any judicial remedy available to that party without  
18 regard to this section. Actions taken by a local legislative body,  
19 including a local franchising entity, pursuant to this section shall  
20 not be binding upon a court of law. For this purpose, a court of  
21 law shall conduct de novo review of any issues presented.

22 (j) For purposes of this section, “material breach” means any  
23 substantial and repeated failure of a video service provider to  
24 comply with service quality and other standards specified in  
25 subdivision (a).

26 (k) ~~The Division Office~~ of Ratepayer Advocates shall have  
27 authority to advocate on behalf of video subscribers regarding  
28 renewal of a state-issued franchise and enforcement of this section,  
29 and Sections 5890 and 5950. For this purpose, ~~the division office~~  
30 shall have access to any information in the possession of the  
31 commission subject to all restrictions on disclosure of that  
32 information that are applicable to the commission.

33 *SEC. 91. Section 43002.3 of the Revenue and Taxation Code*  
34 *is amended to read:*

35 43002.3. (a) For purposes of the collection of the fees specified  
36 in subdivision (a) of Section 25174 and the fee imposed pursuant  
37 to Section 25174.1 of the Health and Safety Code, a determination  
38 by the Department of Toxic Substances Control that a waste is  
39 nonhazardous shall be effective only for wastes disposed of, or  
40 submitted for disposal, commencing with the month during which

1 the Department of Toxic Substances Control receives a completed  
2 application for that determination.

3 *(b) This section applies only to fees due for the 2013 and earlier*  
4 *reporting periods.*

5 *(c) This section shall remain in effect only until January 1, 2014,*  
6 *and as of that date is repealed, unless a later enacted statute, that*  
7 *is enacted before January 1, 2014, deletes or extends that date.*

8 *SEC. 92. Section 43005.5 of the Revenue and Taxation Code*  
9 *is repealed.*

10 ~~43005.5. The penalty provisions of Sections 43155 and 43201~~  
11 ~~shall not apply to the fees imposed pursuant to Section 25174 of~~  
12 ~~the Health and Safety Code for those disposals which occurred~~  
13 ~~prior to September 25, 1981.~~

14 *SEC. 93. Section 43012 of the Revenue and Taxation Code is*  
15 *amended to read:*

16 43012. (a) For purposes of this part, “taxpayer” means any  
17 person liable for the payment of a fee or a tax specified in  
18 *paragraph (1) of subdivision (a) of Section 25173.6 of the Health*  
19 *and Safety Code or subdivision (a) of Section 25174 of the Health*  
20 *and Safety Code or subdivision (c) of Section 25221 of the Health*  
21 *and Safety Code, or imposed by Section 105310 or 25174.1 of the*  
22 *Health and Safety Code.*

23 *(b) This section shall remain in effect only until January 1, 2014,*  
24 *and as of that date is repealed, unless a later enacted statute, that*  
25 *is enacted before January 1, 2014, deletes or extends that date.*

26 *SEC. 94. Section 43012 is added to the Revenue and Taxation*  
27 *Code, to read:*

28 43012. (a) For purposes of this part, “taxpayer” means any  
29 person liable for the payment of a fee or a tax specified in  
30 *paragraph (1) of subdivision (a) of Section 25173.6 of the Health*  
31 *and Safety Code or subdivision (a) of Section 25174 of the Health*  
32 *and Safety Code, or imposed by Section 105310 of the Health and*  
33 *Safety Code.*

34 *(b) This section shall become operative on January 1, 2014,*  
35 *and shall apply to the fees due for the 2014 reporting period and*  
36 *thereafter, including the prepayments due following the reporting*  
37 *period and the final reconciliation fee due and payable following*  
38 *the reporting period.*

39 *SEC. 95. Section 43051 of the Revenue and Taxation Code is*  
40 *amended to read:*

1 43051. (a) The fee imposed pursuant to Section 25174.1 of  
2 the Health and Safety Code shall be administered and collected  
3 by the board in accordance with this part.

4 (b) *This section applies only to fees due for the 2013 and earlier*  
5 *reporting periods.*

6 (c) *This section shall remain in effect only until January 1, 2014,*  
7 *and as of that date is repealed, unless a later enacted statute, that*  
8 *is enacted before January 1, 2014, deletes or extends that date.*

9 *SEC. 96. Section 43053 of the Revenue and Taxation Code is*  
10 *amended to read:*

11 43053. The fees imposed pursuant to Sections 25205.2,  
12 25205.5, ~~25205.7~~, and 25205.14 of the Health and Safety Code  
13 shall be administered and collected by the board in accordance  
14 with this part.

15 *SEC. 97. Section 43055 of the Revenue and Taxation Code is*  
16 *repealed.*

17 ~~43055. The surcharge imposed pursuant to Section 25205.9 of~~  
18 ~~the Health and Safety Code, as that section read on December 31,~~  
19 ~~1997, and was repealed by Section 24 of Chapter 870 of the~~  
20 ~~Statutes of 1997, shall be administered and collected by the board~~  
21 ~~in accordance with this part, with regards to any amounts due and~~  
22 ~~payable on or before February 28, 1998.~~

23 *SEC. 98. Section 43101 of the Revenue and Taxation Code is*  
24 *amended to read:*

25 43101. Every person, as defined in Section 25118 of the Health  
26 and Safety Code, who is subject to the fees specified in ~~subdivision~~  
27 ~~(a) of Section 25173.6 of the Health and Safety Code, subdivision~~  
28 ~~(a) of Section 25174 of the Health and Safety Code, Section 105190~~  
29 ~~of the Health and Safety Code, or Section 25205.14 and imposed~~  
30 ~~pursuant to Sections 25205.2, 25205.5, 25205.6, and 25205.14 of~~  
31 ~~the Health and Safety Code, shall register with the board on forms~~  
32 ~~provided by the board.~~

33 *SEC. 99. Section 43151 of the Revenue and Taxation Code is*  
34 *amended to read:*

35 43151. (a) The fee imposed pursuant to Section 25174.1 of  
36 the Health and Safety Code, which is a tax collected and  
37 administered under Section 43051, is due and payable to the board  
38 monthly on or before the last day of the third calendar month  
39 following the end of the calendar month for which the fee is due.  
40 Each taxpayer shall, on or before the last day of the third calendar

1 month following the end of the calendar month for which the fee  
2 is due, make out a tax return for the calendar month, in the form  
3 as prescribed by the board, which may include, but not be limited  
4 to, electronic media in accordance with subdivision (c). The  
5 taxpayer shall deliver the return, together with a remittance of the  
6 amount of fee due, to the office of the board on or before the last  
7 day of the third calendar month following the end of the calendar  
8 month for which the fee is due. Returns shall be authenticated in  
9 a form or pursuant to methods as may be prescribed by the board.

10 (b) With the approval of the board, a taxpayer who has more  
11 than one facility subject to the taxes collected and administered  
12 under this chapter, may file a combined tax return covering  
13 operations at more than one, or all, of those facilities.

14 (c) The form required to be submitted by the taxpayer pursuant  
15 to this section shall show, for the taxpayer and for each person  
16 from whom the taxpayer accepted hazardous waste for disposal,  
17 all of the following:

18 (1) The total amount of hazardous waste subject to the tax and  
19 the amount of the tax for the period covered by the return.

20 (2) The amount of hazardous waste disposed during the tax  
21 period that is in each of the fee categories described in Section  
22 25174.6 of the Health and Safety Code, and the amount of disposal  
23 fees paid for each of those categories.

24 (3) The amount of hazardous waste received for disposal by the  
25 taxpayer's facility or facilities that is exempt from the payment of  
26 disposal fees pursuant to Section 25174.7 of the Health and Safety  
27 Code, including a copy of any written documentation provided for  
28 any shipment or shipments of hazardous waste received by a  
29 facility.

30 (4) The amount of RCRA hazardous waste which is treated by  
31 the taxpayer so that the waste is considered to be non-RCRA  
32 hazardous waste for purposes of the disposal fee, pursuant to  
33 paragraph (2) of subdivision (b) of Section 25174.6.

34 (d) (1) Each taxpayer shall maintain records documenting all  
35 of the following information for each person who has submitted  
36 hazardous waste for disposal by the taxpayer during each calendar  
37 month and shall make those records available for review and  
38 inspection at the request of the board or the department:

39 (A) The tonnage of hazardous waste submitted for disposal.

1 (B) The type of hazardous waste disposed as specified by  
2 Section 25174.6 of the Health and Safety Code, including both of  
3 the following:

4 (i) Any characterization of the hazardous waste made by the  
5 person submitting the hazardous waste for disposal.

6 (ii) Any other documentation which the taxpayer maintains  
7 regarding the type of hazardous waste disposed to land.

8 (C) Any representation made by the person submitting the  
9 hazardous waste regarding any exemptions that may be applicable  
10 to the payment of disposal fees.

11 (D) For any RCRA hazardous waste which is treated by the  
12 taxpayer so that the waste is considered to be non-RCRA hazardous  
13 waste for purposes of the disposal fee, pursuant to paragraph (2)  
14 of subdivision (b) of Section 25174.6, all of the following  
15 information:

16 (i) The tonnage and type of hazardous waste.

17 (ii) The method or methods used to treat the hazardous waste.

18 (iii) Operating records documenting the treatment activity.

19 (iv) Representative and statistical waste sampling and analysis  
20 data demonstrating that the waste is no longer RCRA hazardous  
21 waste at the time of disposal.

22 (2) If the hazardous wastes submitted for disposal were  
23 accompanied by a manifest, the information specified in paragraph  
24 (1) shall be maintained by manifest number for each calendar  
25 month.

26 (e) *This section applies only to fees due for the 2013 and earlier*  
27 *reporting periods.*

28 (f) *This section shall remain in effect only until January 1, 2014,*  
29 *and as of that date is repealed, unless a later enacted statute, that*  
30 *is enacted before January 1, 2014, deletes or extends that date.*

31 *SEC. 100. Section 43152 of the Revenue and Taxation Code*  
32 *is amended to read:*

33 43152. (a) The board shall establish and annually submit to  
34 each generator of hazardous waste a consolidated statement of fees  
35 required to be paid by the generator to the board pursuant to  
36 Sections 25205.2, 25205.5, 25205.6, and ~~25205.9~~ 25205.14 of the  
37 Health and Safety Code.

38 (b) Notwithstanding any other provision of law, any return or  
39 other document that is required to be submitted by a generator of  
40 hazardous waste to the board in connection with the payment of

1 any fee specified in subdivision (a) shall instead be submitted  
2 together with the consolidated statement made pursuant to  
3 subdivision (a).

4 *SEC. 101. Section 43152.7 of the Revenue and Taxation Code*  
5 *is amended to read:*

6 43152.7. (a) The fee imposed pursuant to Section 25205.5 of  
7 the Health and Safety Code—~~which~~ *that* is collected and  
8 administered under Section 43053 is due and payable on the last  
9 day of the second month following the end of the calendar year.

10 (b) Every generator subject to the fee imposed pursuant to  
11 Section 25205.5 of the Health and Safety Code shall file an annual  
12 return in the form as prescribed by the board, which may include,  
13 but not be limited to, electronic media and pay the proper amount  
14 of fee due. The board shall credit the prepayment made pursuant  
15 to Section 43152.15 against the amount due with the annual return.  
16 Returns shall be authenticated in a form or pursuant to methods  
17 as may be prescribed by the board.

18 ~~(e) The fee imposed by Section 25205.5 of the Health and Safety~~  
19 ~~Code shall be offset by any fees paid by the generator for the~~  
20 ~~preceding calendar year for a local hazardous waste management~~  
21 ~~program conducted by a local agency pursuant to a memorandum~~  
22 ~~of understanding with the department. The amount of the credit~~  
23 ~~provided under this subdivision shall not exceed an amount equal~~  
24 ~~to the fees paid to the local agency or the generator fee due under~~  
25 ~~Section 25205.5 of the Health and Safety Code, whichever is less.~~  
26 ~~The credit for local fees paid shall not include fees required under~~  
27 ~~Chapter 6.7 (commencing with Section 25280) or Chapter 6.95~~  
28 ~~(commencing with Section 25500) of Division 20 of the Health~~  
29 ~~and Safety Code.~~

30 *SEC. 102. Section 43152.10 of the Revenue and Taxation Code*  
31 *is amended to read:*

32 43152.10. The fees ~~imposed pursuant to Sections 25205.7,~~  
33 ~~25205.8, 25205.14, 25221, and 25343 of the Health and Safety~~  
34 ~~Code, which are collected and administered under Sections 43053~~  
35 ~~and 43054, are due and payable within 30 days after the date of~~  
36 ~~assessment and the feepayer shall deliver a remittance of the~~  
37 ~~amount of the assessed fee to the office of the board within that~~  
38 ~~30-day period, except as provided in subdivision (e) of Section~~  
39 ~~25205.14 of the Health and Safety Code.~~ *period.*

1     *SEC. 103. Section 43152.11 of the Revenue and Taxation Code*  
2 *is repealed.*

3     ~~43152.11. (a) The surcharge imposed pursuant to Section~~  
4 ~~25205.9 of the Health and Safety Code, which is collected and~~  
5 ~~administered under Section 43055, is due and payable to the board~~  
6 ~~on the last day of the second month following the end of the~~  
7 ~~calendar year.~~

8     ~~(b) The surcharge shall be incorporated into the return form~~  
9 ~~prescribed by the board, which every operator subject to the fee~~  
10 ~~imposed by Section 25205.5 of the Health and Safety Code is~~  
11 ~~required to file and pay annually, in accordance with Section~~  
12 ~~43152.7. The surcharge shall be in addition to the fee imposed by~~  
13 ~~Section 25205.5 of the Health and Safety Code.~~

14     ~~(c) The surcharge imposed by Section 25205.9 of the Health~~  
15 ~~and Safety Code shall be offset by any fees paid by the generator~~  
16 ~~during the preceding calendar year for a local hazardous waste~~  
17 ~~management program conducted by a local agency pursuant to a~~  
18 ~~memorandum of understanding with the department. The offset~~  
19 ~~provided for under this subdivision shall be allowed to the same~~  
20 ~~extent as the offset provided in subdivision (c) of Section 43152.7.~~

21     *SEC. 104. Section 43152.15 of the Revenue and Taxation Code*  
22 *is amended to read:*

23     43152.15. (a) In addition to the requirements imposed pursuant  
24 to ~~Sections~~ *Section 43152.7 and 43152.11*, every generator subject  
25 to the fees specified in Sections 25205.5 and 25205.9 of the Health  
26 and Safety Code shall make a prepayment of the fee by site to the  
27 board which is due and payable on or before the last day of August  
28 of each calendar year. The prepayment shall be accompanied by  
29 a prepayment return in a form prescribed by the board.

30     (b) For purposes of subdivision (a), the amount of the  
31 prepayment shall be not less than either of the following:

32     (1) One hundred percent of the applicable fee imposed on the  
33 generator, based on the generator's fee category as specified in  
34 Section 25205.5 of the Health and Safety Code for the total volume  
35 of hazardous waste generated by site during the period January 1  
36 to June 30, inclusive, of the current calendar year in which the  
37 prepayment is due. The prepayment may be offset by fees paid by  
38 the generator for a local hazardous waste management program  
39 conducted by a local agency pursuant to a memorandum of  
40 understanding with the department which includes the following:

1 (A) The local fees are paid for the current calendar year for  
2 which the prepayment is due or the local fees are paid for the  
3 preceding calendar year, if fees have not been paid for the current  
4 year.

5 (B) The offset is subject to the limitations and requirements  
6 specified in subdivision (c) of Section 43152.7.

7 (2) Fifty percent of the generator fee liability paid to the board  
8 by site for the preceding calendar year provided the generator paid  
9 a generator fee liability to the board for the preceding calendar  
10 year for that site.

11 (c) The board shall credit the amount of the prepayment against  
12 the amount of the fee due and payable for the calendar year in  
13 which the prepayment is due.

14 (d) Notwithstanding any other provision in this section, the  
15 prepayment of a generator fee shall not be required for any amount  
16 due that is less than five hundred dollars (\$500), or for any other  
17 amount due if the board determines that prepayment is not in the  
18 best economic interest of the program.

19 (e) Any person required to make a prepayment pursuant to this  
20 section who fails to make a prepayment by the due date specified  
21 in subdivision (a) shall also pay penalties and interest in accordance  
22 with Section 43155.

23 (f) *This section applies only to fees due for the 2013 and earlier*  
24 *reporting periods.*

25 (g) *This section shall remain in effect only until January 1, 2014,*  
26 *and as of that date is repealed, unless a later enacted statute, that*  
27 *is enacted before January 1, 2014, deletes or extends that date.*

28 *SEC. 105. Section 43152.15 is added to the Revenue and*  
29 *Taxation Code, to read:*

30 *43152.15. (a) In addition to the requirements imposed pursuant*  
31 *to Section 43152.7, every generator subject to the fees specified*  
32 *in Section 25205.5 of the Health and Safety Code shall make a*  
33 *prepayment of the fee by site to the board which is due and payable*  
34 *on or before the last day of August of each calendar year. The*  
35 *prepayment shall be accompanied by a prepayment return in a*  
36 *form prescribed by the board.*

37 (b) *For purposes of subdivision (a), the amount of the*  
38 *prepayment shall be not less than either of the following:*

39 (1) *One hundred percent of the applicable fee imposed on the*  
40 *generator, based on the generation and handling fee specified in*

1 Section 25205.5 of the Health and Safety Code for the total volume  
2 of hazardous waste generated by site during the period January  
3 1 to June 30, inclusive, of the current calendar year in which the  
4 prepayment is due. The prepayment may be offset by fees paid by  
5 the generator for a local hazardous waste management program  
6 conducted by a local agency pursuant to a memorandum of  
7 understanding with the department which includes the following:

8 (A) The local fees are paid for the current calendar year for  
9 which the prepayment is due or the local fees are paid for the  
10 preceding calendar year, if fees have not been paid for the current  
11 year.

12 (B) The offset is subject to the limitations and requirements  
13 specified in subdivision (c) of Section 43152.7.

14 (2) Fifty percent of the generation and handling fee liability  
15 paid to the board by site for the preceding calendar year provided  
16 the generator paid a generation and handling fee liability to the  
17 board for the preceding calendar year for that site.

18 (c) The board shall credit the amount of the prepayment against  
19 the amount of the fee due and payable for the calendar year in  
20 which the prepayment is due.

21 (d) Notwithstanding any other provision in this section, the  
22 prepayment of a generation and handling fee shall not be required  
23 for any amount due that is less than five hundred dollars (\$500),  
24 or for any other amount due if the board determines that  
25 prepayment is not in the best economic interest of the program.

26 (e) Any person required to make a prepayment pursuant to this  
27 section who fails to make a prepayment by the due date specified  
28 in subdivision (a) shall also pay penalties and interest in  
29 accordance with Section 43155.

30 (f) This section shall become operative on January 1, 2014, and  
31 shall apply to the fees due for the 2014 reporting period and  
32 thereafter, including the prepayments due following the reporting  
33 period and the final reconciliation fee due and payable following  
34 the reporting period.

35 SEC. 106. Section 43152.16 of the Revenue and Taxation Code  
36 is repealed.

37 ~~43152.16. (a) The board shall issue refunds, if directed to do~~  
38 ~~so by the department, upon making the certification specified in~~  
39 ~~subdivision (d), for some, or all, of the fees imposed pursuant to~~

1 Sections 25205.5 and 25205.9 of the Health and Safety Code, for  
2 hazardous waste generated in 1997.

3 ~~(b) The board may issue a refund only to a generator who~~  
4 ~~received a credit pursuant to Section 43152.7 or 43152.11 for fees~~  
5 ~~paid for hazardous waste generated in 1996.~~

6 ~~(c) The refund made to a generator pursuant to this section shall~~  
7 ~~not exceed the generator's credit for hazardous waste generated~~  
8 ~~in 1996, or exceed the generator's fee paid to a certified unified~~  
9 ~~program agency in 1997, whichever amount is less.~~

10 ~~(d) The board may issue refunds pursuant to this section only~~  
11 ~~if the department certifies that funds for these refunds are available.~~

12 *SEC. 107. The Legislature finds and declares all of the*  
13 *following:*

14 *(a) The Department of Transportation owns real property*  
15 *commonly known as 2829 Juan Street, San Diego, which served*  
16 *as the department's District 11 administrative headquarters until*  
17 *2006.*

18 *(b) Subsequently, the Department of Transportation constructed*  
19 *a new District 11 administrative headquarters and relocated its*  
20 *staff to the new facility, and no longer needs the property at 2829*  
21 *Juan Street, and is desirous of transferring it.*

22 *(c) It has cost the Department of Transportation over five*  
23 *hundred thousand dollars (\$500,000) to continue to own and*  
24 *maintain the property at 2829 Juan Street, and future annual costs*  
25 *to maintain the property will be at least eighty thousand dollars*  
26 *(\$80,000) annually. It is also estimated to cost between three*  
27 *million dollars (\$3,000,000) and six million dollars (\$6,000,000)*  
28 *to remove antiquated and obsolete buildings and fixtures from the*  
29 *property.*

30 *(d) The property at 2829 Juan Street is immediately adjacent*  
31 *to property owned by the Department of Parks and Recreation,*  
32 *which is operated as Old Town San Diego State Historic Park and*  
33 *which is one of the most popular and most visited parks in the state*  
34 *park system.*

35 *(e) The Department of Parks and Recreation desires to have*  
36 *the property at 2829 Juan Street transferred to it, so that it can be*  
37 *incorporated into Old Town San Diego State Historic Park, or*  
38 *developed in a manner than complements the state park.*

39 *(f) It is adequate consideration for the Department of*  
40 *Transportation to transfer the property at 2829 Juan Street to the*

1 *Department of Parks and Recreation if the recipient department*  
2 *assumes all ongoing maintenance and ownership liabilities as well*  
3 *as all future development costs, including the removal of all*  
4 *structures and fixtures that the recipient department concludes*  
5 *are not consistent with the development of Old Town San Diego*  
6 *State Historic Park.*

7 *SEC. 108. Section 104.22 is added to the Streets and Highways*  
8 *Code, to read:*

9 *104.22. (a) Notwithstanding any other law, the Department*  
10 *of Transportation shall, consistent with Article XIX of the*  
11 *California Constitution, transfer to the Department of Parks and*  
12 *Recreation the real property in the City of San Diego between*  
13 *Taylor Street and Wallace Street and between Juan Street and*  
14 *Calhoun Street, which was acquired for highway purposes and*  
15 *which was previously used by the department as its District 11*  
16 *administrative headquarters, and which is commonly known as*  
17 *2829 Juan Street, San Diego.*

18 *(b) The real property transferred pursuant to subdivision (a)*  
19 *shall be incorporated into the state park system upon its transfer*  
20 *to the Department of Parks and Recreation.*

21 *(c) On and after the date of transfer, the Department of*  
22 *Transportation shall have no continuing obligation relating to the*  
23 *ownership, maintenance, or control of the transferred real*  
24 *property, and all obligations of ownership, maintenance, and*  
25 *control shall thereafter be borne by the Department of Parks and*  
26 *Recreation.*

27 *(d) The transfer of the real property required by this section*  
28 *shall be completed within 90 days of the effective date of the act*  
29 *enacting this section in the 2013–14 Regular Session of the*  
30 *Legislature.*

31 *(e) The transfer of the real property required by this section*  
32 *serves a public purpose.*

33 *SEC. 109. Section 10001.7 is added to the Water Code, to read:*

34 *10001.7. The Director of Finance shall notify the Joint*  
35 *Legislative Budget Committee of any hydroelectric power project*  
36 *relicensing proposal for the Federal Energy Regulatory*  
37 *Commission that, if approved by the department, would obligate*  
38 *the General Fund in the current or future years. The department*  
39 *may approve that relicensing proposal not less than 30 days after*

1 *the Director of Finance notifies the Joint Legislative Budget*  
2 *Committee.*

3 *SEC. 110. Section 85200 of the Water Code is amended to*  
4 *read:*

5 85200. (a) The Delta Stewardship Council is hereby established  
6 as an independent agency of the state.

7 (b) ~~(1)~~—The council shall consist of seven voting members, of  
8 which four members shall be appointed by the Governor and  
9 confirmed by the Senate, one member shall be appointed by the  
10 Senate Committee on Rules, one member shall be appointed by  
11 the Speaker of the Assembly, and one member shall be the  
12 Chairperson of the Delta Protection Commission. Initial  
13 appointments to the council shall be made by July 1, 2010.

14 ~~(2) No member of the council shall serve two consecutive terms,~~  
15 ~~but a member may be reappointed after a period of two years~~  
16 ~~following the end of his or her term.~~

17 (c) (1) (A) The initial terms of two of the four members  
18 appointed by the Governor shall be four years.

19 (B) The initial terms of two of the four members appointed by  
20 the Governor shall be six years.

21 (C) The initial terms of the members appointed by the Senate  
22 Committee on Rules and the Speaker of the Assembly shall be  
23 four years.

24 (D) Upon the expiration of each term described in subparagraphs  
25 (A), (B), or (C), the term of each succeeding member shall be four  
26 years.

27 (2) The Chairperson of the Delta Protection Commission shall  
28 serve as a member of the council for the period during which he  
29 or she holds the position as commission chairperson.

30 (d) Any vacancy shall be filled by the appointing authority  
31 within 60 days. If the term of a council member expires, and no  
32 successor is appointed within the allotted timeframe, the existing  
33 member may serve up to 180 days beyond the expiration of his or  
34 her term.

35 (e) The council members shall select a chairperson from among  
36 their members, who shall serve for not more than four years in that  
37 capacity.

38 (f) The council shall meet once a month in a public forum. At  
39 least two meetings each year shall take place at a location within  
40 the Delta.

1     ~~SEC. 111. Section 34 of Chapter 718 of the Statutes of 2010~~  
2     ~~is repealed.~~

3     ~~SEC. 34. (a) On or before January 1, 2012, the Department of~~  
4     ~~Forestry and Fire Protection shall report to the Joint Legislative~~  
5     ~~Budget Committee on the steps taken by the Office of the State~~  
6     ~~Fire Marshal to improve fire and panic safety with respect to green~~  
7     ~~building standards. The report also shall describe all steps taken~~  
8     ~~by the Office of the State Fire Marshal to better coordinate work~~  
9     ~~on green building standards code development with the California~~  
10    ~~Building Standards Commission and the Department of Housing~~  
11    ~~and Community Development.~~

12    ~~(b) (1) The requirement for submitting a report imposed under~~  
13    ~~subdivision (a) is inoperative on January 1, 2016, pursuant to~~  
14    ~~Section 10231.5 of the Government Code.~~

15    ~~(2) A report to be submitted pursuant to subdivision (a) shall~~  
16    ~~be submitted in compliance with Section 9795 of the Government~~  
17    ~~Code.~~

18    ~~SEC. 112. No reimbursement is required by this act pursuant~~  
19    ~~to Section 6 of Article XIII B of the California Constitution because~~  
20    ~~the only costs that may be incurred by a local agency or school~~  
21    ~~district will be incurred because this act creates a new crime or~~  
22    ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
23    ~~for a crime or infraction, within the meaning of Section 17556 of~~  
24    ~~the Government Code, or changes the definition of a crime within~~  
25    ~~the meaning of Section 6 of Article XIII B of the California~~  
26    ~~Constitution.~~

27    ~~SEC. 113. The balance of the appropriation made in Schedule~~  
28    ~~(1) of Item 3850-301-6051 of Section 2.00 the Budget Act of 2010~~  
29    ~~(Chapter 724, Statutes 2010) is hereby reappropriated to the~~  
30    ~~Coachella Valley Mountains Conservancy, to be available for~~  
31    ~~expenditure for capital outlay or local assistance until June 30,~~  
32    ~~2016.~~

33    ~~SEC. 114. This act is a bill providing for appropriations~~  
34    ~~related to the Budget Bill within the meaning of subdivision (e) of~~  
35    ~~Section 12 of Article IV of the California Constitution, has been~~  
36    ~~identified as related to the budget in the Budget Bill, and shall~~  
37    ~~take effect immediately.~~

38    ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
39    ~~changes relating to the Budget Act of 2013.~~

O