

**AGENDA****ASSEMBLY BUDGET SUBCOMMITTEE NO. 3  
ON CLIMATE CRISIS, RESOURCES, ENERGY, AND TRANSPORTATION****ASSEMBLYMEMBER STEVE BENNETT, CHAIR****WEDNESDAY, APRIL 19, 2023  
9:30 A.M. – STATE CAPITOL, ROOM 447****VOTE-ONLY CALENDAR**

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### ***Public Comment***

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*The public may attend this hearing in person or participate by phone. This hearing can be viewed via live stream on the Assembly's website at <https://assembly.ca.gov/todaysevents>.*

*We encourage the public to provide written testimony before the hearing. Please send your written testimony to: [BudgetSub3@asm.ca.gov](mailto:BudgetSub3@asm.ca.gov). Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted.*

*A moderated telephone line will be available to assist with public participation. The public may provide comment by calling the following toll-free number: **877-692-8957 / Access Code: 131 54 47.***

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## VOTE ONLY ITEMS

### 3790 PARKS AND RECREATION

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#### VOTE-ONLY ISSUE 1: ADA TUCKER CONSENT DECREE

The Governor's budget requests \$23,200,000 one-time General Fund to complete additional Americans with Disabilities Act (ADA) improvements under the Tucker Consent Decree.

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**Staff Recommendation: Approve as budgeted.**

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#### VOTE-ONLY ISSUE 2: HUMBOLDT REDWOODS STATE PARK: REPLACE FOUNDERS GROVE RESTROOM

The Governor's budget requests \$4,052,000 from available Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 (Proposition 84) and \$1,861,000 State Park Contingent Funds for the construction phase of the Humboldt Redwoods SP Replace Founders Grove Restroom in Humboldt County. This project will demolish the existing restroom facility, which is currently out of service, as well as the parking lot at Founders Grove, and construct new restroom and parking facilities with the necessary infrastructure in an alternative location. The new site will also include a new water source and treatment system, and a new accessible trail connection to Founders Grove.

This is a continuing project.

To accommodate the increase in visitation over recent years and anticipated future years, the capacity of both the facilities and trail need to be scaled accordingly. The Department will seek donations to cover the increase in total project cost.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 3: KINGS BEACH SRA: RECREATIONAL PIER REPLACEMENT AND SUPPORT BUILDINGS**

The Governor's budget requests \$1,046,000 in reimbursement authority for the working drawings phase of the Kings Beach State Recreation Area (SRA): Recreational Pier Replacement and Support buildings project in Placer County. This project will relocate the existing pier, construct a new support building for park operations, and provide access and recreational improvements, consistent with the 2018 General Plan. Design funds for this project will come from fully executed grant agreements between the Department and the California Tahoe Conservancy in the amount of \$650,000 and the Department and the State of California, Wildlife Conservation Board in the amount of \$700,000, for a total of \$1,350,000. The Department will seek additional grant funds for the construction phase of this project.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 4: LAKE PERRIS SRA: REPLACE LIFEGUARD HEADQUARTERS**

The Governor's budget requests \$12,575,000 from available California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68) bond funds for the working drawings phase of the Lake Perris State Recreation Area (SRA) Replace Lifeguard Headquarters project in Riverside County. This project will result in demolition of the existing 45-year-old lifeguard headquarters and construct a new, multi-purpose lifeguard headquarters. The new building will be larger and provide functionalities not currently available in the existing structure such as separate male and female locker rooms for lifeguard staff, a storage room for the dive team, and medical equipment.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 5: LOCAL ASSISTANCE: OFF-HIGHWAY VEHICLE TRUST FUND**

The Governor's budget requests \$30,000,000 in fiscal year 2023-24 from the Off-Highway Vehicle (OHV) Trust Fund for local assistance grants.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 6: MALIBU CREEK SP: NEW STOKES CREEK BRIDGE**

The Governor's budget requests \$7,296,000 from available California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68) bond funds for the construction phase of the continuing Malibu Creek State Park (SP): New Stokes Creek Bridge project in Los Angeles County. This project will replace an existing, undersized arch culvert with a bridge to restore a secondary escape route for park visitors in the event of fire or other emergencies, reduce deferred maintenance costs and disruption to campers, and restore the creek to its natural configuration.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 7: MOUNT DIABLO SP: VISITOR CENTER**

The Governor's budget requests \$2,612,000 in reimbursement authority from the State Parks and Recreation Fund for the construction phase of the Mount Diablo State Park (SP): Visitor Center. This continuing project includes replacing a small existing visitor center trailer with a larger visitor center, remodeling the existing restroom and site to meet accessibility standards, and constructing an outdoor interpretive pavilion. The Mount Diablo Interpretive Association (MDIA) has agreed to donate the design drawings and specifications for this project, subject to state review and approvals, and will provide funding to the Department to pay all state costs for design review, project management and construction.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 8: OFFICE OF GRANTS AND LOCAL SERVICES FEDERAL GRANT PROGRAM ADMINISTRATIVE SUPPORT**

The Governor's budget requests \$904,000 in FY 2023-24 and \$859,000 ongoing for five additional positions from the Federal Trust Fund (FTF) to meet grant program delivery obligations for the Land and Water Conservation Fund (LWCF) program, Outdoor Recreation Legacy Partnership (ORLP) program, and the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The Department's Office of Grants and Local Services (OGALS) will experience significant workload increases due to the President's 2023 federal budget which proposes \$232,000,000 for stateside local assistance. California's share of these funds will be approximately \$20,000,000 annually based on the federal distribution formula.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 9: OLD SACRAMENTO STATE HISTORIC PARK: RIVERFRONT IMPROVEMENTS**

The Governor's budget requests \$324,000 from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund (Proposition 68) for the working drawings phase of the Old Sacramento State Historic Park (SHP): Riverfront project in Sacramento County. This continuing project will create a space that complements the natural riverbank environment and forms a strong connection to Sacramento's Waterfront. The improvements will result in an inviting space for visitors that provides opportunities for special events, a four-season river viewing experience, and a complementary space to the Sacramento Waterfront.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 10: PERMITTING COMPLIANCE AND HABITAT MANAGEMENT PLAN FOR RESTORATION AND ENHANCEMENT IN FORT ORD DUNES STATE PARK – NATURAL RESOURCES OBLIGATION**

The Governor's budget requests \$4,694,000 one-time in fiscal year (FY) 2023-24, seven permanent positions, 12 vehicles, and \$1,166,000 ongoing from General Fund (GF) for Federal Endangered Species Act, Section 10 compliance as specified in the Habitat Conservation Plan (HCP) and deed covenants that stipulate the Department's obligations for lands referred to as Fort Ord Dunes State Park (Fort Ord Dunes SP).

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 11: PICACHO SRA: PARK POWER SYSTEM UPGRADE**

The Governor's budget requests \$2,123,000 from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access Fund (Proposition 68) for the construction phase of the Picacho State Recreation Area (SRA): Park Power System Upgrade project in Imperial County. This project will evaluate the park's current and future electrical power needs, including redundant backup, and determine sustainable options for providing reliable and cost-effective electrical power at this remote location. Options to be considered include, but are not limited to, photovoltaic (PV) panels on existing buildings and/or new shade structures, replacing existing diesel generators, or other mixes of conventional and renewable electrical sources.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 12: SILVER STRAND SB: LOW-COST ACCOMMODATIONS**

The Governor's budget requests \$500,000 from California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund (Proposition 68) bond funds for the working drawings phase of the Silver Strand SB: Low-Cost Accommodations project. This continuing project will allow for the planning and initial development of low-cost accommodations at Silver Strand SB.

This is a continuing project.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 13: SONOMA OPEN SPACE AREA OPERATIONS**

The Governor's budget requests \$3,000,000 in reimbursement authority, four positions, and four vehicles in fiscal years 2023-24, 2024-25 and 2025-26 from the State Parks and Recreation Fund (SPRF) to manage the open space park lands within the Sonoma Developmental Center (SDC). The requested funding will cover basic equipment and operation costs for additional staff and seasonal staff to address associated workload increases from the added acreage from SDC such as maintenance, installations, repairs, and vegetation management.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 14: STATE HISTORIC REHABILITATION TAX CREDIT PROGRAM**

The Governor's budget requests \$443,000 in one-time funding and three positions in fiscal year 2023-24 and \$416,000 ongoing from the General Fund to handle increased workload in the Office of Historic Preservation (OHP) from the implementation of the State Historic Rehabilitation Tax Credit (SHRTC) enacted by Chapter 703, Statutes of 2019 (SB 451). The new state tax credit program was fully funded beginning January 2022, and the requested staff will work with the California Tax Credit Allocation Committee (CTCAC) to carry out program requirements as well as review and approve applications for the state tax credits.

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**Staff Recommendation: Approve as budgeted.**

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**VOTE-ONLY ISSUE 15: NEW STATE PARK - DOS RIOS RANCH DAY USE PUBLIC ACCESS**

The Governor's budget requests \$5,838,000 one-time funding in fiscal year (FY) 2023-24 for 17 positions, 21 vehicles and equipment costs, and \$3,319,000 ongoing from the General Fund (GF) to establish and open Dos Rios Ranch as a new state park for day-use operations to create recreation opportunities and park access to historically underserved communities in the Central Valley. Funds initially allocated for acquisition of a new state park in 2021-21 Governor's Budget will now be used for larger planning efforts, as well as any acquisition costs.

This proposal plans for temporary office space and visitor facilities, 17 permanent positions, and 21 vehicles to open the 1,603-acre property for visitor day-use operations and natural resource management. The Department has consulted with River Partners and used other similarly managed park units to determine the staffing and equipment need.

**STAFF COMMENTS**

Staff notes at some point in the future ongoing costs could be shifted to special fund once visitors start paying admission fees.

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**Staff Recommendation: Approve as budgeted.**

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## NON-PRESENTATION ITEMS

### 0555 SECRETARY FOR ENVIRONMENTAL PROTECTION

#### ISSUE 1: CALEPA GEOGRAPHIC INFORMATION OFFICER

The Governor's budget requests \$268,000 in permanent funding from the CalEPA Reimbursements account and 1.0 new permanent civil service position (PY) to administer CalEPA's Geographic Information Systems (GIS) environment and develop strategies, policies, and common GIS frameworks for CalEPA's Boards Divisions and Offices. Additionally, this request includes approximately \$40,000 of permanent annual funding for licensing CalEPA's GIS software tools and services.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

#### ISSUE 2: CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY BOND AND TECHNICAL ADJUSTMENTS (SFL)

The Governor's budget requests various technical adjustments and re-appropriations:

BU	Dept	Title	Funs/ Prop.	Item of Appropriation	Comments
0555	CARB	Technical Adjustment: Correction for Past Year Adjustment	Fund 0044, 0115, 0995	0555-001-0044, 0555-001-0115, 0555-001-0995	<b>\$2,112,000 increase.</b> Corrects for a BBA in fiscal year 2021-22 that CalEPA made which overly reduced its annual operational budget by \$2.1 million as part of the termination of the budget transparency realignment galley display.
3900	CARB	Technical Adjustment: Extension of Liquidation for GGRF and Trade Corridors	Fund 3228 and 3291	3900-101-3228, 3900-101-3291	Extends the liquidation deadline until 6/30/2024 of 1) Greenhouse Gas Reduction Funds (GGRF) for the Freight Equipment Advanced Demonstration, and 2) Trade Corridor Enhancement Account (TCEA) funds for the Pilot Commercial Deployment Project Zero/Near-Zero-Emission Warehouse Program

3900	CARB	Technical Adjustment: Proposition 1B Extension of Liquidation	Fund 6054 /Prop . 1B	3900-001-6054	Extends the liquidation deadline until 6/30/2027 for projects authorized by section 39626.5 of the Health and Safety Code, the Goods Movement Emission Reduction Program, funded by Proposition 1B.
3900	CARB	Technical Adjustment: UC Riverside Extension of Liquidation	Fund 0044	3900-001-0044	Reappropriates the liquidation deadline until 6/30/2024 from the Motor Vehicle Account for \$550,000 that were allocated for Contract 19TTD002 with the University of California, Riverside.
3940	SWRCB	Bond Technical Adjustments	Fund 6083 Prop. 1	3940-001-6083	Realigns out-year current service level costs to remain within section and purpose type limits of Prop 1.
3940	SWRCB	Bond Technical Adjustments	Fund 6083 Prop. 1	3940-001-6083	Realigns out-year current service level costs to remain within section and purpose type limits of Prop 1.
3940	SWRCB	Bond Technical Adjustments	Fund 6083 Prop. 1	3940-001-6083	Realigns budget year and ongoing current service level costs to remain within section and purpose type limits of Prop 1.
3940	SWRCB	Bond Technical Adjustments	Fund 0419 Prop. 13	3940-001-0419	Realigns budget year and ongoing current service level costs to remain within section and purpose type limits of Prop 13.
3940	SWRCB	Bond Technical Adjustments	Fund 0422 Prop. 204	3940-001-0422	Realigns budget year and ongoing current service level costs to remain within section and purpose type limits of Prop 204.
3940	SWRCB	Bond Technical Adjustments	Fund 0424 Prop. 13	3940-001-0424	Realigns budget year and ongoing current service level costs to remain within section and purpose type limits of Prop 13.

3940	SWRCB	Bond Technical Adjustments	Fund 6020 Prop. 13	3940-001-6020	Realigns budget year and ongoing current service level costs to remain within section and purpose type limits of Prop 13.
3960	DTSC	Reappropriation	Fund 0001	3960-001-0001	DTSC requests to re-appropriate \$2.1 million of appropriated from the General Fund pursuant to Chapter 6, Statutes of 2020 (Senate Bill 74) and \$1.4 million from the General Fund pursuant to Chapter 69, Statutes of 2021 (Senate Bill 129). The Phase II Stormwater Upgrade Construction has been delayed because DTSC had to wait for USEPA to complete their NTCRA design to be sure that the downstream pipe sizes would be sufficiently large to handle the stormwater flow. DTSC requests approval to re-appropriate the funding through June 30, 2025.
3960	DTSC	Reappropriation	Fund 0557	3960-011-0001	Re-appropriate \$163,000 of the original \$176.6 million appropriated from the Toxic Substances Control Account pursuant to Assembly Bill 118 (Ch. 10, Statutes of 2016). These resources provided requires DTSC to perform investigation and cleanup work of sensitive-use properties contaminated with lead in the communities surrounding the former Exide Technologies, Inc. Facility (Facility) in the City of Vernon. DTSC requests approval to re-appropriate the funding through June 30, 2025, to complete the necessary remediation work.

3970	Cal-Recycle	Technical Adjustment: Reappropriation of Nature-Based Solutions Funding	Fund 0001	3970-001-0001	The Department of Resources Recycling and Recovery (CalRecycle) requests a reappropriation of \$500,000 in State Operations to administer Nature-Based Solutions funding. CalRecycle requests to extend the encumbrance deadline to June 30, 2024, to allow for continued and successful implementation of the Compost Permitting Pilot Program consistent with Chapter 258 of the Statutes of 2021. CalRecycle needs additional time to complete the Request for Proposals (RFP) for a Nature-Based Solution Contract Study (NBSCS).
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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

### ISSUE 3: CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM PROJECT

The Governor's budget requests \$4.3 million from the Unified Program Account in 2023-24 to implement a technology refresh on the California Environmental Reporting System (CERS). This includes continued funding for the five (5.0) permanent positions approved in the 2022 Budget Act. The project will update the technical platform, improve data quality and the processes supporting data quality, address inefficient input and interactions, and make identified enhancements to CERS.

#### STAFF COMMENTS

This is an ongoing data system upgrade that is resubmitted annually for approval.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

**ISSUE 4: INFORMATION TECHNOLOGY SECURITY POSTURE**

The Governor's budget \$605,000 General Fund in 2023-24, and \$555,000 General Fund in 2024-25 and ongoing to monitor and protect its information technology (IT) network, computer systems, and system components against cyberthreats and attacks on its IT assets. Cybersecurity monitoring is a detection strategy that uses tools and automation to continuously scan IT network systems for control weaknesses, suspicious activities, and alerting the CalEPA to mitigate information security risks before they lead to data breaches and resulting in public services disruption, data loss, financial losses, reputational damage, and/or loss of public trust.

The outcome of this proposal will be strengthening the collective CalEPA's cybersecurity posture and increasing the maturity score. The maturity scale is 0 (low maturity) to 4 (high maturity) and CalEPA is subject to recurring audits and assessment that measure how secure CalEPA is.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 5: PROJECT MANAGEMENT OFFICE AND IT GOVERNANCE POSITIONS**

The Governor's budget requests permanent funding in the amount of \$1.0 million from the CalEPA Reimbursements account and 2.0 permanent civil service positions, resources, technology services, and software licenses to manage the planning and delivery of CalEPA's growing technology project portfolio, develop and promote standardization of processes and technology, drive CalEPA's delivery and use of technology towards constant improvements, and provide oversight of the agency's delegated projects. Additionally, CalEPA requests \$300,000 to acquire Project Portfolio Management (PPM) software tools in 2023-24.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**3930 DEPARTMENT OF PESTICIDE REGULATION**

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**ISSUE 6: CALIFORNIA PESTICIDE ELECTRONIC SUBMISSION TRACKING (CALPEST) PROJECT**

The Governor's budget requests \$3.3 million DPR Fund for 2023-24: \$2.9 million in one-time funding with an extended encumbrance period to June 30, 2027, and \$371,000 ongoing funding for 2.0 permanent CalPEST staff at the Information Technology Specialist I level to continue the CalPEST design, development, and implementation.

This is an ongoing database technology upgrade that is resubmitted annually for approval and the next phase. The total approved project cost was \$22,788,151. DPR received \$4.4 million in the 2022 Budget Act to continue the CalPEST system development.

Full system implementation is estimated for October 2024.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 7: TECHNICAL ADJUSTMENTS: REAPPROPRIATION OF TRANSITION TO SAFER, SUSTAINABLE PEST MANAGEMENT FUNDS**

The Governor's budget requests a one year extension to the liquidation periods of various General Fund appropriations to continue implementation of previously authorized projects.

Under Senate Bill 154, (Chapter 43, Statutes of 2022), DPR was appropriated \$8.8 million General Fund to support California's transition to safer, sustainable pest management. This appropriation supported the following projects:

- **Integrated Pest Management (IPM) Grant Program** — DPR's IPM Grants fund basic research into pesticide alternatives and promote IPM Practices.
- **IPM Grant Support** — DPR tracks IPM Grants (Research and Alliance) with a focus on increasing the number, size, and breadth of programs to strengthen research and application of IPM practices.
- **Air Monitoring Network (AMN)** – This project supports intensive field and seasonal monitoring studies on restricted material pesticides (including fumigants) to supplement data from the AMN. Additionally, DPR uses contracts with local County Agricultural Commissioner (CACs) to address sample collection, reduce travel costs, and free up permanent staff time for other Air Program activities including DPR evaluation of Toxic Air Contaminants, tracking and reducing emissions of Volatile organic compound (VOC) and Air Monitoring Network. Funding will also be used to replace borrowed equipment from the California Air Resources Board (CARB) and to explore new monitoring technology and potentially purchase equipment associated with that initiative.

- **Community Engagement** – Communities are increasingly interested in having DPR work on local measures to track and monitor for pesticides and reduce the use of high-toxicity pesticides. This project supports DPR's efforts to enhance its community engagement resources and facilitate the transition to more sustainable pest management.
- **Ecosystems Monitoring** – This project supports ecosystem monitoring to assist DPR with existing pesticide evaluations.
- **Funding Study** – Funding will support the hiring of a contractor to develop a proposal on tiering options to replace the current flat-fee mill assessment in consultation with stakeholders.
- **County Pesticide Disposal Events** – This project supports CAC pesticide disposal events to protect human health and the environment by helping communities get rid of potentially hazardous chemicals, including those pesticides that are no longer allowed to be used or not needed anymore due to crop changes. These funds were appropriated to support four major areas for this transition.

Under Senate Bill 129, (Chapter 69, Statutes of 2021), DPR was appropriated \$4.7 million General Fund to support to fund DPR's IPM Grants to fund basic research into pesticide alternatives and promote IPM Practices.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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## **3960 DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

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### **ISSUE 8: BRAKE FRICTION MATERIALS EXTENSION REQUEST SUPPORT**

The Governor's budget requests \$593,000 in 2023-24 and \$590,000 ongoing from the Toxic Substances Control Account and 3.0 permanent positions to manage the extension request process and to ensure manufacturer compliance with the motor vehicle brake friction materials law. DTSC's request includes \$30,000 from the Toxic Substances Control Account per year to fund the purchase, sampling and analysis of brake pads to ensure compliance with the law (Stats. 2010, Ch. 307, Sec. 2). Costs will be partially offset by fees paid by manufacturers submitting extension requests.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 9: NATIONAL PRIORITIES LIST AND STATE ORPHAN SITES**

The Governor's budget requests a transfer of \$13.7 million from the Toxic Substances Control Account to the Site Remediation Account and \$13.7 million expenditure authority from the Site Remediation Account in 2023-24 to fund the state's National Priorities List obligations and state orphan sites with Priorities 1A, 1B, 2, 3, and statewide service contracts.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

**ISSUE 10: SAN GABRIEL VALLEY SUPERFUND SITES TEAM**

The Governor's budget requests 7.0 permanent positions and \$1.5 million from the Toxic Substances Control Account in 2023-24 and annually thereafter to provide adequate staff for oversight of the San Gabriel Valley Superfund Sites Cleanup (SGVSS).

The SGVSS is one of the largest contaminated groundwater cleanup projects in the state of California. According to US EPA's May 2021 San Gabriel Valley Superfund Sites Progress Update, these systems have treated over 200 billion gallons of VOC contaminated water in the Basin and removed over 100,000 pounds of industrial chemical contamination at a total cost of \$470 million. However, much more cleanup work is needed. It is anticipated that it will take decades for groundwater contamination in the San Gabriel Basin to be fully cleaned up, at an additional cost of at least another \$500 million.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

**ISSUE 11: STAFF SUPPORT FOR EXPEDITED CLEANUP OF CALIFORNIA NATIONAL PRIORITIES LIST (NPL) SITES**

The Governor's budget requests 6.0 permanent positions and \$1.4 million in 2023-24 and annually thereafter to implement needed oversight of 22 NPL projects during the investigation, remedy construction, and long-term Operation and Maintenance (O&M). The positions will be funded by the Toxic Substances Control Account (TSCA), and DTSC will seek federal reimbursement for these costs through the MultiSite Cooperative Agreement (MSCA) federal grant fund.

For 2022-23, US EPA Region 9 will use pipeline monies—funding appropriated on an annual basis—to prioritize the following eight sites to move them into remedy design and construction and eligible for BIL Funds:

- Argonaut Mine
- Blue Ledge Mine
- Brown and Bryant, Arvin
- Industrial Waste Processing
- Klau/Buena Vista Mercury Mine
- Lava Cap Mine
- Modesto Groundwater Contamination
- Sulphur Bank Mercury Mine

**STAFF COMMENTS**

Additional staffing would allow the state to secure additional federal funding and reduce state cost pressures. For example, the State would save approximately \$10 million as a result of the 10 percent cost share waiver at two of the eight sites based on US EPA Region 9's preliminary construction cost estimates for those sites.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 12: STRINGFELLOW SUPERFUND HAZARDOUS WASTE SITE REMOVAL AND REMEDIAL ACTION**

The Governor's budget requests \$7.0 million General Fund over five fiscal years; \$1.2 million in 2023-24, \$1.7 million in 2024-25, \$1.5 million in 2025-26, \$1.2 million in 2026-27, and \$1.4 million in 2027-28 for United States Environmental Protection Agency-mandated removal and remedial action to continue characterization of the Stringfellow Superfund Hazardous Waste Site.

The State is the sole responsible party for the hazardous substances contained in and emanating from the site. The absence of adequate resources for DTSC as the agent for the state to complete the characterization may result in violation of the 2014 Agreement with U.S. EPA. The Governor and the Legislature affirmed the commitment to fulfilling the state's obligations at this site by enacting Section 25351.8 of the Health & Safety Code. Additionally, the Governor and the Legislature have approved General Funds for the Site's RRA and O&M activities since 2003.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**3970 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)**

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**ISSUE 13: BATTERY EMBEDDED WASTE: IMPLEMENTATION (SB 1215)**

The Governor's budget requests 14.0 permanent ongoing positions (PY) to be phased in over three fiscal years (FY) to implement Senate Bill (SB) 1215 (Chapter 370, Statutes of 2022). This request includes 12.0 PYs to begin in 2023-24 with annual costs of \$2 million from the Covered Battery-Embedded Waste Recycling Fee Subaccount (Subaccount) in 2023-24, and 2024-25, with an additional 2.0 PYs to start in 2025-26 with ongoing costs of \$2.2 million for all 14.0 positions. In addition, CalRecycle requests budget bill language to provide loan authority of \$6.2 million in 2023-24 from the Electronic Waste Recovery and Recycling Account (EWRRA) to the Subaccount to ensure that adequate cash is available to implement SB 1215 and support all direct appropriations drawing from the fund. This loan authority is necessary until CalRecycle can collect the battery-embedded waste recycling fee in 2025-26, as authorized by SB 1215

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**Staff Recommendation:** Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.

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**ISSUE 14: BEVERAGE CONTAINER RECYCLING: IMPLEMENTATION (SB 1013)**

The Governor's budget requests 44 permanent ongoing positions (PY) phased in over two years, and 15 two-year limited term positions (LT PY) with costs of \$6.9 million in 2023-24, \$8.1 million in 2024-25, and \$6.3 million ongoing from the Beverage Container Recycling Fund (BCRF) to implement Senate Bill (SB) 1013 (Ch. 610, Statutes of 2022). CalRecycle also requests an additional \$450,000 from BCRF for one-time contract funds in 2023-24 to update the Division of Recycling Integrated Information System (DORIIS) to accommodate the associated operational changes to the BCRP.

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**Staff Recommendation:** Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.

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**ISSUE 15: CALRECYCLE INTEGRATED INFORMATION SYSTEM (CRIIS)**

The Governor's budget requests \$2.3 million in continued project funding in 2023-24 for the CalRecycle Integrated Information System (CRIIS) project and to make the four (4) temporary positions approved in 2022-23 permanent ongoing positions with ongoing costs of \$780,000 from the Beverage Container Recycling Fund (BCRF). CRIIS will be an extensive ongoing initiative to migrate the Beverage Container Recycling Program (BCRP)'s current application, the Division of Recycling Integrated Information System (DORIIS), into a modern, extensible solution. The new solution will be developed with the goal of consolidating all recycled material programs into a single enterprise solution more easily supported by the department.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 16: CALRECYCLE INTEGRATED INFORMATION SYSTEM (CRIIS) (SFL)**

A Spring Finance Letter requests \$6,185,000 in one-time costs from the Beverage Container Recycling Fund (BCRF) in Fiscal Year (FY) 2023-24 for the implementation of the CalRecycle Integrated Information System (CRIIS) per California Department of Technology (CDT) Project Approval Lifecycle (PAL) Stage 2 Market Research. CRIIS is an extensive ongoing initiative to migrate the Beverage Container Recycling Program (BCRP) currently administered via a Commercial-Off-The-Shelf (COTS) application, called Division of Recycling Integrated Information System (DORIIS), into a modern, extensible cloud-based solution. The new solution will be developed with the goal of consolidating administration of all CalRecycle's material programs into a single enterprise solution more easily supported by the department.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 17: LEE VINING BURN DUMP SITE REMEDIATION**

The Governor's budget requests a one-time funding increase in the amount of \$2,649,000 from the Solid Waste Disposal Site Cleanup Trust Fund for 2023-24 to complete required site restoration work on the Lee Vining Burn Dump.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 18: RESPONSIBLE BATTERY RECYCLING ACT OF 2022: IMPLEMENTATION (AB 2440)**

The Governor's budget requests 18.0 permanent ongoing positions to be phased in over two fiscal years (11.0 positions in 2023-24 and 7.0 positions in 2024-25) with total ongoing costs of \$2,995,000 from the Covered Battery Recycling Fund (CBRF). In addition, CalRecycle requests budget bill language to provide loan authority of \$2,001,000 in 2023-24, \$2,995,000 in 2024-25 and 2025-26 from the Electronic Waste Recovery and Recycling Account (EWRRA) to the CBRF to ensure that adequate cash is available to implement AB 2440 and support all direct appropriations drawing from the fund.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 19: WILDFIRE DEBRIS CLEANUP AND REMOVAL CONTRACTS: IMPLEMENTATION (SB 978)**

The Governor's budget requests 3.0 permanent, fulltime positions and \$400,000 General Fund in 2023-24 and ongoing to implement the prequalified bidder requirements under Senate Bill (SB) 978 (Chapter 472, Statutes of 2022) for Disaster, Debris Removal for wildfires.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 20: PHARMACEUTICAL AND SHARPS STEWARDSHIP FUND TRAILER BILL**

The Governor's budget requests trailer bill language to amend Public Resources Code Section 42034.2 (SB 212, Jackson, Statutes of 2018) to reduce fee collection from quarterly to biannually and to ensure the fees collected do not exceed the full cost of implementing the Pharmaceutical and Sharps Stewardship Program.

The language can be found here: <https://esd.dof.ca.gov/trailer-bill/public/trailerBill/pdf/842>

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**3900 CALIFORNIA AIR RESOURCES BOARD**

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**ISSUE 21: TRANSPORTATION ELECTRIFICATION: ELECTRICAL DISTRIBUTION GRID UPGRADES (AB 2700)**

The Governor's budget requests \$211,000 in ongoing funding from the Greenhouse Gas Reduction Fund and 1.0 permanent position to implement Chapter 354, Statutes of 2022 (Assembly Bill 2700). The requested position would perform the new duties associated with the requirements in Assembly Bill (AB) 2700 that enlist CARB's experience and expertise with medium-and heavy-duty vehicles, fleet regulations and the associated data to be collected.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 22: ZERO-EMISSIONS PORTFOLIO FOR IMPLEMENTATION OF THE PROPOSED ADVANCED CLEAN FLEETS REGULATION**

The Governor's budget requests \$7.6 million in 2023-24 from the Air Pollution Control Fund for 32.5 three-year limited term positions to comply with the proposed Advanced Clean Fleets Regulation. This request includes \$2 million in one-time funding to modify two separate reporting systems to handle reporting for the new regulations to verify and track compliance as the requirements are phased in. In 2024-25 and 2025-26, CARB is requesting \$400,000 in funding for maintenance and ongoing fees to run the two systems.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 23: IMPLEMENTATION OF ZERO-EMISSION SPACE AND WATER HEATER MEASURE SFL**

A Spring Finance Letter requests \$1.2 million in ongoing funds from the Cost of Implementation Account (COIA) for 4.0 permanent positions (\$909,000) and \$250,000 annually for contract funding to develop and implement a zero-emission space and water heater measure identified in the 2022 Scoping Plan Update that will be needed for the State to meet its long-term greenhouse gas goals, and the 2022 State SIP Strategy, as necessary to meet federal air quality standards because of its significant air quality co-benefits.

**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**ISSUE 24: POLICY AND TECHNICAL SUPPORT FOR CALIFORNIA CLIMATE INVESTMENT PROGRAMS SFL**

A Spring Finance Letter requests \$629,000 in ongoing funds from the Greenhouse Gas Reduction Fund (GGRF) for 3.0 permanent positions to undertake statutorily required duties providing policy and technical support to agencies administering ten new California Climate Investments programs established through the 2022 Budget Act along with other duties regarding the oversight and administration of California Climate Investments.

**STAFF COMMENTS**

This proposal requests permanent staff for one time reporting requirements. Staff is concerned with a trend of the administration requesting permanent staff for temporary work and recommends that these positions be approved as temporary.

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**Staff Recommendation: Approve as term limited 3 year positions.**

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**3980 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

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**ISSUE 25: DEVELOPING A STATEWIDE EXTREME HEAT RANKING SYSTEM (AB 2238)**

The Governor's budget requests \$2.2 million General Fund and 4.0 permanent positions in 2023-24 and \$2.4 million General Fund and an additional 1.0 permanent position in 2024-25 to develop and maintain the statewide extreme heat ranking system and to develop a mobile phone application for the ranking system. Beginning in 2025-26, \$1.2 million General Fund ongoing, which includes 5.0 permanent positions and \$200,000 in contract funding is requested. OEHHHA also anticipates providing consultation to the Integrated Climate Adaptation and Resiliency Program in implementing the provisions of the bill with which it is tasked.

**STAFF COMMENTS**

This fiscal estimate is significantly higher than proposed in the fiscal estimate provided in the Appropriations committee analysis. Staff is working with the office to understand the rationale for the increased costs.

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**Staff Recommendation: Hold Open.**

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**3900 CALIFORNIA AIR RESOURCES BOARD**  
**3480 CALIFORNIA DEPARTMENT OF CONSERVATION**  
**3940 STATE WATER RESOURCES CONTROL BOARD**

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<b>ISSUE 26: SB 1137 IMPLEMENTATION: HEALTH PROTECTION ZONES</b>
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A Spring Finance Letter requests to withdrawal the request in the Governor's Budget for fifty-nine (59.0) permanent positions and an appropriation increase of \$14,609,000 in fiscal year 2023-24, ninety-three (93.0) positions and \$19,977,000 in fiscal year 2024-25, and \$19,573,000 in fiscal year 2025-26 and ongoing from the Oil, Gas and Geothermal Administrative Fund (3046) to implement SB 1137: Oil and Gas Setback Law Implementation.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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## ITEMS TO BE HEARD

### 3970 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

#### ISSUE 1: CIRCULAR ECONOMY IMPLEMENTATION UPDATE AND GENERAL FUND SOLUTIONS

The Governor's budget proposes to reduce the following appropriations, which are proposed on the General Fund trigger list if funds are higher in January than projected:

- \$4.8 million of the \$5 million for Composting Opportunities.
- \$15 million of the \$15 million for Recycling Feasibility Grants.
- \$4.5 million of the \$50 million for the Recycling Market Development Zone Loan Program.

#### BACKGROUND

Last year, the budget adopted \$391 million of Beverage Container Recycling Fund (BCRF) over multiple fiscal years to expand bottle recycling opportunities, including:

- \$220 million split over three years for startup costs for recycling centers, mobile recycling, reverse-vending machines, or bag drop programs.
- \$50 million for Quality Improvement Payments.
- \$40 million for Quality Improvement Payments for thermoforms.
- \$30 million for startup loans for processors and recyclers.
- \$1 million to update the CalRecycle website with recycling locations and update annually.
- \$5 million for workforce development.
- \$20 million phased in over three years for plastic market development payments.
- \$25 million for a deposit-return system for reusable containers consistent with AB 962 (Chapter 502, Statutes of 2021).

The past two budget have also adopted the following appropriations for CalRecycle:

Figure 21

#### Recent and Planned Circular Economy Augmentations

*Highlighted Rows Indicate Programs Governor Proposes for Budget Solutions General Fund, Unless Otherwise Noted (In Millions)*

Program	Department	2021-22	2022-23	2023-24	Totals
<b>Circular Economy</b>		<b>\$205</b>	<b>\$263</b>	<b>—</b>	<b>\$468</b>
SB 1383 implementation grants	CalRecycle	\$60 <sup>a</sup>	\$180 <sup>a</sup>	—	\$240
Organic waste infrastructure	CalRecycle	90 <sup>a</sup>	15	—	105

Program	Department	2021-22	2022-23	2023-24	Totals
RMDZ Loan Program	CalRecycle	25	25	—	50
Co-Digestion capacity	CalRecycle	10	10	—	20
Recycling feasibility grants	CalRecycle	2	13	—	15
Quality incentive payments	CalRecycle	10 <sup>b</sup>	—	—	10
Methane reduction from waste	CalRecycle	—	10 <sup>a</sup>	—	10
Compost permitting pilot and edible food recovery	CalRecycle	3	10	—	13
Composting opportunities	CalRecycle	5	—	—	5

a Includes funding from the Greenhouse Gas Reduction Fund (GGRF).

b Includes funding from Beverage Container Recycling Fund.

#### PANEL

- Rachel Machi Wagoner, Director, Department of Resources Recycling and Recovery
- Christian Beltran, Principal Program Budget Analyst, Department of Finance
- John Parsons, Staff Finance Budget Analyst, Department of Finance
- Sarah Cornett, Fiscal and Policy Analyst, Legislative Analyst's Office (They/Them Pronouns)

#### LAO COMMENTS

**Recent Budgets Committed \$468 Million for Circular Economy Activities.** As shown in the top portion of Figure 21, recent budgets have committed a total of \$468 million on a limited-term basis over two years—\$205 million in 2021-22 and \$263 million in 2022-23—to support various recycling and waste reduction programs. Of the \$468 million total, just over 40 percent—\$138 million—is from the General Fund. The remaining amounts are from GGRF (\$320 million) and the Beverage Container Recycling Fund (BCRF, \$10 million). While most of this funding was part of a 2021-22 budget package focused on the circular economy, some funding was initially included in the nature-based activities packages or as standalone proposals.

**Circular Economy Funding Supports Several Different Programs.** Circular economy funding is committed to roughly a dozen programs, all of which are administered by the California Department of Resources Recycling and Recovery (CalRecycle). Roughly half of the funds (\$240 million) are for a program that provides grants to local jurisdictions to help them in implementing and complying with the organic waste requirements established by Chapter 395

of 2016 (SB 1383, Lara). Significant funding is also allocated to support: (1) the expansion of organics recycling infrastructure, such as composting and digestion facilities (\$105 million); and, (2) the Recycling Market Development Zone (RMDZ) Loan Program, which provides loans to recycling businesses that prevent, reduce, or recycle recovered waste materials (\$50 million).

***Circular Economy Activities Historically Not Significant Recipients of General Fund.*** Typically, the state has supported most of CalRecycle's budget from special funds, such as BCRF, which is supported by deposit fees consumers pay when purchasing beverages in recyclable containers. The state has not historically provided significant General Fund support for the department to undertake the types of activities included in the circular economy package. In some cases, the package includes funding for new programs, such as those that support recycling feasibility grants, edible food recovery grants, and composting opportunities. In other cases, it supports expansions of existing programs, often with a greater reliance on the General Fund than in the past. For example, the package provides General Fund support for the expansion of the existing GGRF-funded grant program to include food waste co-digestion projects at wastewater treatment plants. Notably, local jurisdictions administer various programs aimed at promoting recycling and waste reduction, typically supported by user fees.

Figure 22

## Governor's Proposed Circular Economy Reductions

2021-22 Through 2023-24 (In Millions)

Program	Department	Total Augmentations	Proposed Reductions	New Proposed Amounts
RMDZ Loan Program	CalRecycle	\$50	-\$4.5	\$45.5
Recycling feasibility grants	CalRecycle	15	-15	—
Composting opportunities	CalRecycle	5	-5	—
<b>Subtotals</b>		<b>(\$70)</b>	<b>(-\$24)</b>	<b>(\$46)</b>
<b>All Other Circular Economy Funding</b>	CalRecycle	\$398	—	\$398
<b>Totals</b>		<b>\$468</b>	<b>-\$24</b>	<b>\$444</b>

In the circular economy area, the Governor proposes reducing three programs. The largest is the elimination of \$15 million for recycling feasibility grants, which is a new program that provides grants to entities that are in the research, development, feasibility assessment, and pilot phases of new recycling technologies and projects. Reductions are also proposed for a program that provides grants to community groups operating small-scale composting programs in green spaces within disadvantaged and low-income communities (\$5 million) and the RMDZ Loan Program (\$5 million).

***Legislature Could Consider Reducing GGRF for SB 1383 Implementation Grants and Organic Waste Infrastructure Program to Offset General Fund Support for Other Activities.*** While the Governor does not propose funding changes for these two circular

economy programs, the Legislative Analyst's Office thinks they are reasonable candidates for reducing should the Legislature seek additional or alternative budget solutions. Decreasing this funding likely would result in smaller grants to local governments to support their compliance with SB 1383 and organic waste management efforts. While these grants help offset costs faced by local jurisdictions (costs which are typically passed on to users through fees), local waste management does not represent a core state responsibility and SB 1383 requirements will be implemented regardless of whether the grants are provided. Notably, of the combined \$345 million appropriated in 2021-22 and 2022-23 for these two related programs, as of this writing roughly \$240 million (about 70 percent) remained uncommitted and thus potentially is available for reduction. The Legislative Analyst's Office notes that almost all of the uncommitted funding is from GGRF rather than the General Fund. However, to the extent that the Legislature were to reduce these GGRF expenditures, it would free up those funds to redirect and use in place of General Fund for other programs the Legislature wants to preserve, thereby achieving state budget solutions.

<b>STAFF COMMENTS</b>
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This Subcommittee may wish to ask:

**Bottle Bill:**

- Please provide an update on the bottle bill recycling rate and recent expansions or closures of bottle bill recycling locations, and the status of awarding BCRF dollars to expand recycling opportunities.
- What steps is CalRecycle taking to advertise the availability of these funds to underserved areas that lack opportunities to collect their bottle deposits?
- When do you expect to award funds for the pilot expansions including bag drops and reverse vending machines?

**AB 54 Bottle Bill Pilot Implementation:**

- How much funding is has gone out for the AB 54 recycling pilot projects? How many pilots have been funded? How many are up and running?
- How much funding is available for AB 54 recycling pilot projects?
- Bottle Bank in SF has told us that absent additional funding, they will need to scale back their projects. Is there additional funding available to them from the original allocations?

**Circular Economy:**

- What is the rational for cutting these programs?

- Are they already out for solicitation?
- What was the demand?
- What is that status of allocating the SB 1383 grant funds?

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**Staff Recommendation: Hold Open.**

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**ISSUE 2: DEVELOPMENT OF A STATEWIDE ZERO WASTE PLAN**

The Governor's Budget requests \$2.3 million from various special funds including \$2 million in contract funding in 2023-24, and 2 permanent positions with ongoing costs of \$301,000 from multiple funds to conduct analyses—including new data collection, workshops, and assessments to develop the findings needed for: (1) a report of recommendations for zero waste; and, (2) a statewide zero waste plan. The analyses will identify opportunities to build on and streamline existing waste reduction and recycling strategies and programs and may identify existing gaps to address.

**BACKGROUND**

California has successfully recycled 445 billion beverage containers, 264 million tires, 2.2 billion gallons of used oil, 2.5 billion pounds of electronic waste, 15.6 million gallons of paint, 850 million mattresses, 250,000 tons of carpet and has composted 6 million tons of organic waste since the inception of our recovery, recycling and product stewardship programs. California has invested \$1.27 billion in grants and loans to build these circular systems. Despite California's leadership and decades of successes, California in 2021 recycled 40 percent of the materials in the waste stream and disposed of 41 million tons in landfills. In 2020, the recycling rate increased for the first time since it peaked at 50 percent in 2014. However, the rate has remained well below this peak level, demonstrating the need to also increase reduction, reuse and recycling efforts. To reach California's environmental and climate goals, capture lost resources, and capitalize on the potential of creating new jobs and attracting new industry, California requires a cohesive plan that builds on the successes of the past while identifying and addressing challenges and barriers to closing loops in the circular economy.

California has a history of leading the nation in environmental goals and legislation, and this extends to waste and recycling related mandates. AB 341 (Chesbro, Chapter 476, Statutes of 2011) set an overarching statewide goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by 2020. Since 2011, when AB 341 was passed, statewide landfill disposal increased from about 30 million tons to about 40 million tons in 2020. In 2020, the statewide recycling rate was 42 percent, falling short of the statewide goal. California must take much larger strides and make much more rapid progress to achieve zero waste and build a circular economy. This proposal is consistent with AB 341 since the statewide Plan would provide a roadmap for meeting and exceeding the statewide goal set in statute. Furthermore, the department is currently expending resources and developing programs to implement many statutes that are aimed at moving the state towards zero waste and a circular economy, including SB 1383 for organics and SB 54 for packaging. This Plan would integrate these goals into a cohesive strategic plan for the department. Other departments are also working on efforts with similar goals. For example, the Department of Toxic Substances Control is actively developing a Hazardous Waste Management Plan with a focus on "cradle to grave" management.

While new statutes will continue to move California towards a circular economy, they only address a portion of the waste stream and are often implemented in a piecemeal fashion. Significant changes and infrastructure development will be required to meet zero waste. Unless

efforts are made to consider how these programs fit together in a comprehensive fashion and identify existing gaps and materials that continue to have high disposal rates, California is unlikely to achieve zero waste in time to meet its environmental and climate goals.

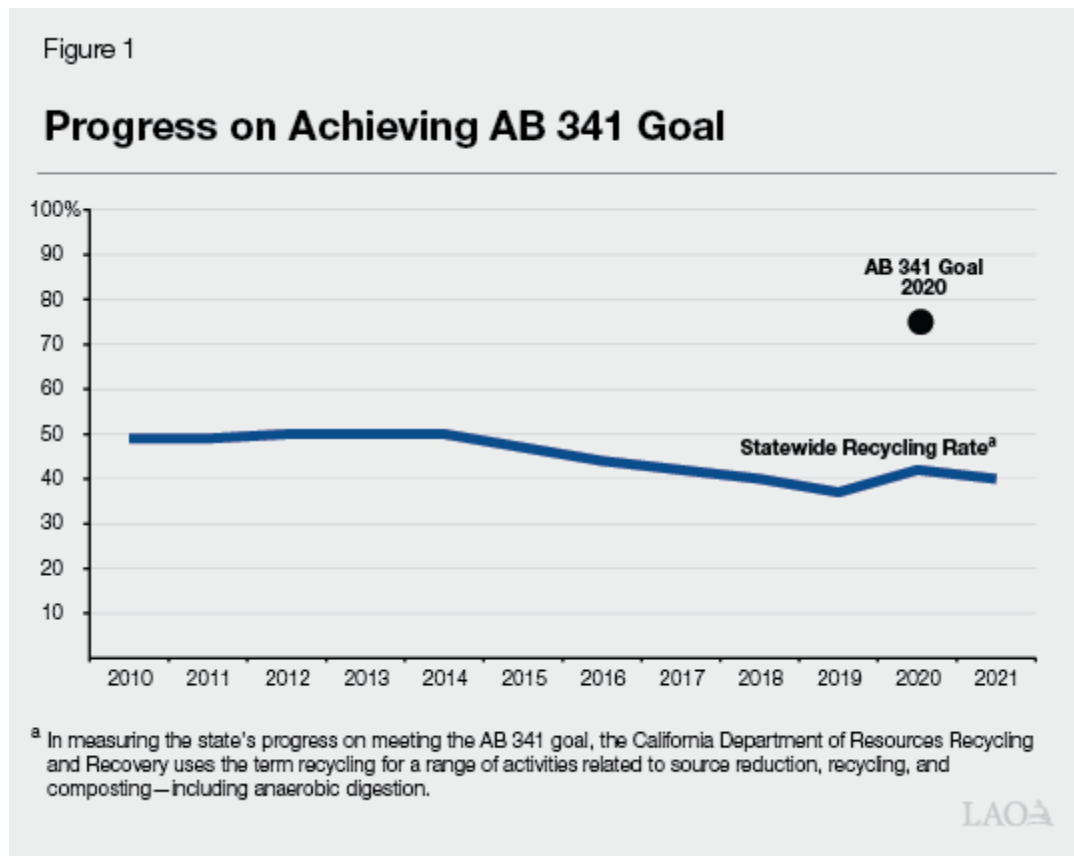
**PANEL**

- Rachel Machi Wagoner, Director, Department of Resources Recycling and Recovery
- Christian Beltran, Principal Program Budget Analyst, Department of Finance
- John Parsons, Staff Finance Budget Analyst, Department of Finance
- Frank Jimenez, Senior Fiscal & Policy Analyst, Legislative Analyst's Office

**LAO COMMENTS****Background**

***CalRecycle Administers and Provides Oversight of Waste Management and Recycling Programs.*** CalRecycle administers and provides oversight of the state's waste handling and recycling programs, which largely are managed at the local level by cities and counties. CalRecycle also implements several statewide programs. This includes the Beverage Container Recycling Program, a deposit-refund system that encourages the recycling of certain beverage containers. The department also oversees multiple extended producer responsibility programs for specific products—such as carpet and paint—which require that producers collect and recycle their used products.

***AB 341 Established Statewide Goal.*** In 2011, the Legislature enacted Chapter 476 (AB 341, Chesbro), which, among other provisions, established a goal that by 2020, at least 75 percent of statewide solid waste generated be source reduced, recycled, or composted. For the purpose of measuring the state's progress in achieving the AB 341 goal, CalRecycle uses the term recycling for a range of activities related to source reduction, recycling, and composting—including anaerobic digestion. As shown in Figure 1, the state was not able to meet the 75 percent goal by 2020. In 2021, the statewide recycling rate was 40 percent, which was down from a recent high of 50 percent in 2014 and still significantly lower than the goal set out in AB 341.



**AB 341 Required Comprehensive Report on State's Efforts to Meet Recycling Goal.** Assembly Bill 341 also included a requirement for CalRecycle to report to the Legislature on strategies to achieve the 75 percent recycling goal. The first report was due by January 2014 and annually thereafter until the statutory reporting requirement ended in January 2017. The report, which CalRecycle ended up only submitting once in 2015, was required to include the following: (1) evaluation of current programs and recommendations for improvements; (2) identification of problematic waste streams and recommendations on handling those streams; (3) recommendations for reprioritizing existing resources; and, (4) recommendations for statutory and regulatory changes. CalRecycle has continued to provide annual updates on the state's progress in meeting the AB 341 goal, but has not conducted a comprehensive assessment since 2015.

**Recent Legislation Expanded CalRecycle's Responsibilities for Certain Waste Streams.** Over the past several years, the Legislature has enacted legislation that has significantly expanded CalRecycle's responsibilities with regard to certain waste streams. These include:

- **Chapter 395 of 2016 (SB 1383, Lara).** This law requires CalRecycle to adopt regulations designed to reduce the statewide disposal of organic waste to 50 percent of 2014 levels by 2020 and 75 percent by 2025. It also requires CalRecycle to adopt regulations designed to recover at least 20 percent of disposed edible food by 2025.



- **Chapter 75 of 2022 (SB 54, Allen).** This law requires producers of single-use packaging and food service ware to implement an extended producer responsibility program. The legislation also phases in several product and recycling requirements by 2032, such as requiring that 100 percent of covered materials be recyclable or compostable. CalRecycle is charged with adopting the regulations necessary to implement the legislation.
- **Chapter 610 of 2022 (SB 1013, Atkins).** This law expands the Beverage Container Recycling Program to include wine and distilled spirit containers starting in January 2024. CalRecycle is in charge of overseeing the expansion of the program.
- **Chapter 370 of 2022 (SB 1215, Newman).** This law expands the existing Covered Electronic Waste Program—which uses consumer fees to support the proper collection and recycling of certain electronic devices—to include most battery-embedded products, such as cell phones. CalRecycle is in charge of overseeing the expansion of the program.

## Governor's Proposal

**Proposes Funding to Conduct and Implement a Zero Waste Plan.** The Governor's budget includes \$2 million on a one-time basis in 2023-24 from the Beverage Container Recycling Fund to develop a zero waste plan. The plan would identify gaps in CalRecycle's programs and existing laws and recommend changes needed for the state to meet and exceed the goal established under AB 341 by 2035. The department would aim to complete the plan in fall 2025. The Governor's budget also includes \$301,000 ongoing from multiple special funds beginning 2023-24 to support two positions to oversee the development of the plan and coordinate its implementation once completed.

## Assessment

**Identifying Program Shortcomings and Implementing Improvements Is a Core Department Responsibility.** The administration indicates that the zero waste plan would identify programmatic improvements that would help the state achieve and exceed the goal set out in AB 341. This would also include identifying ways in which programs could better complement one another. While this could be helpful, these activities should already be occurring on an ongoing basis—both within individual programs and across the department. As part of its core responsibilities, CalRecycle should be: (1) conducting regular program evaluations to assess how well programs are meeting their intended goals; (2) identifying any changes needed to improve programs; (3) assessing to what extent programs are aligning with the department's core mission and statutory goals; and, (4) applying lessons learned across programs to make continuous improvements.

**Plan Could Become Quickly Outdated Given Recently Enacted Legislation.** As mentioned above, recently enacted legislation has significantly expanded the department's responsibilities for certain waste streams. In several cases, the activities in the legislation that the department is tasked with implementing will take effect around the same time the plan would be expected to be nearing its completion. For instance, the department likely will finalize regulations for SB 54 and SB 1215 in late 2024, which is around the time the proposed plan would begin

finishing its research and analysis phase. As such, conducting the plan as proposed would preclude the department from being able to fully incorporate the impacts of these significant policy changes. In other cases, CalRecycle would only have a minimal amount of data available regarding the impact of recent statutory changes to be able to incorporate into the plan. For instance, the expansion of the Beverage Container Recycling Program under SB 1013 is expected to take effect in January 2024. While the plan might be able to capture some early outcomes from the expanded program, the data collected likely would not be significant enough for the department to include a full assessment of the program's changes. Additionally, the assessment of program needs likely will evolve based on the degree to which the new policies are or are not having their intended outcomes. The fact that it would necessarily be dependent upon soon-to-be-outdated data raises questions about the ultimate value of the proposed plan.

***High-Level Plan May Not Be Best Approach for Identifying Issues Specific to Individual Programs.*** As currently proposed, the plan would look broadly across all programs to identify areas where improvements could be made. However, this high-level assessment may not be the best approach for identifying improvements that are specific to individual programs. This is because each program will likely experience unique barriers and have different needs. For instance, improvements needed to increase the diversion of organic waste from landfills—as directed under SB 1383—will be different from those needed to increase the rate at which beverage containers are recycled. While the plan may be able to provide an assessment of general statewide needs and high-level goals, it is unlikely to identify improvements needed for individual programs at the level of specificity required to result in meaningful changes. This is a key reason why the department should be engaged in conducting program evaluations on an ongoing basis.

***Premature to Establish More Ambitious Goal Before Meeting Existing Statutory Goal.*** The proposal indicates that the zero waste plan would recommend programmatic and statutory changes needed for the state to meet and exceed the goal established under AB 341 by 2035. As mentioned earlier, the state has not yet been able to make significant progress towards meeting the current statutory AB 341 goal. Overall, the Legislative Analyst's Office finds that planning for a more ambitious goal is premature when: (1) the state has made minimal progress towards the current goal; and, (2) a new goal has not been established in statute.

***CalRecycle Has Undertaken Similar Programmatic Assessments Before Without Additional Resources.*** As mentioned above, AB 341 included a reporting requirement that directed the department to identify strategies to achieve the 75 percent recycling goal. That annual requirement was in effect from January 2014 to January 2017. In many cases, the proposed new zero waste plan is very similar to the one that the department previously was required to complete under AB 341. CalRecycle indicates it was able to complete its AB 341 reporting requirement within its existing resources. This raises questions as to why, if the department found this type of assessment helpful, it could not undertake a similar planning exercise within its existing resources again. Similarly, if the Legislature found the AB 341 report useful, it could consider reestablishing the previous requirements in statute. However, providing the department with \$2 million for contract support and an ongoing increase of \$300,000 for two new positions to review its existing programs does not seem justified—particularly because it has experience in conducting a similar study without those augmentations.

## Recommendation

***Reject Proposal to Develop Zero Waste Plan.*** The Legislative Analyst's Office recommends that the Legislature reject this proposal given that: (1) many of the activities that would be completed under this initiative should already be occurring within the department; (2) the plan would become quickly outdated as recently enacted legislation is implemented; and, (3) the high-level nature of the plan would make it difficult to identify specific improvements to individual programs. The Legislative Analyst's Office also finds that it is premature for the department to develop a plan to meet a more ambitious goal when the state has thus far made minimal progress towards its current statutory recycling goal.

Finally, the department has undertaken similar programmatic assessments before without additional resources. If the Legislature believes that receiving periodic programmatic assessments from the department would be helpful, it could consider reestablishing the original AB 341 reporting requirement.

<b>STAFF COMMENTS</b>
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Given the lack of success in reaching our existing recycling goals and the recent increase in new goals, it is important that the State have resources dedicated to analyzing our existing policies and recommending revisions.

This Subcommittee may wish to consider if they would like to institute a reporting requirement tied to this workload or reinstate the AB 341 reporting requirements so the Legislature and the public are informed of the status of reaching or waste reduction goals, regulatory and statutory changes that may be needed, or future funding needs.

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**Staff Recommendation: Hold Open.**

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**0555 SECRETARY FOR ENVIRONMENTAL PROTECTION**

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**ISSUE 3: CALIFORNIA UNIFIED PROGRAM, ACCIDENTAL RELEASE PREVENTION (CALARP), AND HAZARDOUS MATERIALS BUSINESS PLAN (HMBP) PROGRAM SUPPORT AND TRAILER BILL**

The Governor's Budget requests \$719,000 from the Unified Program Account and 4.0 permanent positions in 2023-24 to support growing legal need in the Unified Hazardous Waste and Hazardous Materials Regulatory Program (Unified Program) and to support inspection and enforcement authority of the Hazardous Materials Business Plan (HMBP) and Accidental Release Prevention (CalARP) programs. CalEPA is requesting 1 permanent Senior Staff Attorney position to fully support its administration of the Unified Program, the HMBP and the CalARP programs, and Refinery Safety implementation. CalEPA is also requesting 1 permanent Hazardous Substances Engineer position, and 2 permanent Environmental Scientist positions to fully support the proposed addition of inspection and enforcement authority and the continued implementation of the HMBP and CalARP programs. These programs have greater legal and regulatory needs than the CalEPA legal and regulatory teams have historically had the resources to provide, and those needs have grown as the result of a transfer of related programmatic responsibilities to CalEPA from the Governor's Office of Emergency Services (Cal OES) in July 2021.

Additionally, CalEPA is requesting Trailer Bill Language to give the Secretary new enforcement authority for the HMBP and CalARP programs. CUPAs implement and enforce at the local level, but if they fail to adequately execute their duties, this trailer bill authorizes the Secretary to task an authorized state agency to take the appropriate enforcement action. The trailer bill language can be found here: <https://esd.dof.ca.gov/trailer-bill/public/trailerBill/pdf/773>

**PANEL**

- Jason Boetzer, Assistant Secretary for Emergency Response
- Rachel Zwilliger, Assistant General Counsel
- Christian Beltran, Principal Program Budget Analyst, Department of Finance
- Brandon Merritt, Staff Finance Budget Analyst, Department of Finance
- Frank Jimenez, Senior Fiscal & Policy Analyst, Legislative Analyst's Office

**STAFF COMMENTS**

Last year, the Legislature adopted a similar trailer bill to reinstate state level backstop enforcement for pesticide use violations and this trailer bill is consistent with the State's efforts to ensure state laws are enforced to ensure environmental protection.

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**Staff Recommendation: Absent member questions or input from the public at this hearing, staff recommends this item be approved as budgeted when the Subcommittee takes action.**

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**3960 DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

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**ISSUE 4: IMPLEMENTATION UPDATE OF FUNDING FOR TOXIC SITE REMEDIATION**

In 2021, the budget provided \$500 million to clean up to up contaminated sites through a program called Cleanup in Vulnerable Communities Initiative (CVCI) and an additional \$471 million specifically for clean-up and oversight of the Exide Battery facility and surrounding community.

**For Exide this includes:**

- A loan of \$291 million to clean up an additional 2,740 residential properties surrounding the former Exide Technologies facility in Vernon, California with a representative lead concentration above 200 parts per million.
- \$132 million General Fund one-time as a loan to complete closure activities and to conduct additional needed cleanup at the former Exide facility.
- A loan of \$31.4 million General Fund to reach the goal of cleaning 3,200 properties identified within 1.7 miles of the former Exide Technologies facility.
- 6 staff positions and \$16.5 million General Fund and Lead-Acid Battery Cleanup Includes funding for Attorney General's Office legal services and outside bankruptcy counsel to support Exide cost recovery efforts.

**Cleanup in Vulnerable Communities Initiative (CVCI): \$500 million:**

- Equitable Community Revitalization Grant – \$250 million is available in competitive grants to incentivize cleanup and investment in disadvantaged areas. Awards were announced in 2022 and Round 2 and Round 3 are scheduled to be released in summer 2023 and summer 2024.
  - \$75.4 million has been awarded to 53 awardees for 84 sites. This includes:
    - 25 clean ups for \$57.6 million
    - 21 Investigations for \$15.7 million
    - 7 community wide assessments for \$2 million
    - Sites can be found here: <https://dtsc.ca.gov/ecrg/>
- Discovery and Enforcement – more than \$152 million will be available to fund investigation into a prevalent and ubiquitous potential source of contamination from up to 7,500 current or former dry cleaners.

- Orphan Sites – \$40 million to accelerate cleanups at 21 existing orphan sites across the state.
- Workforce Development – more than \$4 million to provide education, training, and certification to community members in regions where work will be conducted. They will gain a pathway toward significant employment in cleanups of their communities.
- Technical Assistance Grants – \$3.5 million available to provide grants for communities burdened with environmental challenges regulated by DTSC. The funds are for technical advisors to assist communities in gaining understanding of the technical activities performed during the DTSC process. The grants will also allow funding for community science in eligible areas.
- Community Benefits Agreements – \$800,000 to develop a program for facilitating Community Benefits Agreements (CBAs) between Responsible Parties of cleanup sites and impacted communities. These CBAs will promote benefits beyond the traditional scope of site mitigation and restoration beginning with vulnerable communities affected by high cumulative environmental burdens.

**PANEL**

- Meredith Williams, Director, Department of Toxic Substances Control
- Christian Beltran, Principal Program Budget Analyst, Department of Finance
- John Parsons, Staff Finance Budget Analyst, Department of Finance
- Frank Jimenez, Senior Fiscal & Policy Analyst, Legislative Analyst's Office

**STAFF COMMENTS**

The Subcommittee may wish to ask:

**Exide:**

- What efforts is the department taking to clean up parkways (the strip of land between a street and a home or business) and test if there is a correlation in lead levels in the two property types?
- How much funding would be needed to complete this work?

**Brownfields (CVCI):**

- How are you prioritizing which properties to remediate?
- What is the typical end use of these properties?

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**Staff Recommendation: Informational Item only.**

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**3900 CALIFORNIA AIR RESOURCES BOARD**

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**ISSUE 5: EXPANDING MOBILE AIR MONITORING IN COMMUNITIES (SFL)**

A Spring Finance Letter requests budget bill language to revert \$3 million from a 2022-23 \$30 million appropriation for mobile air monitoring and to use the reverted funds for a four-year limited-term appropriation of \$750,000 per year to support 4.0 limited-term positions to provide technical air monitoring and community engagement services to support the contracted deployment of new, mobile Community Air Monitoring data collection and visualization approaches.

**PANEL**

- Walter Ham, Division Chief, Monitoring and Laboratory Division
- Mike Miguel, Assistant Division Chief, Monitoring and Laboratory Division
- Christian Beltran, Principal Program Budget Analyst, Department of Finance
- Brandon Merritt, Staff Finance Budget Analyst, Department of Finance
- Sarah Cornett, Fiscal and Policy Analyst, Legislative Analyst's Office (They/Them Pronouns)

**STAFF COMMENTS**

The Subcommittee may wish to ask:

- What type of technical assistance is provided to help community members interpret other monitoring programs like AB 617, AQview, and Study of Neighborhood Air near Petroleum Sources (SNAPS)?
- What is the benefit of providing this type of technical assistance and training to community groups when this is only one time monitoring and not ongoing?
- Given that AB 617 already includes technical assistance training, consistent air monitoring, community involvement, enforcement, and pollution reduction incentive funds, why is spending \$30 million for a one-time snapshot of emissions more valuable than allocating those funds to AB 617 when the administration is proposing a \$50 million cut to AB 617?

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**Staff Recommendation: Hold Open.**

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