



April 1, 2016

Honorable Mark Leno, Chair  
Senate Budget and Fiscal Review Committee

Attention: Mr. Mark Ibele, Staff Director (2)

Honorable Phil Ting, Chair  
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

**Amendment to Various Budget Bill Items, Support, Local Assistance, and Trailer Bill Language, Air Resources Board**

**Sustainable Freight Action Plan Implementation**—It is requested that Item 3900-001-0044 be increased by \$1,458,000 and 8 positions to negotiate, develop, and implement Sustainable Freight measures; complete other Sustainable Freight activities and deliverables outlined in Executive Order B-32-15; and certify new engines/technology in support of Sustainable Freight.

**Volkswagen Program and Litigation Costs**—It is requested that Item 3900-001-0115 be increased by \$3,202,000 and 8 positions to provide for program and litigation activities associated with litigating civil penalties concerning Volkswagen, Audi, and Porsche vehicles for using "defeat devices" to circumvent emission test procedures on diesel engines.

**Enhanced Fleet Modernization Program Augmentation**—It is requested that Item 3900-101-3122 be increased by \$4.6 million on a one-time basis to meet increasing demand for the Retire and Replace pilot program in the San Joaquin Air Pollution Control District and South Coast Air Quality Management District.

**Trailer Bill Language to Clarify Eligibility for Greenhouse Gas Reduction Fund Programs**—It is requested that trailer bill language be adopted to amend existing law (see Attachment 1). This language will clarify that Native American tribes in the state of California are eligible recipients of Greenhouse Gas Reduction Fund monies.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Ellen Moratti, Principal Program Budget Analyst, at (916) 324-0043.

MICHAEL COHEN

Director

By:

/s/ Amy M. Costa

AMY M. COSTA

Chief Deputy Director

Attachment

cc: Honorable Ricardo Lara, Chair, Senate Appropriations Committee  
Attention: Mr. Mark McKenzie, Staff Director  
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee  
Attention: Mr. Joseph Shinstock, Appropriations Fiscal Director  
Attention: Mr. Kirk Feely, Budget Fiscal Director  
Honorable Lorena Gonzalez, Chair, Assembly Appropriations Committee  
Attention: Mr. Pedro R. Reyes, Chief Consultant  
Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee  
Attention: Mr. Eric Swanson, Staff Director  
Honorable Lois Wolk, Chair, Senate Budget and Fiscal Review Subcommittee No. 2  
Honorable Richard Bloom, Chair, Assembly Budget Subcommittee No. 3  
Mr. Mac Taylor, Legislative Analyst (4)  
Mr. Craig Cornett, Senate President pro Tempore's Office (2)  
Mr. Christopher W. Woods, Assembly Speaker's Office (2)  
Mr. Seren Taylor, Director of Strategic Policy, Assembly Republican Leader's Office  
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office  
Mr. Eric Jarvis, Assistant Secretary Fiscal and Administrative Programs, California Environmental  
Protection Agency  
Ms. Edie Chang, Deputy Executive Officer, Air Resources Board  
Ms. Alice Stebbins, Division Chief, Administrative Services Division, Air Resources Board  
Ms. Pam Biggins, Branch Chief, Budget, Contracts, and Grants Branch, Air Resources Board  
Mr. Ken Yu, Manager, Budget Section, Air Resources Board

Section 39712 of the Health and Safety Code is amended to read:

“(a) (1) It is the intent of the Legislature that moneys shall be appropriated from the fund only in a manner consistent with the requirements of this chapter and Article 9.7 (commencing with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

(2) The state shall not approve allocations for a measure or program using moneys appropriated from the fund except after determining, based on the available evidence, that the use of those moneys furthers the regulatory purposes of Division 25.5 (commencing with Section 38500) and is consistent with law. If any expenditure of moneys from the fund for any measure or project is determined by a court to be inconsistent with law, the allocations for the remaining measures or projects shall be severable and shall not be affected.

(b) Moneys shall be used to facilitate the achievement of reductions of greenhouse gas emissions in this state consistent with Division 25.5 (commencing with Section 38500) and, where applicable and to the extent feasible:

(1) Maximize economic, environmental, and public health benefits to the state.

(2) Foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses.

(3) Complement efforts to improve air quality.

(4) Direct investment toward the most disadvantaged communities and households in the state.

(5) Provide opportunities for businesses, public agencies, Native American tribes in the state, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

(6) Lessen the impacts and effects of climate change on the state’s communities, economy, and environment.

(c) Moneys appropriated from the fund may be allocated, consistent with subdivision (a), for the purpose of reducing greenhouse gas emissions in this state through investments that may include, but are not limited to, any of the following:

(1) Funding to reduce greenhouse gas emissions through energy efficiency, clean and renewable energy generation, distributed renewable energy generation, transmission and storage, and other related actions, including, but not limited to, at public universities, state and local public buildings, and industrial and manufacturing facilities.

(2) Funding to reduce greenhouse gas emissions through the development of state-of-the-art systems to move goods and freight, advanced technology vehicles and vehicle infrastructure, advanced biofuels, and low-carbon and efficient public transportation.

(3) Funding to reduce greenhouse gas emissions associated with water use and supply, land and natural resource conservation and management, forestry, and sustainable agriculture.

(4) Funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects, including, but not limited to, transportation and housing.

(5) Funding to reduce greenhouse gas emissions through increased in-state diversion of municipal solid waste from disposal through waste reduction, diversion, and reuse.

(6) Funding to reduce greenhouse gas emissions through investments in programs implemented by local and regional agencies, local and regional collaboratives, Native American tribes in the state, and nonprofit organizations coordinating with local governments.

(7) Funding research, development, and deployment of innovative technologies, measures, and practices related to programs and projects funded pursuant to this chapter.”



April 1, 2016

Honorable Mark Leno, Chair  
Senate Budget and Fiscal Review Committee

Attention: Mr. Mark Ibele, Staff Director (2)

Honorable Phil Ting, Chair  
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

**Amendment to and Addition of Various Budget Bill Items and Reimbursements, Support and Local Assistance, State Water Resources Control Board**

**Leviathan Mine Settlement Agreement**—It is requested that Item 3940-001-0001 be increased by \$211,000 and 1.9 positions to address new workload related to the Leviathan Mine Settlement Agreement. The new workload includes reviewing and assessing Atlantic Richfield Company's future quarterly Remedial Investigation/Feasibility reports; taking over the Interim Combined Treatment operations and responsibilities for complying with a United States Environmental Protection Agency Order; developing and maintaining a cost crediting system to track future costs; and responding to requests from the United States Department of Justice, as specified.

**Federally Required Workload in Division of Drinking Water**—It is requested that Item 3940-001-0306 be increased by \$1,358,000 and 10 positions to address increased workload including backlogs in federally required sanitary surveys. This proposal will assist the State Water Resources Control Board (Water Board) in complying with United States Environmental Protection Agency requirements for enforcement over public drinking water systems.

**High-Speed Rail Authority Expedited Permitting**—It is requested that Item 3940-001-0439 be amended by increasing reimbursements by \$387,000 and 3.3 positions to address increased workload related to water quality permitting for the High-Speed Rail project. The High-Speed Rail Authority has indicated it plans on submitting numerous environmental impact reports. Additionally, the High-Speed Rail project will be applying for a Clean Water Act Section 401 Certification for numerous segments, and the associated application workload will be performed by the Water Board.

**The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) Adjustments**—It is requested that Item 3940-001-6083 be increased by \$1,633,000 and 12 positions to address increased workload to administer Proposition 1 funds. The Water Board anticipates accelerated demand for Water Recycling local assistance funding, given much of the state remains in an exceptional drought situation.

It is further requested that Item 3940-101-6083 be added in the amount of \$320,250,000 and include Budget Bill language to allow for encumbrance through June 30, 2019 and liquidation until June 30, 2021, to provide local assistance funding from the Water Recycling section of Proposition 1. This request would fully appropriate the Water Board's Water Recycling funding.

**Technical Adjustments for Various Bond Items**—It is requested that technical adjustments be made to various bond items to correctly appropriate various Water Board bond allocations, by decreasing, eliminating, adding, reappropriating, or reverting various bond items from the Budget Bill:

It is requested that the following items be decreased as a technical adjustment:

- Decrease Item 3940-001-6016 by \$175,000

It is requested that the following items be eliminated as a technical adjustment:

- Eliminate Item 3940-101-6013
- Eliminate Item 3940-101-6019
- Eliminate Item 3940-101-6031

It is requested that the following items be added as a technical adjustment and include language to allow for encumbrance through June 30, 2019 and liquidation until June 30, 2021:

- Add Item 3940-101-6051 in the amount of \$3,289,000 (see Attachment 1)

It is requested that the following items be amended as a technical adjustment to reappropriate unexpended bond funds:

- Add Item 3940-490 (see Attachment 2)

It is also requested that the following items be added as a technical adjustment to revert various bond funds:

- Add Item 3940-495 (see Attachment 3)
- Add Item 3940-496 (see Attachment 4)

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Ellen Moratti, Principal Program Budget Analyst, at (916) 324-0043.

MICHAEL COHEN  
Director  
By:

/s/ Amy M. Costa

AMY M. COSTA  
Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Ricardo Lara, Chair, Senate Appropriations Committee  
Attention: Mr. Mark McKenzie, Staff Director  
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee  
Attention: Mr. Joseph Shinstock, Appropriations Fiscal Director  
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Mr. Christopher W. Woods, Assembly Speaker's Office (2)  
Mr. Seren Taylor, Director of Strategic Policy, Assembly Republican Leader's Office  
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office  
Mr. Matthew Rodriguez, Secretary, California Environmental Protection Agency  
Mr. Eric Jarvis, Assistant Secretary Fiscal and Administrative Programs, California Environmental  
Protection Agency  
Ms. Felicia Marcus, Chair, State Water Resources Control Board  
Mr. Tom Howard, Executive Director, State Water Resources Control Board  
Mr. Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board  
Mr. John Russell, Deputy Director, Administrative Services, State Water Resources Control Board  
Mr. Bill Damian, Assistant Deputy Director, Administrative Services, State Water Resources  
Control Board  
Ms. Sue Montoya, Budget Officer, State Water Resources Control Board

3940-101-6051—For local assistance, State Water Resources Control Board, payable from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006, to be available for expenditure or encumbrance until June 30, 2019, and available for liquidation of encumbrances until June 30, 2021 .....3,289,000

Schedule:

(1) 3560-Water Quality .....3,289,000

“3940-490—Reappropriation, State Water Resources Control Board. The unencumbered balances of the appropriations provided in the following citations are reappropriated for the purposes provided for in those appropriations and shall be available for encumbrance or expenditure until June 30, 2019, and available for liquidation of encumbrances until June 30, 2021.

3134—School District Account, Underground Storage Tank Cleanup Fund

- (1) Item 3940-101-3134, Budget Act of 2009 (Ch. 1, 2009-10 3<sup>rd</sup> Ex Sess., as revised by Ch. 1, 2009-10 4<sup>th</sup> Ex. Sess.) and as reappropriated by Item 3940-491, Budget Act of 2011 (Ch. 33, Stats. 2011) and Item 3940-492, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (2) Item 3940-101-3134, Budget Act of 2010 (Ch. 712, Stats. 2010) and as reappropriated by Item 3940-492, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (3) Item 3940-101-3134, Budget Act of 2011 (Ch. 33, Stats. 2011) and as reappropriated by Item 3940-492, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)

6013—Watershed Protection Subaccount

- (1) Item 3940-101-6013, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), as reappropriated by Item 3940-490, Budget Act of 2010 (Ch. 712, Stats. 2010), as partially reverted by Item 3940-496, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-490, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)
- (2) Item 3940-101-6013, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007), as partially reverted by Item 3940-496, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (3) Item 3940-101-6013, Budget Act of 2008 (Chs. 268 and 269, Stats. 2008), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)

6019—Nonpoint Source Pollution Control Subaccount

- (1) Item 3940-101-6019, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007), as reverted by Item 3940-496, Budget Act of 2011 (Ch. 33, Stats. 2011) and as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (2) Item 3940-101-6019, Budget Act of 2008 (Chs. 268 and 269, Stats. 2008), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (3) Item 3940-101-6019, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)

6022—Coastal Nonpoint Source Control Subaccount

- (1) Item 3940-101-6022, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (2) Item 3940-101-6022, Budget Act of 2008 (Chs. 268 and 269, Stats. 2008), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (3) Item 3940-101-6022, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)

6029—California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund

- (1) Item 3940-101-6029, Budget Act of 2010 (Ch. 712, Stats. 2010), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)

6031—Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002

- (1) Item 3940-101-6031, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005), as partially reappropriated by Item 3940-490, Budget Act of 2010 (Ch. 712, Stats. 2010), partially reverted by Item 3940-490, Budget Act of 2010 (Ch. 712, Stats. 2010), partially reverted by Item 3940-496, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-490, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)
- (2) Item 3940-101-6031, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), as partially reappropriated by Item 3940-490, Budget Act of 2010 (Ch. 712, Stats. 2010), and as reappropriated by Item 3940-490, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)
- (3) Item 3940-101-6031, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007), as partially reverted by Item 3940-495, Budget Act of 2009 (Ch. 1, 2009-10 3<sup>rd</sup> Ex. Sess., as revised by Ch. 1, 2009-10 4<sup>th</sup> Ex. Sess.), as partially reverted by Item 3940-496, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (4) Item 3940-101-6031, Budget Act of 2008 (Chs. 268 and 269, Stats. 2008), as partially reverted by Item 3940-496, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (5) Item 3940-101-6031, Budget Act of 2010 (Ch. 712, Stats. 2010), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (6) Item 3940-101-6031, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)
- (7) Item 4265-111-6031, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012), as transferred by Item 3940-401, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014), and as reverted by Item 3940-496, Budget Act of 2015 (Chs. 10 and 11, Stats. 2015)

6051—Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006

- (1) Item 3940-101-6051, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007), as partially reverted by Item 3940-495, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (2) Item 3940-101-6051, Budget Act of 2008 (Chs. 268 and 269, Stats. 2008), as partially reverted by Item 3940-495 and reappropriated by Item 3940-490, Budget Act of 2011 (Ch. 33, Stats. 2011), and as reappropriated by Item 3940-490, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)
- (3) Item 3940-101-6051, Budget Act of 2011 (Ch. 33, Stats. 2011), as reappropriated by Item 3940-491, Budget Act of 2012 (Chs. 21 and 29, Stats. 2012)
- (4) Item 3940-101-6051, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)
- (5) Item 3940-111-6051, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014)”

3940-495—Reversion, State Water Resources Control Board. As of June 30, 2016, the balances specified below, of the appropriations provided in the following citations shall revert to the fund balances of the funds from which the appropriations were made.

6031—Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002

- (1) Item 4265-111-6031, Budget Act of 2013 (Chs. 20 and 354, Stats. 2013), as transferred by Item 3940-401, Budget Act of 2014 (Chs. 25 and 663, Stats. 2014) .....782,691
- (2) Item 3940-101-6031, Budget Act of 2015 (Chs. 10 and 11, Stats. 2015) .....390,000

6051—Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection of 2006

- (1) Item 3940-001-6051, Budget Act of 2015 (Chs. 10 and 11, Stats. 2015) .....2,257,000

3940-496—Reversion, State Water Resources Control Board. As of June 30, 2016, the unencumbered balances of the appropriations provided in the following citations shall revert to the fund balances of the funds from which the appropriations were made.

6016—Santa Ana River Watershed Subaccount

(1) Item 3940-001-6016, Budget Act of 2015 (Chs. 10 and 11, Stats. 2015)

6031—Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002

(1) Item 3940-001-6031, Budget Act of 2015 (Chs. 10 and 11, Stats. 2015)



April 1, 2016

Honorable Mark Leno, Chair  
Senate Budget and Fiscal Review Committee

Attention: Mr. Mark Ibele, Staff Director (2)

Honorable Phil Ting, Chair  
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

**Amendment to Budget Bill Item 3960-001-0001, Support, and Trailer Bill Language,  
Department of Toxic Substances Control**

**Argonaut Mine Dam Retrofit**—It is requested that Item 3960-001-0001 be increased by \$14,325,000 on a one-time basis to retrofit the Argonaut Mine Dam in Jackson, California. This augmentation is needed to prevent the potential release of hazardous materials from this site. In June 2015, the United State Environmental Protection Agency and the United States Army Corps of Engineers (Corps) finalized a Dam Failure Study to assess dam stability and the impact of possible failure. The Dam Failure Study concluded that the dam was structurally unstable and had a significant chance of complete failure with sustained rainfall. The Department of Toxic Substances Control (Department) has implemented interim measures to reduce the risk of dam failure and has been working with the Corps on a permanent retrofit of this dam. The request includes provisional language to authorize the Director of Finance to increase this item based on the final cost estimate and award (see Attachment 1).

**Enhanced Permitting and Capacity Support**—It is requested that Item 3960-001-0014 be increased by \$2,403,000 on a permanent basis to support 15 positions that will enable the Department to finalize most decisions on hazardous waste permits within two years and to fully implement the process improvements developed under the Permit Enhancement Work Plan. The proposal also will eliminate applicants' option to pay a flat fee for hazardous waste permit applications. Instead, permit applicants will pay a fee for service.

**Replacement of Laboratory Equipment**—It is requested that Item 3960-001-0014 be increased by \$2 million on a one-time basis to procure laboratory and investigatory equipment used for conducting investigations in support of criminal, civil, and administrative enforcement of hazardous waste laws. This funding is the result of a settlement agreement that specifies the use of these funds.

**Strategic Program Development**—It is requested that Item 3960-001-0014 be increased by \$374,000 and Item 3960-001-0557 be increased by \$373,000 on a permanent basis to create an Office of Strategic Planning, Performance, and Analysis. The funding will support 5 positions responsible for overseeing the development of policy and program improvements and implementing performance management strategies to improve efficiency and accountability, consistent with the Department's core mission.

**Environmental Justice and Tribal Affairs**—It is requested that Item 3960-001-0014 be increased by \$440,000 and Item 3960-001-0557 be increased by \$441,000 on a permanent basis to support 6 positions in the Office of Environmental Justice and Tribal Affairs (Office). The positions will enhance community outreach and strengthen coordination of environmental justice activities. The Department also has redirected 4 positions on a permanent basis to support the Office.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Ellen Moratti, Principal Program Budget Analyst, at (916) 324-0043.

MICHAEL COHEN

Director

By:

/s/ Amy M. Costa

AMY M. COSTA

Chief Deputy Director

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Mr. Seren Taylor, Director of Strategic Policy, Assembly Republican Leader's Office  
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office  
Mr. Eric Jarvis, Assistant Secretary, California Environmental Protection Agency  
Ms. Francesca Negri, Chief Deputy Director, Department of Toxic Substances Control  
Ms. Sara Murillo, Chief, Financial Planning Branch, Department of Toxic Substances Control

Amend Item 3960-001-0001 to add the following provision:

7. Of the amount appropriated in this item, \$14,325,000 is available to retrofit the Argonaut Mine Dam located in Jackson, California. The Director of Finance may increase or decrease this item of appropriation based on the final cost estimate and upon determination of the final award of contract. Within 30 days of making any adjustment, the Department of Finance shall report the adjustment in writing to the Joint Legislative Budget Committee.