



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth

April 29, 2021

**Action may be
taken on any
item listed on
the agenda.**

**The Landscape Architects Technical Committee (LATC or Committee) will
meet by teleconference at**

10:00 a.m., on Thursday, April 29, 2021

NOTE: Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e117aea81ff7f2361236b4e483d4c0c4f>

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by April 26, 2021, to latc@dca.ca.gov for consideration.

Agenda
10:00 a.m. – 3:30 p.m.
(or until completion of business)

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

(Continued)

- D. Update from the Department of Consumer Affairs (DCA) – Board and Bureau Relations, DCA
- E. Review and Possible Action on December 2, 2020, Committee Meeting Minutes
- F. Program Manager’s Report - Update on Committee’s Administrative/Management, Examination, Licensing, and Enforcement Programs
- G. Review and Possible Action on Proposed Regulation to Adopt California Code of Regulations, Title 16, Division 26, Article 1, Section 2651, Regarding Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency
- H. Review and Discuss 2021 Legislation
 - 1. Assembly Bill (AB) 107 (Salas) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses
 - 2. AB 225 (Gray) DCA: Boards: Veterans: Military Spouses: Licenses
 - 3. AB 252 (R. Rivas) Department of Conservation: Multibenefit Land Repurposing Incentive Program: Administration
 - 4. AB 564 (Gonzalez) Biodiversity Protection and Restoration Act
 - 5. AB 646 (Low) DCA: Boards: Expunged Convictions
 - 6. Senate Bill 607 (Roth) Professions and Vocations
- I. Presentations by the California State Water Resources Control Board
 - 1. Review and Discuss Exam Process, Content Areas, and Requirements of Landscape Architects for Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification
 - 2. Review and Possible Action on Preliminary Staff Draft of the Statewide Construction General Permit (20XX-XXXX-DWQ) Reissuance
- J. Update on Intra-Departmental Contracts (IDC) with the Office of Professional Examination Services (OPES) for Landscape Architects Technical Committee California Supplemental Examination (CSE) Written Examination Development
- K. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers
- L. Review of Future Committee Meeting Dates
- M. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

The meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit thedcapage.wordpress.com/webcasts/. The meeting will not be cancelled if webcast is not available.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Harmony Navarro

Telephone: (916) 575-7236

Email: Harmony.Navarro@dca.ca.gov

Telecommunication Relay Service: Dial 711 Sacramento, CA 95834

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

HOW TO – Join – DCA WebEx Event



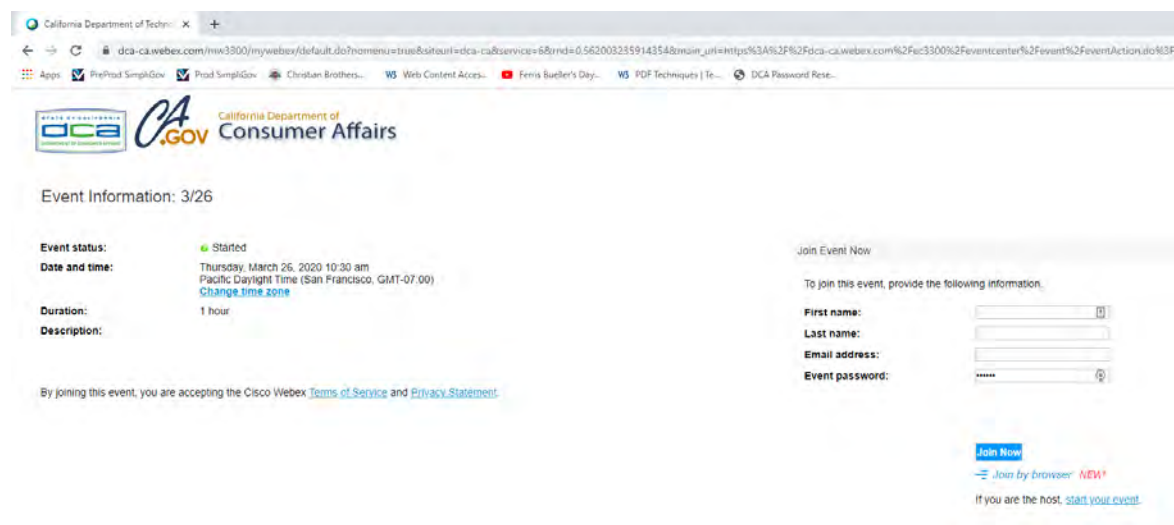
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

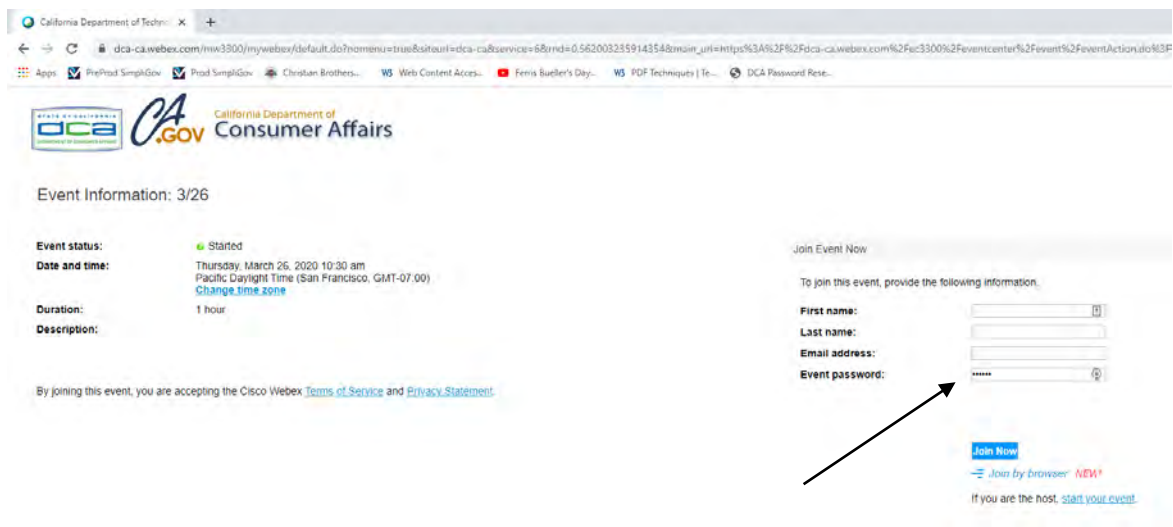
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

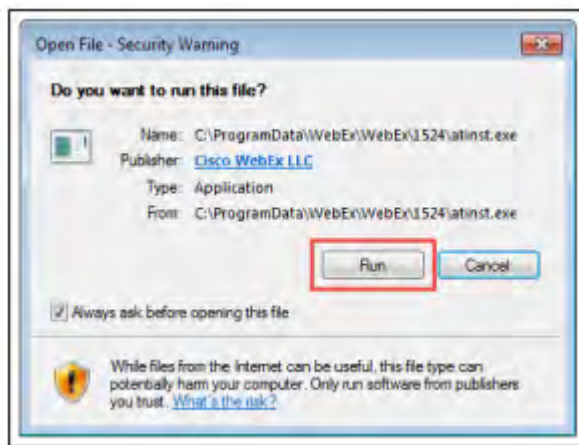
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

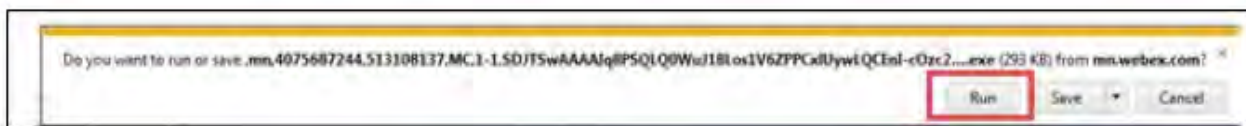
HOW TO – Join – DCA WebEx Event

Starting Webex...



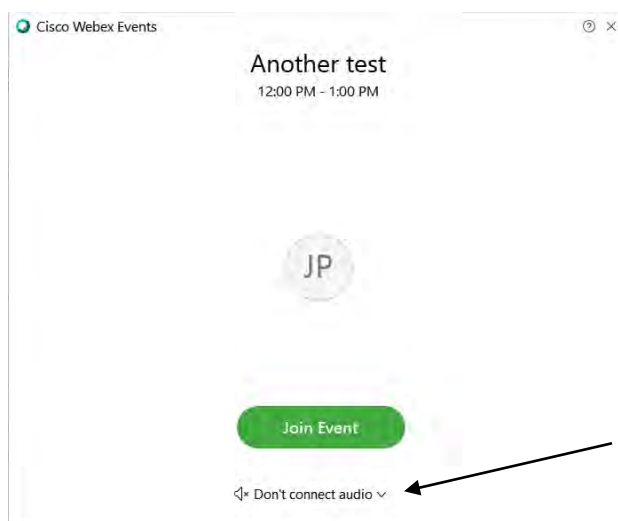
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



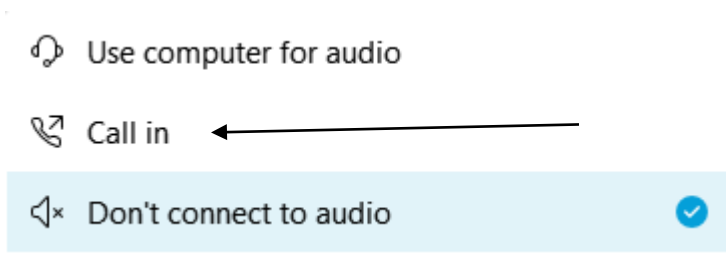
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

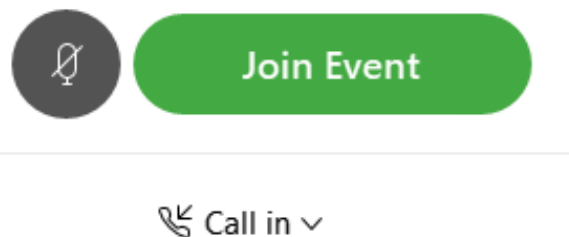


8. When the audio menu appears click 'Call in'.

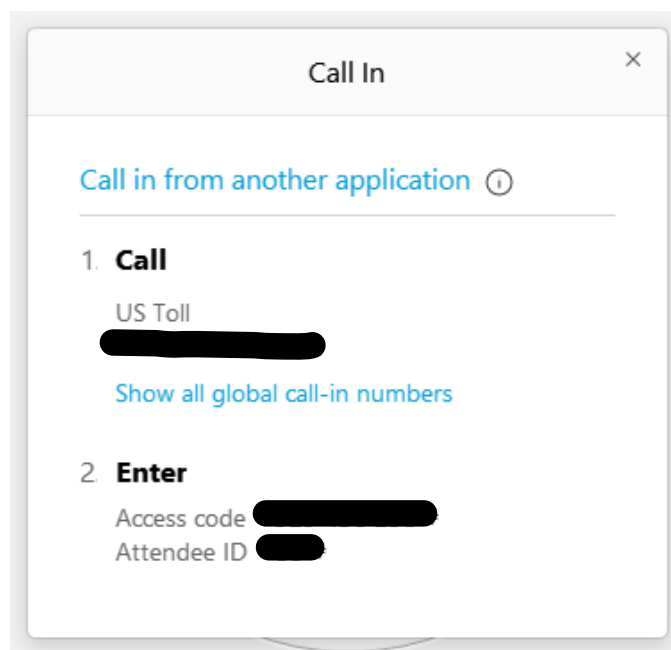
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

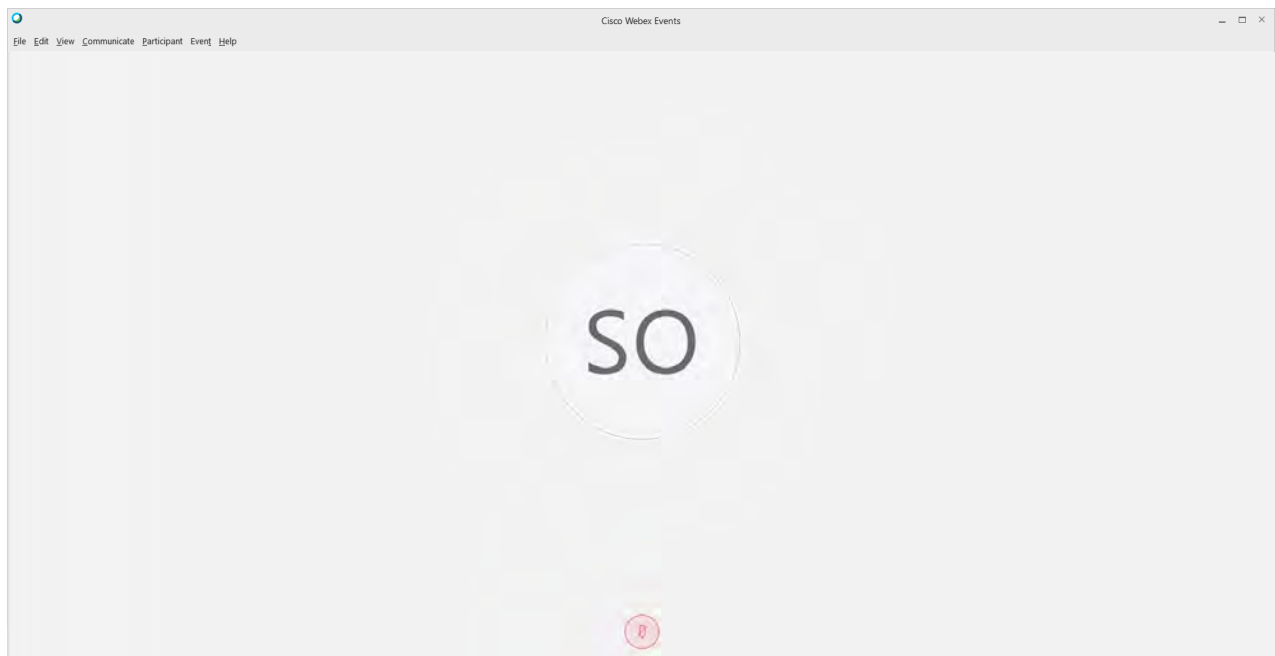


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

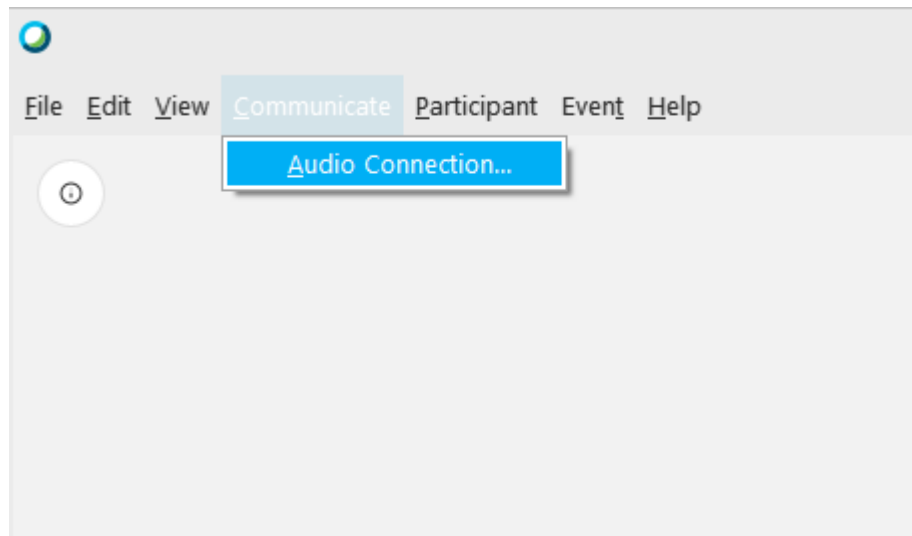


NOTE: Your audio line is muted and can only be unmuted by the event host.

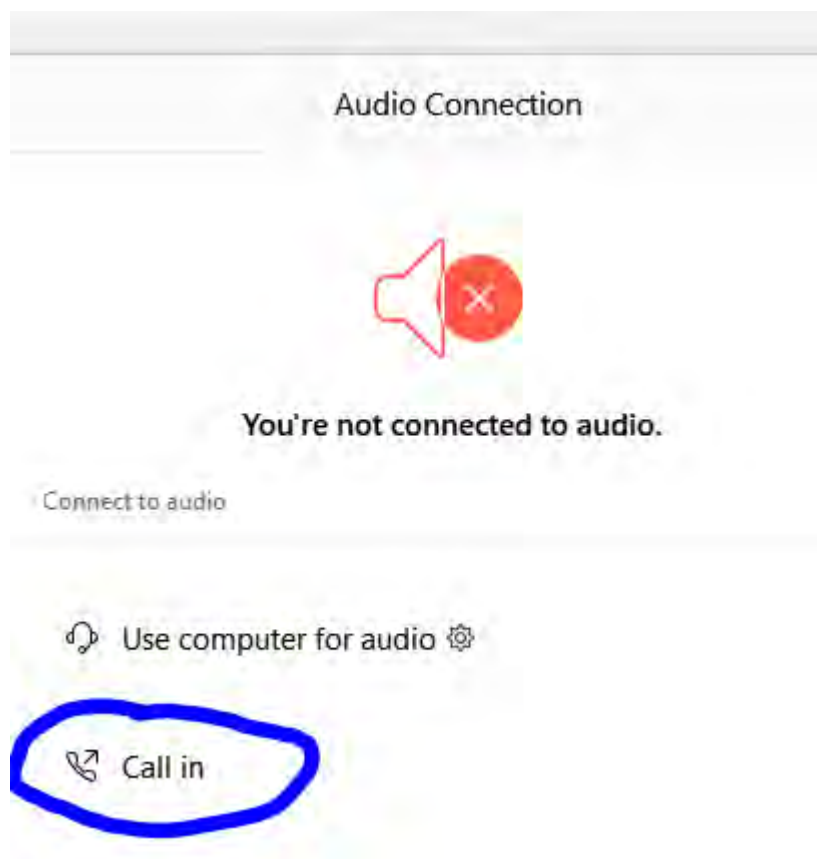
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

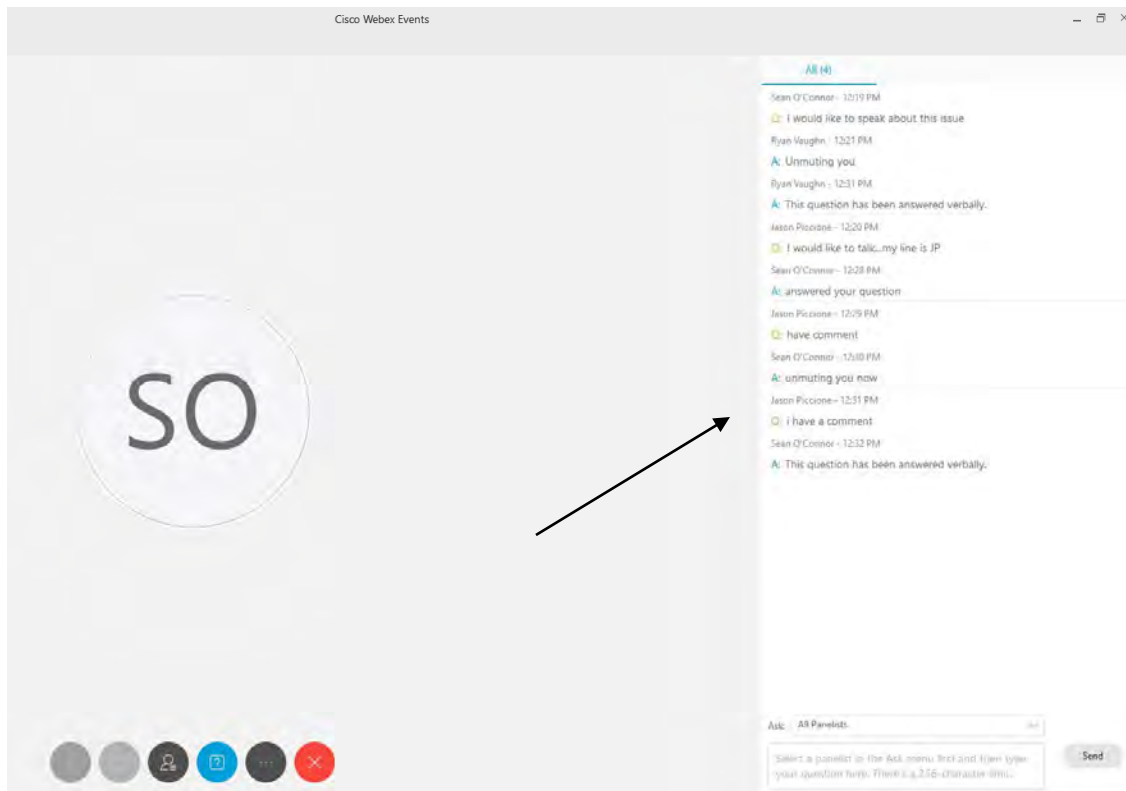
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Landscape Architects Technical Committee (LATC) Vice Chair or, in his/her absence, by an LATC member designated by the Chair.

LATC Member Roster

Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth
Jon S. Wreschinsky

AGENDA ITEM B: CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS

LATC Chair Jon Wreschinsky will review the scheduled LATC actions and make appropriate announcements.

AGENDA ITEM C: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Committee at this time.

The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Public comments will also be taken on agenda items at the time the item is heard and prior to the Committee taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Committee Chair.

AGENDA ITEM D: UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – BOARD AND BUREAU RELATIONS, DCA

Board and Bureau Relations staff will provide the Committee with an update on the DCA.

AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON DECEMBER 2, 2020 LATC MEETING MINUTES

Summary

The Committee is asked to review and take possible action on the minutes of the December 2, 2020 LATC meeting.

Action Requested

Approval of the December 2, 2020 LATC Meeting Minutes.

Attachment

December 2, 2020 LATC Meeting Minutes (Draft)



Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation



Draft Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

December 2, 2020
WebEx Teleconference

Landscape Architects Technical Committee (LATC/Committee) Members Present

Jon S. Wreschinsky, Chair
Andrew C. N. Bowden
Pamela S. Brief
Susan M. Landry
Patricia M. Trauth (departed at 10:55 a.m.; returned at 12:14 p.m.)

California Architects Board (Board) Member Present

Tian Feng, LATC Liaison, Board President (departed at 10:59 a.m.; returned at 1:20 p.m.)

Staff Present

Laura Zuniga, Executive Officer
Trish Rodriguez, Program Manager
Tara Welch, LATC Counsel, Attorney III, Department of Consumer Affairs (DCA)
Karen Halbo, Regulatory Counsel, Attorney III, DCA
Mary Kathryn Cruz Jones, Staff Services Manager I, DCA Board and Bureau Relations
Stacy Townsend, Enforcement Analyst
Blake Clark, Examination Analyst
Paul McDermott, Budget Analyst, DCA Budget Office
Tracy Montez, Chief of DCA Programs and Policy Review Division
Karen Okicich, Research Data Supervisor, Office of Professional Examinations Resources (OPES)

Guests Present

Stephanie Landregan, Program Director, UCLA Extension Program
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects

A. Call to Order – Roll Call – Establishment of a Quorum

LATC Chair, Jon Wreschinsky called the meeting to order at 10:08 a.m. and called roll. Five members of LATC were present, thus a quorum was established.

B. Chair's Procedural Remarks and LATC Member Introductory Comments

Mr. Wreschinsky thanked the meeting participants for their attendance. He welcomed LATC's new member, Pamela Brief, and asked LATC Program Manager, Trish Rodriguez, to provide a brief introduction. Ms. Rodriguez welcomed Ms. Brief to the Committee and noted that her term expires on June 1, 2024.

Mr. Wreschinsky explained the meeting was held via webcast pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, and there was no physical meeting location.

C. Public Comment on Items Not on the Agenda

Mr. Wreschinsky invited members of the public to address the LATC, stating their comments would be recorded in the official minutes. There were no comments from the public.

D. Update on the Department of Consumer Affairs (DCA)

Mary Kathryn Cruz Jones of DCA's Board and Bureau Relations welcomed Ms. Brief and thanked her for her willingness to serve on the Committee. Ms. Cruz Jones continued that one of the Board and Bureau Relations' top priorities is appointments and provided a brief overview of the LATC, adding that there are currently no vacancies on the Committee. She then provided an overview on DCA activity throughout the Pandemic and informed the Committee that DCA has partnered with the Governor's Office and Business, Consumer Services, and Housing Agency on statewide efforts related to awareness and the enforcement of public health measures. Ms. Cruz Jones explained that, due to the economic impacts of the Pandemic, each Board and Bureau will be required to plan for a five percent permanent budget reduction no later than fiscal year 21/22. She added that LATC staff are working with DCA to identify a plan to best fit operational needs.

Ms. Cruz Jones informed the Committee Board and Bureau Relations held three virtual trainings to provide executive officers with the opportunity to learn and discuss best practices on topics such as appointments, managing staff remotely, and providing Americans with Disabilities Act compliant meeting materials to committee members and the public. She also provided, in partnership with DCA's SOLID, Board and Bureau Relations has been providing Board member orientations quarterly and the 2021 training dates should be released soon. Ms. Cruz Jones stated, additionally, Board and Bureau Relations is hoping to launch a new training for presidents and chairs in 2021.

E. Review and Possible Action on September 4, 2020 LATC Meeting Minutes

LATC Counsel, Tara Welch, requested that the Committee consider revising the minutes to insert "LATC Counsel" after her name and insert "Regulatory Counsel" after Karen Halbo's name under the heading "Staff Present" on page one of the minutes. She also suggested the following clarifying revisions to the third paragraph on page six: replace "feels" with "felt;" delete the word "however" after the word "efforts;" and insert a comma after the word "requires."

- **Andrew C. N. Bowden moved to approve the September 4, 2020 LATC Meeting Minutes as revised.**

Patricia M. Trauth seconded the motion.

There were no comments from the public.

Members Bowden, Trauth, Landry, and Chair Wreschinsky voted in favor of the motion. Member Brief abstained. The motion passed 4-0-1.

F. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

Ms. Rodriguez announced the recent retirement of the Board's Assistant Executive Officer, Vickie Mayer.

Ms. Rodriguez provided an update on LATC's pending regulations stating that she had requested assistance from DCA to expedite internal reviews of LATC's regulatory packages and, in response, DCA Legal prepared an estimated regulatory timeline including normal and expedited target dates. She added that staff now receives weekly status updates from LATC's Regulatory Counsel.

Ms. Rodriguez explained that staff is working with Legal counsel to finalize the edits to the package for California Code of Regulations (CCR) section 2611 (Abandonment of Application), CCR section 2611.5 (Retention of Candidate Files), and CCR section 2616 (Application for Licensure Following Examination) and the next step is to obtain Budget's official review, which is targeted for mid-December 2020.

Additionally, Ms. Rodriguez provided that the rulemaking file for CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits) has been prioritized above the other rulemaking files. She explained this regulation package was submitted to Agency for review on November 18, 2020 and the next step will be submission to the Office of Administrative Law (OAL) for initial notice.

Ms. Rodriguez informed the members that the rulemaking package for CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) is currently with DCA Legal for pre-review and staff submitted revisions to Legal on November 20, 2020. She explained the next step will be for the package to go to Budgets for official review with a target completion date of the end of December 2020.

Ms. Rodriguez continued that the regulatory package to amend CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) to implement Assembly Bill (AB) 2138, which aims to reduce barriers to licensure for individuals with a criminal history, has been with OAL since June 24, 2020. She explained the proposal included a request for expedited review and will become effective when filed with the Secretary of State. She informed the members that OAL is expected to approve the package before the December 4, 2020 deadline.

Next, Ms. Rodriguez provided an update on CCR section 2671 (Public Presentments and Advertising Requirements), explaining that staff worked with legal counsel to finalize edits to the regulatory package and the next step is to submit the package to the Budget office for official review with a target completion date of December 31, 2020.

Lastly, Ms. Rodriguez explained that the rulemaking package for CCR section 2680 (Disciplinary Guidelines) required extensive review and the next step is to submit the package to the Budget office for official review with a target completion date of December 31, 2020.

Mr. Wreschinsky requested clarification on whether the resubmittal of Business and Professions Code (BPC) section 5659 for legislative approval would be part of a stand-alone bill or part of DCA's omnibus bill. Laura Zuniga confirmed that BPC section 5659 would be submitted for the omnibus bill which is due in January 2021.

Mr. Wreschinsky questioned whether the proposed language to CCR section 2620 allowing reciprocity licensure to applicants licensed in any US jurisdiction also included US territories, specifically, Guam. Ms. Rodriguez explained staff would check with the Council of Landscape Architectural Registration Boards (CLARB) to determine who the member boards with CLARB are and work with the jurisdictions specific to the US territories. Mr. Wreschinsky also questioned how LATC planned to accommodate practitioners from states who have lost their licensure, such as Illinois. Ms. Rodriguez explained that LATC has not encountered a reciprocity applicant with a license in Illinois, however, should that occur, staff would work with the applicant to achieve reciprocity in California in accordance with the regulations.

Member of the public, Stephanie Landregan, requested clarification on the regulatory package status for CCR section 2620. Ms. Rodriguez clarified that it was submitted to Agency for review on November 18, 2020 and it had not yet been submitted to OAL. Ms. Landregan requested confirmation there will be a comment period during OAL's review of the regulatory proposal and there will be notice of the comment period. Ms. Rodriguez confirmed there will be a 45-day comment period to which a notice will be posted on LATC's website and sent via email to LATC's interested parties list.

Andrew Bowden questioned why the exam and enforcement sections of the Program Manager's report were not being discussed. Ms. Rodriguez explained that she did not plan on reviewing the exam data presented unless there was something noteworthy to mention.

Mr. Wreschinsky added that he was saving his questions to discuss during the Occupational Analysis agenda item.

***G. Review and Discuss 2020 Legislation**

1. Assembly Bill (AB) 2113 (Low) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process

Ms. Zuniga presented AB 2113, which requires all boards within DCA to expedite licensure for applications from refugees, asylees, and Special Immigrant Visa holders. She explained that LATC has made changes to its forms to reflect the new requirement and they will be in place shortly. Ms. Zuniga continued that it is not expected to affect a significant number of applicants. She stated this requirement will take effect January 1, 2021.

Mr. Wreschinsky questioned whether it was known how many candidates have applied under this expedition. Ms. Zuniga explained it is not known how many candidates have applied that fall under this category and there was not much information about the number of candidates that might apply under this, however, LATC and the Board will track the number of applicants and report to the legislature and the members.

Tian Feng questioned whether a person residing in California for an extended period but is not a permanent resident could obtain a license. Ms. Zuniga explained applicants need to submit either a social security number or a taxpayer identification number, making it possible for someone without a social security number to become licensed if they possess the alternative federal identification number. Mr. Feng inquired on if a non-permanent resident can obtain a social security number. Ms. Zuniga stated she would research and provide the information to both Mr. Feng and the Committee members.

2. Senate Bill (SB) 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes

Ms. Zuniga provided an update on SB 878, which requires all boards within DCA to post online their average processing times for initial and renewal license applications. She explained that DCA is working on implementation for all boards, and although this does not go into effect until July 1, 2021, LATC staff will work on posting this information sooner than the implementation date.

Mr. Wreschinsky inquired on the length of time it took to update the license status of a licensee who renews online. Stacy Townsend answered that it takes approximately 24 hours for the license status and expiration to update.

3. SB 1474 (Committee on Business, Professions and Economic Development) Business and Professions

Ms. Zuniga presented SB 1474, which contained language that would have allowed LATC to implement the fingerprinting requirement that was proposed in 2019 by SB 608. She explained that the bill delays LATC's implementation for an additional year due to concerns the Department of Justice (DOJ) had about the implementation language. Ms. Zuniga explained that staff will work with DOJ to resolve the issues and edit the language. She stated that LATC will then submit the revised language for the Omnibus Bill in 2021.

Ms. Landregan requested clarification on whether the fingerprinting language was still in the Omnibus Bill or if the language had been struck. Ms. Zuniga explained

the language has been revised to delay the implementation date to January 1, 2022.

Tracy Morgan Hollingworth brought AB 2257 to the Committee's attention, stating that the California Council of ASLA lobbied heavily to ensure that landscape architects were included in the exempt category allowing them to be independent contractors in AB 2257 since architects were included in the exempt category.

***F. Program Manager's Report - Update on Committee's Administrative/Management, Examination, Licensing, and Enforcement Programs**

Mr. Bowden restated that he would like to have more of a discussion regarding the examination and enforcement sections of the Program Manager's Report. He explained that in future meetings he would like to dedicate some time to those sections. Ms. Rodriguez confirmed that time could be dedicated to discussing the sections and explained that some sections of the Program Manager's Report would be discussed during other agenda items. Ms. Rodriguez pointed out that the August and September Landscape Architect Registration Examination (LARE) administration had more candidates registered due to the postponement of the June administration as a result of the Pandemic.

Mr. Wreschinsky pointed the Committee's attention to the chart tracking LATC's pending regulations and questioned whether a deadline had been established for the expectation of the completion of actions. Ms. Rodriguez explained that previously deadlines were not established, however, in communicating closely with DCA, target dates had been identified. Mr. Wreschinsky opined that when the regulations are provided to Legal and DCA it does not appear there is a clear timeframe of when packages are expected to move forward. Ms. Rodriguez explained the next steps for each package are included with the regulations updates and she could attempt to provide additional next steps along with their potential completion dates.

Susan Landry inquired if additional action was taken regarding professional advertising websites incorrectly categorizing unlicensed individuals as landscape architects. Ms. Rodriguez reminded the members that staff reached out to the various websites, however, LATC does not have authority over those websites and there is not much more the Committee can do.

Ms. Welch confirmed that LATC only has authority over the individuals who may be falsely advertising. She continued that LATC does not have control over a website who may be automatically generating content the unlicensed individual has no control over. Ms. Welch further explained that a website could not be cited for someone's advertisement, only the individual posting the advertisement could be cited. Ms. Landry clarified that LATC would have to file an allegation for the individuals falsely advertising and could not request the websites to create additional categories. Ms. Welch confirmed that is correct.

H. Discuss and Possible Action on the Committee's Annual Budget – DCA, Budget Office

Paul McDermott informed the Committee he has been working on three budgets: the year-end budget from last fiscal year, the current fiscal year budget, and the future budget incorporating the previously mentioned five percent budget reduction. He explained that last fiscal year there was an estimated revenue stream of \$875,000, however, the Committee actually brought in \$803,000, most likely due to shut downs caused by the Pandemic. He assured the Committee that he was not concerned with the difference because it is well within the deviation of revenue streams and, at year end, the Committee had approximately \$1.3 million in reserves equating to about 13 and a half months to keep the Committee functioning.

Mr. McDermott shared that he and Ms. Rodriguez had reviewed the budget and had identified several line items that can be reduced without jeopardizing LATC in overspending its budget or allocation. Mr. Wreschinsky inquired on the identified line items to be reduced. Mr. McDermott responded that the items include external Consulting and Professional (C/P) services, general expenses, information technology, and consolidated data centers. Mr. McDermott explained that facilities and pro rata were two line items that could not be reduced. Mr. Wreschinsky questioned what occurred with the unused funds. Mr. McDermott explained the unused money would be placed in the reversion to be saved and moved into the fund condition for the next fiscal year and could be used should a scenario occur in which LATC stopped receiving funds. Mr. Wreschinsky pointed out, with no traveling, the Committee moved to virtual meetings and asked the cost to LATC for holding these meetings. Mr. McDermott confirmed there are expenses involved with holding virtual meetings, however, he did not have a specific dollar amount.

Ms. Brief requested a breakdown of the types of expenses that would be included in the "special items of expense" line item. Mr. McDermott explained that he would have to research what those expenses were and, at Ms. Brief's request, would provide for the Committee's next meeting.

Ms. Landry inquired on whether reducing license renewal fees again had been considered. Ms. Rodriguez explained there were no considerations to reduce the current renewal fees. Mr. McDermott added that at the time of the recent renewal fee reduction, LATC had about 28 months in reserves which was significantly higher than the current 13 and a half months. Ms. Landry inquired on whether there was a provision in place for a licensee experiencing a hardship due to the current economic situation to apply for a renewal fee reduction, to which Ms. Rodriguez answered there were no provisions currently in place for a renewal fee reduction.

I. Discuss and Possible Action on the August 2020 Occupational Analysis (OA) of the Landscape Architect Profession – DCA, Office of Professional Examination Services (OPES)

Ms. Rodriguez introduced Research Data Supervisor from OPES, Karen Okicich, and Chief of DCA Programs and Policy Review Division, Tracy Montez, to present the Occupational Analysis (OA). Ms. Okicich explained that Business and Professions Code section 139 requires that boards submit a yearly report about

their OA and exam development processes as well as requiring that boards conduct an OA every five to seven years.

Ms. Okicich informed the Committee that conducting an OA is the first step in the cycle of examination development and the results of the OA provide a detailed description of practice which forms the basis for developing legally defensible licensing exams.

Ms. Okicich provided an overview of LATC's recently completed OA, stating that an invitation was sent out to all California landscape architects with an email on file with LATC, equaling to 3,215 licensees. She continued that a sample size of 571 responses was received, or a 17.8% response rate. Ms. Okicich explained that after receiving the responses, the demographics of the respondents were reviewed, specifically looking at experience, education, work setting, and geographical location. She went over the results observing that there was a diverse representation of experience levels ranging from 20 or more years of practice to fewer than five years with the majority of work experience from a landscape architecture firm followed by multidisciplinary firm and government agency with representation from throughout California. She continued that the majority of the respondents held a bachelor's degree with some also possessing a master's degree and there were a few respondents with a Doctorate degree, certificate, or some other form of education with many holding a Leadership in Energy and Environmental Design (LEED) accreditation professional certificate. Ms. Okicich provided that many landscape architects indicated they had experience working on multiple types of projects including residential, parks and recreation, and transportation, in addition to green projects related to conservation, stormwater management, water reuse and recycling, erosion control, slope protection, and permeable paving. She also explained the survey yielded the top specialists landscape architects work with were arborists, geotechnical engineers, and traffic engineers.

Ms. Okicich informed the Committee there were four content areas defined: (1) scope of project; (2) program development; (3) design process (4) and construction documentation and administration.

Ms. Okicich informed LATC the next step of the OA is reviewing the content of the National LARE against the current California description of practice, however the National LARE OA has been delayed due to the Pandemic and their survey is expected to be administered in Spring 2021. She continued that once the results of the National OA are available, another group of Subject Matter Experts (SME) will review the results and determine whether the competencies that are required for California are adequately covered by the LARE. Ms. Okicich additionally explained that OPES will work with SMEs to develop a California specific exam outline if it is determined that some competencies that need to be assessed at the California specific level remain. She acknowledged that the Committee had some questions regarding the pass rates of the LARE and clarified that OPES does not typically track those rates on an ongoing basis since they are not involved with that exam, however they do look at them as part of the OA review process.

Ms. Landry pointed the Committee's attention to the construction documentation and administration content area and opined that it was interesting that the mean importance for preparing drawings to communicate the construction of project design was 4.35 out of 5 when the landscape exam is only multiple choice without requiring drawings and the practice of landscape architecture has mostly to with preparing drawings. She continued that she felt it important for candidates to be able to draw and be tested on that aspect of the profession.

Ms. Brief requested that OPES consider adding the Envision certification in addition to the LEED certification for the next OA survey because some practitioners may also have that designation. Ms. Okicich confirmed that OPES would consider adding the certification to the next survey. Ms. Brief also observed that civil engineers were not included in the list of professionals that landscape architects collaborate with and inquired on if that profession should be included in the next survey. Ms. Landry agreed with this observation and felt that civil engineers should be included in the list as well as government agencies.

Mr. Wreschinsky noted that the survey went out to the 3,215 landscape architects who had an email on file with LATC and inquired on the total number of current California licensees. Ms. Rodriguez informed the Committee that California currently has approximately 3,700 licensees demonstrating that the majority of licensees had provided their email addresses to LATC, although providing email addresses is not a requirement at this time. Mr. Wreschinsky questioned whether, when selecting the sample size, if any practice specialties or non-traditional roles were identified and used to determine the sample. Ms. Landry added that she felt that participants should be asked if they hold any non-traditional roles relating to landscape architecture and that data be collected in the future. Ms. Okicich explained that when determining the sample size specializations were not taken into consideration because they were interested in looking at the general practice across the profession, however, it could potentially be looked at with the data gathered. Lastly, Mr. Wreschinsky inquired on the criteria used to determine the knowledge, skills, and abilities unique to California when reviewing the National OA and comparing it to LATC's OA. Ms. Okicich explained that SME's are relied very heavily on for input and providing which California specific requirements should be included in the California exam based on the current practice.

Ms. Landregan, observed that it could be helpful to include the questions asked on the survey when presenting the data. Ms. Landregan additionally observed that some of the content areas and descriptions of the OA were modified, however, the reasons and validations for the modifications were not discussed. Ms. Okicich explained the statements were modified by SME recommendations for clarity and the modifications were addressed in the validation report. Ms. Montez explained the statements are task statements outlining the most critical tasks to assess on a licensing exam.

Ms. Montez explained that some knowledge statements were removed, retained, or modified using OPES's methodology and psychometrics. Ms. Montez added that the validation report has more details regarding this information. Ms. Landregan expressed concern that the survey sample could be too small and not have the

breadth of practice to justify the modifications of certain elements and inquired on whether there was a process in place to challenge the modifications. Ms. Montez explained that there was not an appeal process for the knowledge statements and as the examination validation process continued, the statements would be monitored. Ms. Montez continued that the response rate was defensible and was higher than the typical response rate. She added that if any concerns arose with the validity or reliability of the data, they would work with LATC staff to recruit additional SMEs or hold additional workshops. Ms. Montez explained the Committee's feedback would be used during the various exam workshops, and although OA's are typically conducted every five to seven years, the Committee could decide to hold another OA sooner, if necessary.

Ms. Landregan inquired if the OA would be included in LATC's Sunset Review and could legislators use the information to change laws that could potentially impact the landscape architecture scope of practice. Ms. Montez explained that any significant decisions regarding the scope of practice would not be made solely on the results of the OA and that other information would be considered when changing the scope of practice. Ms. Rodriguez added the previous OA conducted was included in the most recent Sunset Report and she expected this OA would be included in the next Sunset Report. Mr. Wreschinsky inquired on whether the OA would be officially blessed and if there would be recourse to address specific line items of the OA. Ms. Rodriguez explained that it was not required for the Board nor the Committee to approve the report, however OPES was taking notes regarding the Committee's input of the report for the next OA. Ms. Montez confirmed it was not required for the Committee to approve the OA but were encouraged to provide comments for any areas to be followed up on. She continued that it was rare for a Board or Committee to not accept the findings of an OA, typically because OPES would have to defend the report and the California examination should any litigation or allegations regarding the exam occur.

Mr. Wreschinsky expressed concern that the OA generated a more general product which could potentially put landscape architect licensure at risk. Ms. Montez pointed out the OA was being used to develop an exam plan for creating a California examination that measures the most critical competencies at that time, which did not mean that the other competencies were not important but that it was determined they were not as critical or practiced as frequently. She continued that the exam plan was not intended to be used to define the scope of practice but rather as a piece of the scope that was being assessed. Mr. Wreschinsky also inquired on the next steps after the completion of the OA. Ms. Montez explained the next step would be to review the National OA with a group of SMEs and evaluate the LARE plan comparing California's practice to create a unique California exam that did not duplicate what was tested on the LARE. Mr. Wreschinsky inquired on a time frame of when the process would be completed. Ms. Okicich explained that a time frame would be determined upon completion of the National OA which was tentatively scheduled to be administered in Spring 2021 but there has been no firm deadline of when the study would be finished.

J. Discuss and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2630.2 (Appeal of Citations)

Ms. Rodriguez informed the Committee that BPC section 5526.5 as amended on January 1, 2020 regulates the Board's appeal of citations which allows the respondent of a citation to request a formal administrative hearing after an informal conference if the citation is upheld or modified as well as authorizing the executive officer to appoint a designee to hold an informal conference in the event of a conflict of interest. She provided that LATC's appeal of citations is regulated by CCR section 2630.2 and currently allows the respondent to have a formal administrative hearing after an informal conference if one is requested within 30 days of service of the original citation. Ms. Rodriguez explained that in order to align with the Board, staff drafted amendments to CCR section 2630.2 to include language allowing respondents to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference, as well as, authorizing the executive officer to appoint a designee to hold the informal conference in the event of a conflict of interest. She continued that additional information was added to clarify that another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference. Ms. Rodriguez informed the Committee that the proposed amendments in the meeting materials had been modified and that they should refer to the handout provided separately.

Ms. Welch provided an additional revision to the proposed language of CCR section 2630.2, specifically under the new subsection (i), on the fourth line where it says, "waived his or her right," the language "his or her" needs to be stricken and "their" needs to be inserted.

Mr. Wreschinsky inquired on the definition of an informal conference and the individuals typically involved. Ms. Townsend explained, typically, informal conferences were attended by the enforcement analyst, the executive officer of the Board, and the respondent. She continued that there was an option for the respondent to have their lawyer present, which in return the Board would have its legal counsel present. Mr. Wreschinsky inquired on whether subject matter experts could potentially be involved in the informal conference. Ms. Townsend confirmed that if a case was reviewed by a subject matter expert and resulted in a citation there was the possibility that the reviewing subject matter expert could be involved in the informal conference. Mr. Wreschinsky clarified that the informal conference was held by the Board and not LATC and inquired on whether LATC had representation at the informal conference. Ms. Townsend confirmed that informal conferences were held with the executive officer of the Board and the LATC enforcement analyst would be the representation for the Committee as well as the subject matter expert, if necessary, who would be a California licensed landscape architect. Mr. Wreschinsky questioned whether an informal conference could be requested prior to the issuance of a citation to rectify the situation. Ms. Welch explained the individual would have the opportunity to respond to investigative questions and could present their evidence that they have not committed a violation, however, it would not be until a citation was issued that an informal conference would be important. She continued that an informal conference could

only be held after the issuance of a citation in accordance with the Business and Professions Code procedure as well as the Administrative procedure.

Ms. Trauth inquired on how respondents were notified they had the options to request an informal conference, a formal administrative hearing, or both.

Ms. Townsend explained that when citation is issued, respondents are provided forms to complete and send back to the Board requesting an informal conference, a formal administrative hearing, or both.

- **Andrew C. N. Bowden moved to recommend to the Board approval of the proposed regulatory amendments to CCR section 2630.2 (Appeal of Citations) as revised.**

Patricia M. Trauth seconded the motion.

There were no comments from the public.

Members Bowden, Brief, Landry, Trauth, and Chair Wreschinsky voted in favor of the motion. The motion passed 5-0.

K. Discuss and Possible Action on University of California, Los Angeles (UCLA) Extension Certificate Program Self-Evaluation Report and Curriculum Approval

Mr. Wreschinsky introduced the item and announced that both Mr. Bowden and Ms. Brief recused themselves from the discussion. Ms. Rodriguez presented the item explaining that the Committee reviews and the Board approves the landscape architecture extension program that meets specific standards within LATC's California Code of Regulations (CCR) section 2620.5 (Requirements for an Approved Extension Certificate Program). She continued the Committee last conducted a review of the Program in 2013 and approval was given through December 31, 2020. Ms. Rodriguez explained that in anticipation of the upcoming expiration of that approval, the Program submitted a self-evaluation report (SER) to LATC on June 15, 2020 for the 2013 through 2020 academic years. She further stated that former LATC Chair, Marq Truscott, appointed a subcommittee consisting of LATC staff and current LATC Chair, Mr. Wreschinsky, to review the Program's SER and provide a recommendation to the Committee on the continued approval of the Program. Ms. Rodriguez went on to explain that following the initial review of the SER, the subcommittee sent additional questions to the Program Director, Stephanie Landregan, regarding recommendations from the 2013 Site Review and clarification on the Program's relationships with the UCLA, Horticultural Program and the UCLA, School of Architecture and Urban Design. She provided that the responses were received on October 5, 2020 and the subcommittee prepared a report and recommendation regarding Board approval of the Program. Ms. Rodriguez explained that the LATC was being asked to consider the subcommittee's recommendation and take possible action to recommend to the Board approval of the Program through December 31, 2023.

Ms. Rodriguez updated the Committee with the status of the regulation package for CCR section 2620.5 stating that it has been approved by the Board and it is

currently under review by DCA. She explained that the new language should be adopted and implemented by the Program by the end of the proposed three-year approval and will be used by a site review team at that time.

Ms. Trauth requested additional information regarding how the extension program fit into the university framework. Ms. Landregan explained the UCLA Extension Program is part of the University and under that connection they get their Academic Senate Approval through the Department of Architecture and Urban Design. She continued that all Program class curriculums and instructors were approved through the Academic Senate. Ms. Trauth further questioned whether there was interaction between the Program and the Department of Architecture and Urban Design. Ms. Landregan explained that the Department's Chairperson would attend, and jury, the Program's shows so they were aware of the quality of work being produced. She continued that the Department Chairs rotate, and the Program attempts to engage them as much as possible in order to keep the connection between the Program and the Department.

Mr. Wreschinsky explained that within the three years of the proposed approval, there would be another formal review of the Program once the new regulations are enacted. He further pointed out that, although it is not the primary goal of the Program, many potential candidates will be relying on this education and experience to qualify for licensure. Mr. Wreschinsky also pointed out that, currently, all elective units must be taken within the Program and cannot be taken at any of the nearby universities. He requested that the Program consider expanding acceptable units to include those from other programs or alternatives to assist with satisfying the electives requirements for graduation. Ms. Landregan explained that the Program allows for the review and transferring of up to 20 units from the core requirements and confirmed that the program does not accept the transfer of elective units. She explained the reason is because the Program does not have many students to take the electives and the Program's electives address the areas felt the students have weaknesses in and need improvement. Ms. Landregan further pointed out that very few universities transfer student's elective units from another area once a program has been started.

Ms. Landregan thanked LATC for reviewing the Program's SER and added that it takes approximately a year for the Program to gather and prepare the materials for the SER and respond to the Committee. She opined that it would be unnecessary to reduce the approval process because after the new language goes into effect it would be an estimated one to two years for the Program to be updated with the new requirements. Ms. Landregan encouraged the Committee to approve the Program as presented in the SER and expressed interest in continuing to maintain dialogue with LATC and its observations of the Program.

Mr. Wreschinsky asked if the Committee could extend the December 31, 2023 approval expiration date. Ms. Rodriguez responded that she did not believe there was anything prohibiting LATC from extending the approval expiration. Ms. Welch confirmed and suggested the Committee consider extending the tentative approval of the Program. Mr. Wreschinsky agreed with the suggestion due to not knowing exactly when the revised regulation would be enacted. He further requested a review of the significant changes that would be occurring with the new

requirements. Ms. Welch confirmed the proposal would add a curriculum requirement for current California statutes and regulations covering the environment, landscape architecture, and water conservation. She further explained the regulation would provide a new process for applying for Board approval in terms of what needed to be submitted, the type of report, and how the Program could appeal a denial.

Mr. Wreschinsky questioned whether the proposed changes to the approval process was intended to make it easier for the Program to gather the required items to resubmit for approval or was it to require additional information beyond what the Program had been providing. Ms. Rodriguez explained the new regulation would clearly outline the approval process to avoid any underground regulations. Ms. Welch added that even though it was not in the current regulation, a three-day site review of the Program had been a requirement for many years, however, since there was not a site review this year (due to the Pandemic), the Program only needed to submit a SER complying with the regulation. The new proposal would add a one-day site review which would reduce what the Program had been having to do for approval. Mr. Wreschinsky questioned whether there was an estimated date of when the regulation would be approved. Ms. Rodriguez explained that staff estimated the package would be submitted to OAL in early 2021 and once it has been submitted to OAL it would take approximately one year before the regulation is adopted. LATC Regulatory Counsel, Karen Halbo confirmed Ms. Rodriguez's estimated timeframe and added that the regulation could be adopted by January 2022. Mr. Wreschinsky opined that the expiration should be changed from 2023 to a later date. Ms. Trauth agreed that the Committee should extend the approval expiration. Ms. Welch explained that the proposal was to approve the current Program for three years and prior approvals varied due to an approval deadline or expiration not being in regulation, however, the proposed rulemaking would provide for a six-year approval. Ms. Landry requested clarification on if it was a six-year approval from the date of approval or from the date the Program started the application. Ms. Welch explained that the proposed language states that the Board approval period is six years, and what the Committee needed to decide on was whether they wanted the current Program to be approved for three years or something longer and why. Mr. Wreschinsky questioned if the Committee voted on a three-year approval then could the Committee extend the approval in three years without the Program having to go through the approval process. Ms. Welch explained that if the new regulations were in effect then the Program would have to go through the approval process to comply with the regulation as written. Mr. Wreschinsky recommended approving the current Program for five years to December 31, 2025 which would provide sufficient time for the Program to implement any new requirements prior to having to resubmit for reapproval. Ms. Landry inquired whether the Committee could approve the current Program to three years from the date of the approval of the regulations. Ms. Welch did not recommend doing that and agreed with the five-year approval. Ms. Landry questioned why the current Program approval should be for five years and not six. Mr. Wreschinsky stated that he was not opposed to six years, however, felt that since there will be new regulations adopted soon, five years would give the Program more incentive to start thinking about operating under the new regulations. Ms. Welch pointed out that the last time there was a site review of the Program was four years ago and since they did not get one this year, with a five-year approval, it

will be a nine-year span between site reviews and advised the Committee to consider that. Ms. Landregan suggested the Committee extend the three-year approval with the requirement of having a site visit in three years. Mr. Wreschinsky opined that since there will be a site review requirement under the new regulations then there would not be a need for a site review until that time.

- **Patricia M. Trauth moved to recommend to the Board approval of the Program and it is effective through December 31, 2025.**

Susan M. Landry seconded the motion.

There were no comments from the Public.

Members Trauth, Landry, and Chair Wreschinsky voted in favor of the motion. The motion passed 3-0.

- L. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:**
- 1. Research the Need for Continuing Education for Licensees through LATC, the American Society of Landscape Architects (ASLA), or Another Organization, to Better Protect the Health, Safety, and Welfare of Consumers.**

Ms. Townsend explained that currently, SB 1608 (Chapter 549, Statutes of 2008) requires architects to complete five hours of continuing education (CE) on disability access requirements prior to the renewal of their license. She continued that the American Institute of Architects (AIA) California will pursue legislation in 2021 to require architects obtain an additional five hours of CE in Zero Net Carbon Design. Ms. Townsend clarified that the Board requires CE, however, it was not something the Board chose to require, but rather they were mandated to do so.

Ms. Townsend informed the Committee that she conducted research and found, from fiscal year (FY) 2015/2016 through FY 2019/2020, five citations were issued to licensees for violations of the contract requirements and rules of professional conduct, and 10 letters of advisements were issued for violations of the rules of professional conduct, negligence, and contract requirements. She continued that no actions were taken against licensees for incompetence in the practice of landscape architecture.

Ms. Townsend explained LATC was recently contacted by the ASLA, Sierra Chapter requesting that a discussion begin on requiring landscape architects to complete CE prior to renewal of their license. She continued that she did additional research regarding CE requirements of other landscape architectural jurisdictions and found approximately 72% require CE, varying between 12 and 32 hours, prior to license renewal. Ms. Townsend informed the Committee the jurisdictions with CE require a varying minimum number of hours to be completed in health, safety, and welfare of the public while the remaining hours could be completed in other topics relating to the profession. She explained that jurisdictions either conducted an audit of a random sample of licensees or required licensees to submit a log of their CE course completion and hours, to verify satisfactory completion of CE.

Mr. Wreschinsky inquired on whether CE courses addressing contract requirements or professional ethics would fall under the category of health, safety, and welfare. Ms. Townsend confirmed that she felt those topics would fall under that specific category.

Ms. Landry pointed out that the agenda title stated that CE could be through LATC, ASLA, or other organizations, and inquired on whether a licensee would have to be a member of ASLA. Ms. Townsend opined that it would be determined by ASLA if they required membership. Mr. Wreschinsky provided he did not believe a licensee had to be a member and that anybody could sign up for ASLA's courses. Ms. Landry requested that CE not be required to be taken through any agency that required a membership. She also requested that further research be conducted to include additional possible CE providers and topics.

Mr. Feng inquired on whether LATC ever had a CE requirement in the past. Ms. Rodriguez answered that landscape architects have never been required to complete CE. Mr. Feng pointed out that there is some inconsistency between the Board, which requires CE, and LATC, which never had and inquired on if there was a need for consistency across the Board. Ms. Zuniga agreed that there was inconsistency across the Board but reiterated that the architect's CE requirements came from stakeholders outside of the Board and perhaps at the time they felt that CE was not necessary for landscape architects. She continued that if the Board decided to establish a CE requirement, it would first need to go to the Legislature for statutory authority because LATC does not have authorization to create CE requirements, and the problem that exists would need to be explained and how it would be fixed by the proposed CE.

Ms. Trauth inquired on whether something has changed because she was under the impression that the state would not support CE and inquired on whether the legislature would support it. Ms. Zuniga clarified that former Governor Jerry Brown was firmly against any new CE requirements, however, it is unsure on what Governor Newsom's opinion on CE requirements is so it is unknown if the Board would have the legislature's support. She continued that, should it be determined to require CE for landscape architects, the new requirements could be included in the next Sunset Report which would allow for a greater discussion of the issue.

Mr. Bowden referred to whether a licensee had to be a member of ASLA in order to take their CE courses and he believed that a membership was required. He explained that some providers may require a membership to take their courses, however there are many licensees who are members of the various organizations to which the courses would be considered member benefits and there are other providers that do not require memberships. Mr. Feng questioned whether ASLA does require a membership to take their courses or if they charge a fee to take the course so that a membership would not be required. Ms. Landry reiterated that she would like additional research to be conducted in order to justify the requirement, especially since in the past the state wasn't favorable towards CE. She also requested there not be a requirement to take the CE through a specific organization to prevent requiring licensees to join a member organization to take a CE course.

Mr. Wreschinsky requested additional research be done, specifically, contacting the jurisdictions requiring CE to inquire on their need for CE and whether they have done an analysis to identify specific areas of concern they were seeing with their licensee population. He also requested that additional discussion occur regarding LATC's areas of concern and which topics should be required for CE.

Ms. Brief pointed out that the agenda title could be interpreted as ASLA being the regulating body of CE and she felt that is not something ASLA would do and that regulating CE requirements would fall under the state. She opined that although it is not a requirement, many landscape architects are taking CE courses to better themselves within the profession. Ms. Brief continued that requiring CE and forcing those licensees that are not taking CE on their own accord would not only make the licensees better within the profession but would also protect the public.

Mr. Wreschinsky added there may be practitioners that are unaware of changes in regulations or contractual matters and it would be important for licensees to be made aware of their obligations as practitioners.

Mr. Feng and Ms. Landry suggested the focus should not be on the providers of the CE but rather on the need for CE requirements. Ms. Trauth suggested, when conducting additional research on the need for CE, that staff reach out to the Board of Professional Engineers, Land Surveyors, and Geologists since they do not currently require CE. Mr. Wreschinsky opined that if CE does become a requirement then the topics should be incorporated into the California Supplemental Exam (CSE).

Ms. Rodriguez asked the Committee to be as specific as possible in the direction they would like staff to go with this objective. Mr. Wreschinsky inquired on when the next Strategic Planning session would be and if the Committee would be voting to ensure that this objective was on LATC's next Strategic Plan or would it be to direct staff to conduct research beginning immediately. Ms. Rodriguez explained the Committee could vote to conclude the objective due to the research being done or the objective could be reinvented as the research is presented and the Committee becomes clearer on the direction they would like to go. She continued she would be providing status updates of the objectives on LATC's current Strategic Plan which is through the end of 2021 and anticipated the Committee's next Strategic Planning session would take place in early 2022.

- **Susan M. Landry moved to direct staff to research the need for continuing education for licensees to better protect the health, safety, and welfare of consumers with the focus on three areas: (1) what other states are doing and why; (2) what regulations have changes; and (3) the requirements for California architects and civil engineers.**

Patricia M. Trauth seconded the motion.

Ms. Landregan commented that this objective should include CE courses from Universities, Cities, and other providers with experts that present on current topics. She continued to explain that the CE requirement for architects came about because of a lawsuit for failure to respond to the ADA community.

Ms. Landregan explained that typically CE requirements were based upon a failure

to perform and she did not see any failure to perform in the research conducted by staff to support CE requirements. She continued that the CE requirement could be based upon the CSE and if there were any new areas of practice.

Ms. Landregan pointed out that the Committee should also consider whether licensees would be audited and if there would be any extra costs for the licensees. Ms. Landregan felt that it was good that the Committee was discussing a CE requirement, however, it may not be something that LATC would want to implement.

Ms. Hollingworth informed the Committee that the Governor recently made an executive order where he would be reviewing policies that impact climate change and felt that the Committee might want to consider requiring CE in climate change and any specialty areas that would be impacted.

- **Susan M. Landry amended the motion to direct staff to research the need for continuing education for licensees to better protect the health, safety, and welfare of consumers with the focus on four areas: (1) what other states are doing and why; (2) what regulations have changes; (3) the requirements for California architects and civil engineers; and (4) the fiscal and time impact on staff.**

Patricia M. Trauth seconded the amended motion.

Mr. Bowden pointed out that staff had already conducted research on the jurisdictions that require CE which was provided in the meeting materials and it showed that some of the jurisdictions left the CE topics to the discretion of the licensees without specific reasoning for requiring CE. He continued that he is not against requiring CE for licensees but that it should be required for the right reasons by attempting to address a specific issue. Mr. Bowden reminded the Committee that the Model Water Efficient Landscape Ordinance (MWELO) was mandated by the Governor in 2015 requiring landscape architects to adhere to it, however, there has not been any CE effort regarding this mandate. He opined that if the Committee decided to require CE then there needs to be a rational reason and the number of hours required needs to be manageable. Mr. Wreschinsky agreed with Mr. Bowden's opinion and opined that LATC would follow the Board's procedures. Ms. Landry explained that part of the motion was that the CE requirement pertain to the health, safety, and welfare of the public and MWELO could be considered within that topic area. Ms. Brief opined that if the Committee decided to research what other jurisdictions were doing then it needed to be taken into consideration that other jurisdictions may have different reasonings and issues to address whereas California holds unique circumstance and there needed to be the health, safety, and welfare component.

Ms. Trauth expressed some concern regarding moving forward with a motion and opined there should be additional discussion at the next LATC meeting, specifically, after the discussion of Zero Net Carbon Design at the Board meeting. She felt that at LATC's next meeting, the Committee could be more definitive on the direction to provide to staff.

- **Patricia M. Trauth withdrew her second of the motion.**
- **Susan M. Landry withdrew her motion.**

2. Develop an Online Tutorial to Clarify the Licensure Process for Candidates

Ms. Rodriguez explained that this item was a follow-up item from LATC's February 2020 meeting where the Committee directed staff to make minor changes to the presented tutorial videos in three areas: (1) to further clarify the process candidates must follow to apply for exam approval; (2) to remove a scene that could be misconstrued with landscape contracting; and (3) to include actors that better represent the current diversity of landscape architecture applicants as well as incorporate additional imagery.

***P. Review of Future Committee Meeting Dates**

Mr. Wreschinsky informed the members that he planned on attending the Board's upcoming meeting and inquired on whether any other members were interested in attending as well. Mr. Bowden expressed interest in attending. Mr. Wreschinsky acknowledged that Ms. Trauth would be interested in attending at least for the item regarding continuing education and both Ms. Brief and Ms. Landry expressed interest in also attending for the discussion on continuing education.

Mr. Wreschinsky pointed out there are only three meetings scheduled for 2021 and inquired on the member's thoughts on the reduction of meetings from four to three. Ms. Rodriguez informed the Committee that it would be possible to add more meetings if they would like. Mr. Wreschinsky asked if any of the members had conflicts with the three proposed meeting dates. Ms. Trauth suggested holding LATC meetings on Fridays because that is when she tends to have more availability. Mr. Wreschinsky agreed that Fridays would work better for him, as well. Ms. Rodriguez explained the meetings are held on different days to accommodate the public as well, however, if the Committee would like to change any of the dates, she could survey the members to identify alternate dates.

***L. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:**

2. Develop an Online Tutorial to Clarify the Licensure Process for Candidates

After viewing the videos, Mr. Bowden opined the videos were good, there was a vast improvement from what they were previously, and all the necessary content was included. Mr. Wreschinsky agreed that the videos were well done. He noticed some minor edits needed that could wait to be fixed for the next iteration of the videos. Mr. Wreschinsky opined the videos would be a quick way of getting information to the candidates looking for a broad overview of the requirements. Ms. Brief inquired on whether closed captioning would be available for the videos in order to reach all possible candidates. Ms. Rodriguez confirmed that closed captioning would be included so the videos would be made accessible for all candidates. Ms. Trauth also agreed that the videos were well made and should answer any potential questions that a candidate may have.

The television specialist from DCA explained that once the previews of the videos are placed on LATC's website, they would have closed captioning.

- **Andrew C.N. Bowden moved to approve the videos for posting on LATC's website.**

Susan M. Landry seconded the motion.

There were no comments from the public.

Members Bowden, Brief, Landry, Trauth, and Chair Wreschinsky voted in favor of the motion. Motion passed 5-0.

M. Discuss and Possible Action on *California Architects Newsletter

Ms. Rodriguez reminded the Committee that at its last meeting the members inquired about the Board's newsletter and the possibility of including LATC articles. She explained there are some common subjects of the Board's newsletters which include messages from the Board president, appointment of new board members (the most recent newsletter had an article on new Committee member Ms. Brief), license renewal reminders, enforcement actions, examination results and statistics, and legislation and regulations. Ms. Rodriguez added that LATC included similar information in the Program Manager's Report, in email announcements to interested parties, on LATC's website, and on LATC's Twitter page. She informed the members in 2018, LATC included an article in the Board's newsletter entitled "Landscape Architecture Scope of Practice" which expanded on the practice of landscape architecture in California, as defined in the Landscape Architects Practice Act, and included provisions for exceptions and exemptions.

Mr. Wreschinsky opined that LATC has typically been generating enough information for its website that could most likely be included in the Board's newsletter. He also felt that with the six broad areas of information provided in the newsletter, it should not be difficult for staff to provide articles as well as any information the Committee felt would be important for architects to know. Mr. Bowden requested clarification on whether the LATC's articles would be included in the Board's newsletter. Mr. Wreschinsky explained that LATC would have the opportunity to include any information that it deems important for architects to know. Mr. Bowden questioned whether LATC would have its own newsletter. Ms. Rodriguez clarified that LATC does not currently have a newsletter. Mr. Bowden acknowledged that LATC had a newsletter in the past, however, the newsletter stopped being generated due to difficulty obtaining content and the content that was provided seemed to be more in the direction of sharing professional organization information with licensees, rather than licensee and candidate specific information that LATC would be responsible for. Mr. Bowden suggested that if the Committee wanted to do its own newsletter then it would need to be sure that there was enough content and opined that licensees would find a newsletter informative. However, he acknowledged that including LATC articles in the Board's newsletter would be a start to potentially having its own newsletter. Ms. Trauth agreed and opined that if it was found that LATC had an abundance of information and articles to provide then it should be revisited on whether LATC

should have its own newsletter. Ms. Brief also agreed and added that LATC could start with including a few articles every quarter and if it is found that there was more information that could be provided then it could be revisited to have a more robust LATC newsletter.

Mr. Bowden used the agenda items for this meeting as an example of what could potentially be included in a newsletter and felt like there would be enough content that licensees and candidates would want to know. Ms. Landry pointed out that LATC already included information in its Program Manager's report, on its website, and on its Twitter page which could be considered a type of newsletter. She continued that what could initially be included in the Board's newsletter are action items from this meeting, introducing the new Committee member, and a message from the Chair. Mr. Bowden opined that licensees do not know to read the Program Manager's report unless it was emailed to the interested parties. Mr. Bowden inquired on the dissemination of the Board's newsletter and whether it was sent via email. Ms. Zuniga confirmed that the newsletter gets sent via email but no longer mailed. Ms. Trauth inquired on how often the Board published its newsletter. Ms. Zuniga explained that they attempt to send a newsletter four times a year, however, the Board may not always be successful in that. She also provided an option for LATC that if an article is submitted for the Board's newsletter then LATC could disseminate just that article to its email list rather than creating a separate newsletter. Mr. Wreschinsky inquired on the difficulty of converting the Program Manager's reports, that are already being prepared, into a newsletter format to disseminate. Ms. Rodriguez explained that the two would be different because not everything that would be placed in the newsletter would necessarily be included in the Program Manager's report. She suggested another option would be to share with LATC's interested parties list a brief summary of the outcomes from the meeting such as the posting of the tutorials for candidates.

Mr. Wreschinsky provided another possibility of soliciting articles, or opinions on certain issues within the profession, from licensees. Ms. Brief opined that LATC should at least send out the information on the online tutorials to the email list for licensees and candidates. Ms. Rodriguez confirmed that staff could do that as well as post the information on LATC's Twitter. She also stated that she could work with the Chair to include in the Program Manager's report any articles that have been sent to the interested parties list which could assist with generating future items.

***N. Discuss and Possible Action on New Committee Logo**

Ms. Rodriguez reminded the members that at LATC's February 5, 2020 meeting 12 draft logo designs developed by DCA's Office of Publications, Design and Editing (PDE) were presented and the members selected two logos for redesign. She continued that Ms. Trauth was appointed to work with staff to provide guidance to PDE on the variations of the two chosen designs.

After reviewing the newly presented designs, Ms. Landry suggested holding off on the discussion of choosing a new logo and opined that none of the designs incorporated the previously provided member suggestions. Ms. Brief opined that none of the provided designs best captured all that landscape architects do and suggested keeping the current logo. Ms. Trauth agreed with Ms. Brief that there

were no issues with the current logo. She also explained that she worked with staff and PDE to simplify the two chosen logos. Ms. Trauth opined that the Committee should decide on the logo sooner rather than later and to not have staff spend any more time and money on designing a new logo. Ms. Landry agreed. Mr. Bowden added that if he had to pick one of the presented designs, he felt that attachment N.2.6 was the best option however, he agreed that there was no real need to change the existing logo.

Mr. Wreschinsky summarized the discussion stating that the consensus of the members was to table the redesign of LATC's logo and potentially revisit it in a future meeting. Mr. Feng informed the members that the Board's current, and recently changed logo, is more abstract which is similar to LATC's current logo approach. Ms. Zuniga informed the members that if it was decided to not pick one of the provided logos and to revisit this item in the future, the Committee would not be able to ask PDE to make further revisions. Mr. Wreschinsky confirmed that would not be the intent of the Committee.

***O. Election of 2021 Committee Officers**

Mr. Wreschinsky informed the members that this meeting was his second meeting as Chair and would like to continue being the Chair.

- **Jon S. Wreschinsky moved to elect himself as 2021 LATC Chair**

Susan M. Landry seconded the motion.

Members Bowden, Brief, Landry, Trauth, and Chair Wreschinsky voted in favor of the motion. The motion passed 5-0.

Mr. Bowden expressed interest in being the Vice Chair. Ms. Landry also expressed interest in being the Vice Chair. Mr. Bowden explained that he had been both Vice Chair and Chair many times and opined that each member should have the opportunity to be the Chair and Vice Chair.

- **Andrew C.N. Bowden moved to elect Susan M. Landry as 2021 Vice Chair.**

Patricia M. Trauth seconded the motion.

Members Bowden, Brief, Landry, Trauth, and Chair Wreschinsky voted in favor of the motion. The motion passed 5-0.

Q. Adjournment

The meeting adjourned at 3:34 p.m.

**Agenda items for this meeting were taken out of order due to technical issues. The order of business conducted herein follows the transaction of business.*

**AGENDA ITEM F: PROGRAM MANAGER’S REPORT – UPDATE ON
LATC’S ADMINISTRATIVE/MANAGEMENT,
EXAMINATION, LICENSING, AND ENFORCEMENT
PROGRAMS**

The Program Manager, Trish Rodriguez, will provide an update on the LATC’s Administration/Management, Examination, Licensing, and Enforcement programs.

Attachment

Program Manager’s Report Dated April 1, 2021



DEPARTMENT OF CONSUMER AFFAIRS • BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD

Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation

Governor
Gavin Newsom

MEMORANDUM

DATE	April 1, 2021
TO	Landscape Architects Technical Committee (LATC) Members
FROM	Trish Rodriguez, Program Manger
SUBJECT	Program Manager Report

The following information is provided as an overview of Committee activities and projects as of March 30, 2021.

Administrative/Management

Budget The 2021-22 Out of State Travel Blanket Requests were due to DCA on April 6, 2021. LATC submitted a request on April 2, 2021 to attend the CLARB Annual Meeting in September.

Business Modernization The Business Modernization Cohort 2 (BMC 2) project, comprised of LATC, California Architects Board, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services received approval from the California Department of Technology (CDT) for the project's Stage 2 Alternatives Analysis on April 1, 2021. In addition, BMC 2 received funding approval from the Department of Finance on April 6, 2021. The BMC 2 project is now in Stage 3 of 4 of CDT's Project Approval Lifecycle. Department of Consumer Affairs (DCA) will conduct an Executive Steering Committee meeting to discuss activities for Stage 3 and next steps towards project execution.

LATC continues to process license renewals online since the credit card payment portal and renewal process was implemented in 2019. Online renewals are processed in one day. An insert is included with renewal notices regarding the online payment option, and monthly email reminders are sent to licensees up for renewal.

California Architects Board The Board met on February 26, 2021 via teleconference. Future meeting dates for this calendar year are June 11, September 10, and December 10. The latest issue of the California Architects newsletter was posted on the board's website on March 24, 2021.

Committee The next LATC meetings are scheduled for April 29, and August 4, via teleconference. DCA SOLID will facilitate strategic planning for 2022-2024 on November 4, 2021. An environmental scan will be conducted over the summer and will include interviews with stakeholders, committee members, and staff. The data will be analyzed and reviewed with the LATC in November. During strategic planning, LATC will review accomplishments, revisit its mission, and establish new goals and objectives for the next period.

Coronavirus (COVID-19) After the Regional Stay Home Orders were issued in December by Governor Newsom, the Board was able to re-open to the public on January 26, 2021. Staff whose duties can be performed remotely continue to work remotely and follow Centers for Disease Control and Prevention guidelines while in the office.

Outreach An outreach presentation is planned for April 15, 2021 for students enrolled in a professional practice course at the University of California, Berkeley. The presentation will be provided remotely and include an overview of the LATC's mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and updates to the various education and training pathways to licensure.

Personnel The Assistant Executive Officer position remains vacant.

Retention Schedule Following recommendation from DCA Records Management, LATC amended its retention schedule to align with DCA programs and reduce the retention period for expired and deceased license files from 50 to 25 years. Per Business and Professions Code section 680.2, an expired license may only be renewed within five years after its expiration date, therefore the need for maintaining expired and deceased license files beyond 25 years was not needed. The reduction assists in avoiding unnecessary State Records Center storage fees. Furthermore, the historical value of both expired and deceased license files was researched and requests for such license files are extremely rare and license information can be obtained from LATC's various information systems. The updated retention schedule was approved by the Secretary of State on March 15, 2021 and expires March 14, 2024.

Social Media LATC maintains a Twitter account that currently has 215 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Training LATC staff have completed all DCA mandatory training courses including Information Security Awareness, which reinforces best practices for keeping data secure; Ethics offered through the Department of Justice, and Sexual Harassment Prevention provided by DCA SOLID Training Solutions.

Website LATC staff worked with the DCA Public Information Office (PIO) to produce web-based tutorials for the LATC homepage, and other outreach efforts to assist candidates with navigating through the process of becoming a licensed landscape architect. The finalized videos were presented to the LATC at their December 2, 2020 meeting, shared with the Board, posted to the LATC website on January 22, 2021, as well as shared on Twitter.

On December 4, 2020 the proposed regulatory action for California Code of Regulations (CCR) sections 2655 and 2656 was approved. The Notice of Approval of Regulatory Action was posted to the LATC website on December 17, 2020.

On January 11, 2021, LATC posted information regarding AB 2113. AB 2113 added BPC section 135.4, which requires boards and bureaus under the DCA to expedite the initial licensure process for the following applicants:

1. Refugees pursuant to section 1157 of title 8 of the United States Code;
2. Those granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of title 8 of the United States Code; or,
3. Individuals with a special immigrant visa that has been granted a status pursuant to section

1244 of Public Law 110-181, Public Law 109-163, or section 602(b) of title VI of division F of Public Law 111-8.

This change required the LATC to add language to its Eligibility, CSE, and Initial License Applications. In January 2021, the updated Eligibility and CSE applications were posted to the LATC website and the updated Initial License Application was put into use by PSI.

On March 9, 2021 the proposed regulatory action to repeal CCR section 2603 (Delegation of Certain Functions) through a Section 100, Change Without Regulatory Effect was approved. CCR section 2603 has been superseded by BPC section 5620.2. The Notice of Approval and accompanying documents were posted to the LATC website on March 18, 2021.

On April 5, 2021, and in accordance with Business and Professions code section 139.5 (Senate Bill 878, Jones, Chapter 131, Statutes of 2020), license processing data, including average timeframes for processing initial applications and license renewals has been added and prominently displayed on LATC's website.

On April 16, 2021 the 45-day public comment period for the regulatory proposal amending CCR section 2671 (Public Presentments and Advertising Requirements) was posted to LATC's website under Proposed Regulation and sent to interested parties, notifying the public.

LATC staff continue to remediate documents on its website to meet the July 1, 2021 deadline. The total number of documents to be remediated is 6,444.

Legislative Proposal **BPC section 5659 (Inclusion of License Number – Requirement)** LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff reviewed the Landscape Architects Practice Act and BPC section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with DCA legal counsel to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to the LATC on February 5, 2020, and the Board approved the LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March 2020, however the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021 and is currently with the Senate Business Professions and Economic Development Committee.

Date	Action Taken
February 28, 2020	Proposed language approved by Board
March 18, 2020	Bill proposal provided to EO for review and submittal
Mid-March 2020	Bill proposal submitted to legislative staff
January 2021	Submitted to the Business, Professions, and Economic Development Committee
March 2021	Resubmitted to Senate Business, Professions, and Economic Development Committee

Regulatory Proposals **CCR Sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination)** The LATC’s retention schedule was updated and approved in January 2020. While updating the retention schedule staff identified that the abandonment of an application required definition within CCR 2611 and developed proposed changes. Legal counsel recommended adding a new section 2611.5 to provide LATC authority for the retention and purging of candidate files. Additionally, counsel recommended amending CCR section 2616 to include the abandonment of a candidate’s application for licensure. LATC approved proposed changes on February 5, 2020, which were adopted by the Board on February 28, 2020. DCA Legal Affairs Division completed the pre-review on November 2, 2020 and the package was submitted for Initial Analysis on November 13, 2020 as well as to the Budget Office for review. The package was submitted to Agency on March 29, 2021 for approval. Once received, the next step will be to submit the package to the Office of Administrative Law (OAL) and publish the Notice of the 45-day comment period.

Following is a chronology of the regulatory proposal for CCR sections 2611, 2611.5 and 2616:

Date	Action Taken
February 28, 2020	Proposed regulatory language approved by Board
April 10, 2020	Proposed regulation submitted to DCA Legal
November 2, 2020	DCA Legal completed pre-review
November 13, 2020	Proposed regulation submitted to DCA Legal Affairs Division for Initial Analysis and Budget Office for review
March 10, 2021	Staff submitted additional documents for Initial Analysis
March 29, 2021	Submitted to Agency for review and approval

CCR Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)

At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. On November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1) which were approved by the Board on December 10, 2015.

LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (minimum 10 years within the past 15 years) to be required of reciprocity candidates who do not meet California’s educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel and was advised to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed

with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the proposal be presented to the Board at its next meeting.

On July 13, 2017, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal Affairs Division. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The LATC voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language.

Minor changes were necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7).

This new language was presented to the LATC on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present the findings at the next Committee meeting.

Following the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings were presented to the LATC during its meeting on July 20, 2018; the Committee granted approval to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018. The rulemaking file is currently with Agency for review and the next step will be to submit to the Office of Administrative Law and publish notice of the 45-day comment period.

Following is a chronology of LATC's regulatory proposal for CCR sections 2615 and 2620:

Date	Action Taken
December 10, 2015	Proposed regulatory language approved by Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's

July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/ experience credit allocations) as amendments to section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for sections 2615 and 2620
September 12, 2018	Board approved proposed amendments and directed the EO to proceed with the combined rulemaking file.
February 7, 2019	Proposed regulation submitted to DCA Legal for pre-review
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal for additional prereview
June 5, 2019	DCA Legal concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review
February 6, 2020	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis
November 5, 2020	Budget re-approved Economic and Fiscal Impact Statement (STD. 399).
November 18, 2020	Proposed regulation submitted to Agency for review

CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program) At the December 6, 2018 LATC meeting, LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its next meeting. At its May 29, 2019

meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes. The rulemaking file is currently with the DCA Legal Affairs Office for Initial Analysis. The next step will be to submit to Agency for review and approval.

At the December 2, 2020 LATC meeting, the Committee recommend to the Board approval of the extension certificate program within the University of California, Los Angeles effective through December 31, 2025.

Following is a chronology of LATC’s regulatory proposal for CCR section 2620.5:

Date	Action Taken
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal for pre-review
October 22, 2019	Proposed regulation submitted to DCA Legal for additional pre-review
November 25, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
February 5, 2020	Proposed regulation submitted to Budget Office for approval
April 8, 2020	DCA Legal Affairs Division returned proposed regulation to LATC staff for review
May 6, 2020	Proposed regulation submitted to DCA Legal Affairs Division for continued initial analysis
October 9, 2020	Underlying data for proposed regulation provided to DCA Legal Affairs Division
February 3, 2021	Budgets reviewed and revised Budget Language
March 24, 2021	Budget approved Economic and Fiscal Impact Statement (Std. 399). Pending Legal Review of Initial Analysis

CCR Sections 2630 (Issuance of Citations) and 2630.2 (Appeal of Citations) To be more in line with the Board’s procedures for the appeal of citations, staff proposed edits to LATC’s appeal of citations regulation. Additionally, it was advised by legal counsel that additional edits needed to be made to the issuance of citations regulation. Language has been added clarifying the Board’s existing ability to issue orders of corrections to cease unlawful advertising under BPC section 149, clarifying that the 30-day deadlines are counted as calendar days, amending the appeal of citations process. The proposed language was presented to the LATC on December 2, 2020 and adopted by the Board at its December 11, 2020 meeting. DCA Legal completed their pre-review on April 5, 2021. The package was submitted for Initial Analysis on April 6, 2021. The next step will be to submit to Agency for approval.

Following is a chronology of the regulatory proposal for CCR sections 2630 and 2630.2:

Date	Action Taken
December 11, 2020	Proposed regulatory language approved by Board
March 2, 2021	Proposed regulation package submitted to DCA Legal for pre-review
April 5, 2021	DCA Legal Affairs Division completed pre-review

April 6, 2021

Proposed regulation submitted to DCA Legal for Initial Analysis and Budget Office for approval

CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments were received during the public comment period, and, if needed, to make minor technical or non-substantive changes. The final rulemaking file was submitted to OAL on June 24, 2020. Additional review of the Economic and Fiscal Impact Statement was needed by the Department of Finance (DOF) and was submitted to DOF for review, and approval, on October 1, 2020. The regulatory action was approved by OAL on December 4, 2020 and became effective immediately.

Following is a chronology of LATC's regulatory proposal for CCR sections 2655 and 2656:

Date	Action Taken
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal for pre-review
March 8, 2019	DCA Legal concluded pre-review
March 12, 2019	Proposed regulation package submitted to DCA Legal Affairs Division for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL
November 25, 2019	End of 45-day public comment period, no comments received
February 5, 2020	LATC reviewed modified proposed regulatory language recommended approval by the Board
February 28, 2020	Proposed modified regulatory language approved by the Board
March 20, 2020	End of 15-day public comment period, no comments received
March 24, 2020	Final rulemaking submitted to DCA Legal Affairs Division
April 2, 2020	Final rulemaking package approved by DCA Legal Affairs Division
April 29, 2020	Final rulemaking package approved by DCA Director and submitted to Agency for approval
June 12, 2020	Final rulemaking file submitted to DOF
June 24, 2020	Final rulemaking file submitted to OAL
October 1, 2020	Economic and Fiscal Impact Statement submitted to DOF
December 4, 2020	Regulatory action approved by OAL and became effective immediately upon filing

CCR Section 2671 (Public Presentments and Advertising Requirements) As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words “landscape architect” in all forms of advertising or public presentments. To better inform and protect California consumers, the proposed changes of the LATC’s current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee on May 29, 2019, and the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee’s recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal Affairs Division completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis. On February 2, 2021 the package was submitted to Agency for approval. On April 6, 2021 the package was submitted to OAL to publish Notice of the 45-day comment period which commenced on April 16, 2021 and will end on June 2, 2021.

Following is a chronology of LATC’s regulatory proposal for CCR section 2671:

Date	Action Taken
June 12, 2019	Amended proposed regulatory language approved by the Board
June 27, 2019	Proposed regulation submitted to DCA Legal for prereview
August 6, 2019	DCA Legal concluded prereview
August 12, 2019	Proposed regulation submitted to DCA Legal Affairs Division for initial analysis
September 3, 2019	Proposed regulation submitted to Budget Office
February 5, 2020	Budget approved Economic and Fiscal Impact Statement (STD. 399)
October 9, 2020	Underlying data provided to DCA Legal Affairs Division
November 18, 2020	Package submitted to DCA Legal Affairs Division with updated budget language
January 25, 2021	DCA Budget office approved Economic and Fiscal Impact Statement and regulatory budget language
February 2, 2021	Proposed regulation submitted to Agency for approval
April 6, 2021	Proposed regulation submitted to OAL to publish notice of 45-day comment period
June 2, 2021	End of public comment period

CCR Section 2680 (Disciplinary Guidelines) As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC’s *Disciplinary Guidelines*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC’s *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

DCA guidance due to the passage of AB 2138 as well as proposed changes to CCR sections

2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) caused staff to make revisions to the *Disciplinary Guidelines*. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The rulemaking file is with the DCA Legal Affairs Office for Initial Analysis. The next step will be to submit to Agency for approval.

Following is a chronology of LATC's regulatory proposal for CCR section 2680:

Date	Action Taken
September 10, 2015	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
October 21, 2015	Board staff provided suggested edits to the Board's Disciplinary Guidelines to DCA Legal for review
November 12, 2015	DCA Legal notified Board staff that the edits to their Disciplinary Guidelines were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board's Disciplinary Guidelines approved by Board
March 15, 2016	Board staff prepared the regulatory package for DCA Legal Affairs Division's review and approval
April 8, 2016	DCA Legal Affairs Division advised Board staff that further substantive changes to the Disciplinary Guidelines were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's Disciplinary Guidelines approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's Disciplinary Guidelines based on the Board's Disciplinary Guidelines approved by LATC
September 5, 2017	DCA Legal Affairs Division informed staff that additional substantive changes were necessary for both LATC's and Board's Disciplinary Guidelines
September 7, 2017	Amended proposed regulatory language of LATC's Disciplinary Guidelines, with additional substantive changes approved by Board
December 7, 2017	Amended proposed regulatory language for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	LATC reviewed proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, and voted to recommend approval by the Board
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed changes to LATC's Disciplinary Guidelines

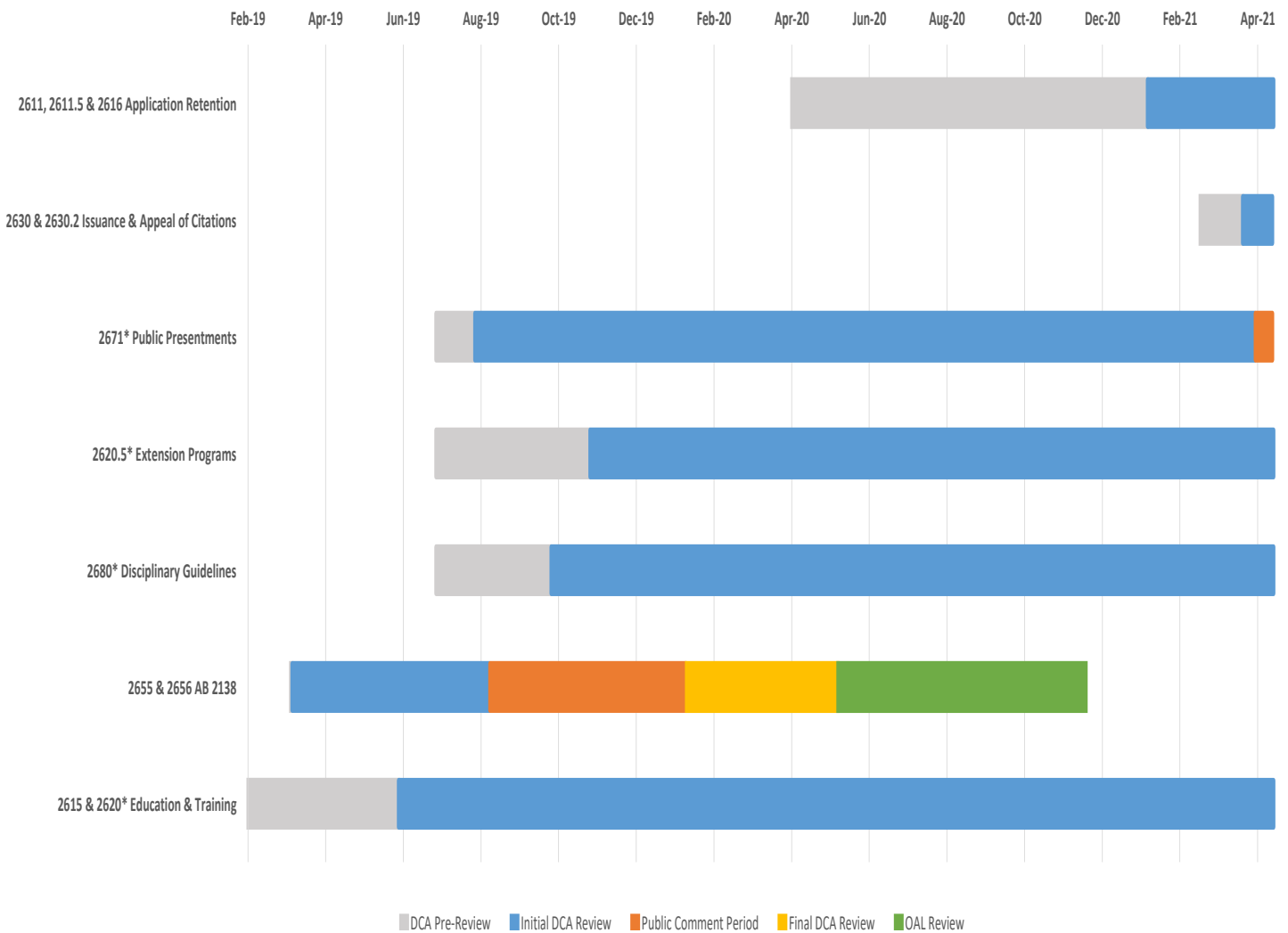
	submitted to DCA Legal for prereview
October 8, 2019	DCA Legal Affairs Division concluded pre-review of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation package submitted to DCA Legal for initial analysis
April 17, 2020	DCA Budget Office approved Economic and Fiscal Impact Statement (Std. 399)
October 19, 2020	Signed revised Economic and Fiscal Impact Statement (Std. 399) provided to DCA Budget Office

Regulation Proposals Tracker Staff have created a chart to display the status of progress for the regulation packages as they advance through the initial DCA review, public comment period, final DCA review, and OAL review stages. This chart allows at-a-glance tracking of the pending regulation packages.

Landscape Architects Technical Committee Status of Pending Regulations

Regulatory Proposals	DCA Pre-Review			Initial DCA Review			Public Comment Period			Final DCA Review			OAL Review		
	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days	Start Date	Current/End Date	Days
2611, 2611.5 & 2616 Application Retention	Apr-20	Jan-21	284	Jan-21	Apr-21	101			0			0			0
2630 & 2630.2 Issuance & Appeal of Citation	Mar-21	Apr-21	34	Apr-21	Apr-21	24			0			0			0
2671* Public Presentments	Jul-19	Aug-19	31	Aug-19	Apr-21	623	Apr-21	Apr-21	14			0			0
2620.5* Extension Programs	Jul-19	Nov-19	123	Nov-19	Apr-21	546			0			0			0
2680* Disciplinary Guidelines	Jul-19	Oct-19	92	Oct-19	Apr-21	577			0			0			0
2655 & 2656 AB 2138	Mar-19	Mar-19	1	Mar-19	Aug-19	158	Aug-19	Jan-20	157	Jan-20	May-20	121	May-20	Dec-20	198
2615 & 2620* Education & Training	Feb-19	Jun-19	120	Jun-19	Apr-21	699			0			0			0

Tracking of Pending LATC Regulatory Proposals



*Note: Initial DCA review delayed to allow processing of priority rulemakings (AB 2138-related and others)

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE). The current Intra Departmental Contract (IDC) with Office of Professional Examination Services (OPES) for examination development for FY 20/21 was amended due to Council of Landscape Architectural Registration Board's (CLARB) announcement to postpone their Job Task Analysis (JTA) for the Landscape Architect Registration Examination (LARE) to Spring of 2022. This IDC will expire on June 30, 2021. The IDC for the review of the LARE and linkage study commenced in July 2020 and will conclude after CLARB completes its JTA in Spring of 2022. Performance data for the CSE during the current and prior FYs is displayed in the following tables.

CSE Performance by Candidate Type (July 1, 2020 to March 31, 2021)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	52	65%	28	35%	80
Repeat	15	68%	7	32%	22
TOTAL	67	66%	35	34%	102

CSE Performance by Candidate Type (FY 19/20)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	61	73%	22	27%	83
Repeat	14	70%	6	30%	20
TOTAL	75	73%	28	27%	103

At the December 2, 2020 LATC meeting, OPES presented the results of the Occupational Analysis and the Committee voted to approve the results. On January 4, 2021 CLARB announced that they will be postponing their Job Task Analysis (JTA) for the LARE until Spring of 2022 due to the impacts of COVID-19. In response to this announcement, OPES recommended that the LATC move forward with updating the contents of the CSE using the current LARE examination outline and begin implementation in September 2021. Once CLARB has completed their JTA of the LARE, OPES will work with the LATC to complete the linkage study of the LARE and make additional changes to the CSE examination outline if necessary.

Landscape Architect Registration Examination (LARE). The final LARE administration for 2020 was held from November 30 through December 12, 2020. The first LARE administration in 2021 was held April 5-17, 2021. The next LARE administration is scheduled to be held August 2-14, 2021. Examination results for all LARE administrations are released by CLARB within six weeks of the last day of administration.

The pass rates for LARE sections taken by California candidates during the November 30 through December 12, 2020 administration are shown in the following table:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	63	35	56%	28	44%
Inventory and Analysis	52	29	56%	23	44%
Design	44	30	68%	14	32%
Grading, Drainage and Construction	41	25	61%	16	39%

National pass rates for LARE sections taken during the November 30 - December 12, 2020 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲%
	Total	Passed	Total	Passed	
Project and Construction Management	63	56%	357	58%	-2%
Inventory and Analysis	52	56%	353	67%	-11%
Design	44	68%	297	64%	+4%
Grading, Drainage and Construction	41	61%	312	67%	-6%

▲% is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2020 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲%
	Total	Passed	Total	Passed	
Project and Construction Management	138	62%	877	64%	-2%
Inventory and Analysis	122	57%	850	66%	-9%
Design	94	63%	778	66%	-3%
Grading, Drainage and Construction	98	60%	769	65%	-5%

▲% is the difference in the California and national (CLARB) pass rates.

LATC ENFORCEMENT PROGRAM

Enforcement Actions No new enforcement actions.

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Jan-Mar 2021	<u>Prior Quarter</u> Oct-Dec 2020	<u>FYTD</u> 20/21	<u>5-FY Avg</u> 2015/16- 2019/20
Complaints				
Received/Opened (Reopened):	10 (0)	6 (0)	26 (0)	33 (0)
Closed:	6	10	25	35
Average Days to Close:	147 days	65 days	77 days	152 days
Pending:	9*	8*	9*	11
Average Age (Pending):	93 days*	113 days*	88 days	106 days
Citations				
Issued:	0	0	0*	3
Pending:	0*	0*	0*	0
Pending AG: †	0*	0*	0*	0
Final:	0	0	1	3
Disciplinary Actions				
Pending AG:	0*	0*	0*	1
Pending DA:	0*	0*	0*	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	2	0	3	2
Closed:	0	0	0	2
Pending:	1*	1*	1*	0

* Calculated as a quarterly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations"

AGENDA ITEM G: REVIEW AND POSSIBLE ACTION ON PROPOSED REGULATIONS TO ADOPT CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2651 REGARDING WAIVER OF FEES FOR LICENSURE, RENEWAL, OR REPLACEMENT OF LICENSE UPON DECLARATION OF EMERGENCY

Summary

Effective January 1, 2020, section 11009.5 of the Government Code (Attachment 1) allows state licensing entities to reduce or waive licensing fees for people affected by a proclaimed or declared emergency in the previous year.

Licensing programs within the Department of Consumer Affairs (DCA) may, but are not required to, establish a process for reducing or waiving the licensing fees of those impacted by federal, state, or local emergencies. Programs that choose to participate must, at a minimum, specify the following: 1) the methodology for determining whether a person or business has been displaced or is experiencing economic hardship as a result of an emergency; 2) the procedure for applying for reduction or waiver of a licensing fee; and 3) that the application must be made within one year of the date the emergency was proclaimed or declared. The DCA Regulations Unit has advised programs pursuing this fee waiver to waive licensing fees completely rather than try to implement a fee reduction. A fee reduction is likely to be very difficult to calculate and to roll into budgets.

In February, staff worked with DCA regulations counsel to prepare a draft regulatory proposal (Attachment 2) that would implement an emergency fee waiver by adopting CCR, title 16, division 26, article 1, section 2651. Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency.

Action Requested

Review and recommend approval of the attached draft proposed regulatory language to adopt 16 CCR section 2651, to the board.

Attachments

1. Government Code Section 11009.5
2. Draft Proposal to Adopt CCR Section 2651


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SB-601 State agencies: licenses: fee waiver. (2019-2020)

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Date Published: 10/14/2019 09:00 PM

Senate Bill No. 601

CHAPTER 854

An act to add Section 11009.5 to the Government Code, relating to state government.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 601, Morrell. State agencies: licenses: fee waiver.

Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs.

This bill would authorize any state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 11009.5 is added to the Government Code, to read:

11009.5. (a) For purposes of this section:

- (1) "Displaced" means a condition in which the person or business is unable to return to the address of record or other address associated with the license before experiencing economic hardship.
- (2) "Economic hardship" means the inability to pay living or business expenses, unless otherwise defined by a state agency pursuant to subdivision (c).
- (3) "Emergency" means an emergency as defined in Section 8558 or a declared federal emergency.
- (4) "License" includes, but is not limited to, a certificate, registration, or other required document to engage in business.

(b) Notwithstanding any other law, a state agency that issues any business license may establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency to submit an application, that the agency may grant, for a reduction or waiver of any fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

(c) A fee or waiver process established pursuant to subdivision (b) shall specify, at a minimum, all of the following:

(1) The methodology used by the agency for determining whether a person, as a result of an emergency, has been displaced or is experiencing economic hardship.

(2) The procedure for applying for a reduction or fee waiver.

(3) That the application shall be made within one year of the date on which the emergency was proclaimed or declared.

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE

Legend: All text is new.

Adopt Section 2651 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2650 Waiver of Fees for Licensure, Renewal, or Replacement of License Upon Declaration of Emergency.

- (a) Definitions.
- (1) As used in this section, “fee” is defined as those amounts imposed by the Board pursuant to section 2649 for initial licenses, renewals, replacements thereof. “Fee” may include delinquency fees for license renewal.
 - (2) As used in this section, “fee” shall not include:
 - i. Disciplinary costs or monetary sanctions or penalties.
 - ii. Court-ordered suspension for nonpayment of fees or penalties.
 - (3) As used in this section, “license” has the same meaning as in Business and Professions Code section 22.
 - (4) As used in this section, “licensee” has the same meaning as in Business and Professions Code section 23.8.
 - (5) As used in this section, “emergency” means an emergency as defined in section 8558 of the Government Code or a declared federal emergency.
 - (6) As used in this section, “displaced” has the same meaning as in subdivision (a)(1) of section 11009.5 of the Government Code.
- (b) Pursuant to Government Code section 11009.5, when an application for a license or renewal, or a license replacement fee is or may be filed with the Board, the applicant or licensee may apply for a waiver of fees within one year of the date from which an emergency is proclaimed or declared, as provided herein.
- (c) The application form for state of emergency fee waiver pursuant to this section shall be supplied by the Board and shall include proof that the applicant or licensee resides in, or the physical address of their business is located in, an area where a state of emergency has been declared.

- (d) Pursuant to the form referenced in (c), an applicant for state of emergency fee waiver shall submit the following information to the Board:
- (1) Name;
 - (2) Current address of record, including number, street, city, state, zip or postal code, and country;
 - (3) Mailing address, if applicable;
 - (4) Residence or business address from which applicant has been displaced,;
 - (5) Date of birth;
 - (6) Telephone number;
 - (7) Email address, if any;
 - (8) License number, if any; and
 - (9) The license, renewal, or replacement of license fee for which a fee waiver is sought.
- (e) Waiver.
- (1) If an applicant for state of emergency fee waiver supplies verifiable proof that they reside or have a business with a physical address within the area where of a state of emergency has been declared in the previous year, and for which a license, renewal, or replacement of license fee is due, the Board will waive the fee.
 - (2) Any waiver granted by the Board pursuant to this section waives the fee due for the license application, renewal, or replacement of a license for that specific period. A license or renewal fee waiver granted will also apply to the licensees' next renewal cycle, if it falls within two years of the proclamation or declaration of the emergency.

Note: Authority cited: Section 5630, Business and Professions Code, Section 11009.5, Government Code. Reference: Section 11009.5, Government Code.

AGENDA ITEM H: REVIEW AND DISCUSS 2021 LEGISLATION

Summary

An update to the 2021 legislative items listed below will be presented to the LATC.

Action Requested

None

Attachments

1. Assembly Bill (AB) 107 (Salas) Department of Consumer Affairs (DCA): Boards: Temporary Licenses: Military Spouses
2. AB 225 (Gray) DCA: Boards: Veterans: Military Spouses: Licenses
3. AB 252 (R. Rivas) Department of Conservation: Multibenefit Land Repurposing Incentive Program: Administration
4. AB 564 (Gonzalez) Biodiversity Protection and Restoration Act
5. AB 646 (Low) DCA: Boards: Expunged Convictions
6. Senate Bill 607 (Roth) Professions and Vocations

AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL**No. 107**

Introduced by Assembly Member Salas

December 16, 2020

An act to amend Sections 115.6 and 5132 ~~of, and to add Section 115.7 to,~~ of the Business and Professions Code, and to add Section 95 to the Military and Veterans Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses.

(1) Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary

license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

~~This bill would require boards not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license, in the same area and scope of practice as a license issued by another state, district, or territory of the United States. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.~~

This bill would expand the requirement to issue temporary licenses *to practice a profession or vocation* to include licenses issued by ~~the Veterinary Medical Board, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy.~~ *any board within the department, except as provided.* The bill would require a board to issue a temporary license within 30 days of receiving the required documentation. ~~The bill would further specify that an applicant seeking a temporary license submit a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license in the same area and scope of practice for which the applicant holds a license in another state, district, or territory of the United States.~~ *documentation if the results of a criminal background check do not show grounds for denial.* The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a

continuously appropriated fund. ~~By establishing a new source of revenue for a continuously appropriated fund, the bill would make an appropriation.~~ The bill would ~~require~~ *require, if necessary to implement the bill's provisions,* a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year. The bill would make conforming changes. *By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.*

(2) Existing law requires the Department of Veterans Affairs to develop a transition assistance program for veterans who have been discharged from the Armed Forces of the United States designed to assist them in successfully transitioning from military to civilian life in California. Existing law requires the program to include, among other topics, higher education benefits, vocational training assistance, small business resources and information, and housing information. Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. Existing law establishes the Commission on Teacher Credentialing to establish professional standards, assessments, and examinations for entry and advancement in the education profession. Existing law makes it unlawful for a person to engage in the business of, act in the capacity of, advertise as, or assume to act as a real estate broker or real estate salesperson without first obtaining a real estate license from the Department of Real Estate. Under existing law, the State Department of Public Health is responsible for issuing licenses for the operation of health facilities, clinics, and other facilities, as specified.

This bill would require the Department of Consumer Affairs, the Commission on Teacher Credentialing, the Department of Real Estate,

and the State Department of Public Health to each place a prominently displayed military licensure icon or hyperlink on the home page of its internet website that is linked to information about each occupational board or program for licensure or certification that it administers along with additional information relating to the professional licensure of veterans, service members, and their spouses, as specified. The bill requires the Department of Veterans Affairs to have a prominently displayed military licensure icon or hyperlink at an appropriate location on its internet website that links to those websites. The bill would require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, service members, and their spouses.

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

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) If active duty military personnel, veterans, service members
- 3 separating from military service, and their spouses are able to
- 4 maintain careers through frequent moves and key transitions, they
- 5 are able to help support their families while providing critical
- 6 services to their communities. Yet, if a military spouse is
- 7 transferred to California, or a service member leaves the Armed
- 8 Forces of the United States and returns to or remains in California,
- 9 these professionals may face difficulty transporting their
- 10 professional licenses obtained in another state.
- 11 (b) The process for transferring licenses for professional careers
- 12 can be long, burdensome, redundant, and expensive and can prevent
- 13 some military spouses, veterans, and separating service members
- 14 from obtaining employment in their field.
- 15 (c) Removing barriers to license transfers for spouses of active
- 16 duty service members, separating service members, and veterans
- 17 would ease the burden of relocation and transition and provide
- 18 vital stability to military families and the communities they serve.

1 (d) Prioritizing military spouses as part of state economic
2 recovery efforts must be viewed proactively in a way that
3 recognizes their preexisting challenge of substantially higher
4 unemployment and underemployment than their civilian
5 counterparts and with broader goals, such as bridging gender gaps
6 in wage earning, reducing military and veteran financial insecurity,
7 ensuring successful transitions into veteran life, and fostering
8 successful community participation and sense of belonging.

9 SEC. 2. Section 115.6 of the Business and Professions Code
10 is amended to read:

11 115.6. (a) (1) Except as provided in subdivision ~~(h)~~; (i), a
12 board within the department shall, after appropriate investigation,
13 ~~issue the following eligible a temporary licenses license to practice~~
14 ~~a profession or vocation to an applicant within 30 days of receiving~~
15 ~~the required documentation pursuant to meeting who meets~~ the
16 requirements set forth in subdivision ~~(e)~~; (c).

17 ~~(1) Registered nurse license by the Board of Registered Nursing.~~

18 ~~(2) Vocational nurse license issued by the Board of Vocational~~
19 ~~Nursing and Psychiatric Technicians of the State of California.~~

20 ~~(3) Psychiatric technician license issued by the Board of~~
21 ~~Vocational Nursing and Psychiatric Technicians of the State of~~
22 ~~California.~~

23 ~~(4) Speech-language pathologist license issued by the~~
24 ~~Speech-Language Pathology and Audiology and Hearing Aid~~
25 ~~Dispensers Board.~~

26 ~~(5) Audiologist license issued by the Speech-Language~~
27 ~~Pathology and Audiology and Hearing Aid Dispensers Board.~~

28 ~~(6) All licenses issued by the Veterinary Medical Board.~~

29 ~~(7) All licenses issued by the Board for Professional Engineers,~~
30 ~~Land Surveyors, and Geologists.~~

31 ~~(8) All licenses issued by the Medical Board of California.~~

32 ~~(9) All licenses issued by the Podiatric Medical Board of~~
33 ~~California.~~

34 ~~(10) All licenses issued by the Dental Board of California.~~

35 ~~(11) All licenses issued by the Dental Hygiene Board of~~
36 ~~California.~~

37 ~~(12) All licenses issued by the California State Board of~~
38 ~~Pharmacy.~~

39 ~~(13) All licenses issued by the State Board of Barbering and~~
40 ~~Cosmetology.~~

1 ~~(14) All licenses issued by the Board of Psychology.~~

2 ~~(15) All licenses issued by the California Board of Occupational~~
3 ~~Therapy.~~

4 ~~(16) All licenses issued by the Physical Therapy Board of~~
5 ~~California.~~

6 ~~(17) All licenses issued by the California Board of Accountancy.~~
7 ~~Revenues~~

8 (2) *Revenues* from fees for temporary licenses issued ~~under this~~
9 ~~paragraph~~ *by the California Board of Accountancy* shall be credited
10 to the Accountancy Fund in accordance with Section 5132.

11 (b) The board may conduct an investigation of an applicant for
12 purposes of denying or revoking a temporary license issued
13 pursuant to this section. This investigation may include a criminal
14 background check.

15 (c) An applicant seeking a temporary license pursuant to this
16 section shall meet the following requirements:

17 (1) The applicant shall supply evidence satisfactory to the board
18 that the applicant is married to, or in a domestic partnership or
19 other legal union with, an active duty member of the Armed Forces
20 of the United States who is assigned to a duty station in this state
21 under official active duty military orders.

22 (2) The applicant shall hold a current, active, and unrestricted
23 license that confers upon the applicant the authority to practice,
24 in another state, district, or territory of the United States, the
25 profession or vocation for which the applicant seeks a temporary
26 license from the board.

27 (3) The applicant shall submit an application to the board that
28 shall include a signed affidavit attesting to the fact that the
29 applicant meets all of the requirements for the temporary license,
30 ~~in the same area and scope of practice issued in the other state,~~
31 ~~district, or territory of the United States, as described in paragraph~~
32 ~~(2);~~ and that the information submitted in the application is
33 accurate, to the best of the applicant’s knowledge. The application
34 shall also include written verification from the applicant’s original
35 licensing jurisdiction stating that the applicant’s license is in good
36 standing in that jurisdiction.

37 (4) The applicant shall not have committed an act in any
38 jurisdiction that would have constituted grounds for denial,
39 suspension, or revocation of the license under this code at the time
40 the act was committed. A violation of this paragraph may be

1 grounds for the denial or revocation of a temporary license issued
2 by the board.

3 (5) The applicant shall not have been disciplined by a licensing
4 entity in another jurisdiction and shall not be the subject of an
5 unresolved complaint, review procedure, or disciplinary proceeding
6 conducted by a licensing entity in another jurisdiction.

7 (6) The applicant shall, upon request by a board, furnish a full
8 set of fingerprints for purposes of conducting a criminal
9 background check.

10 (d) *A board shall issue a temporary license pursuant to this*
11 *section within 30 days following receipt of the documentation*
12 *specified in subdivision (c) if the results of the criminal background*
13 *check do not show grounds for denial.*

14 ~~(d)~~

15 (e) A temporary license issued pursuant to this section may be
16 immediately terminated upon a finding that the temporary
17 licenseholder failed to meet any of the requirements described in
18 subdivision (c) or provided substantively inaccurate information
19 that would affect the person's eligibility for temporary licensure.
20 Upon termination of the temporary license, the board shall issue
21 a notice of termination that shall require the temporary
22 licenseholder to immediately cease the practice of the licensed
23 profession upon receipt.

24 ~~(e)~~

25 (f) An applicant seeking a temporary license as a civil engineer,
26 geotechnical engineer, structural engineer, land surveyor,
27 professional geologist, professional geophysicist, certified
28 engineering geologist, or certified hydrogeologist pursuant to this
29 section shall successfully pass the appropriate California-specific
30 examination or examinations required for licensure in those
31 respective professions by the Board for Professional Engineers,
32 Land Surveyors, and Geologists.

33 ~~(f)~~

34 (g) A temporary license issued pursuant to this section shall
35 expire 12 months after issuance, upon issuance of an expedited
36 license pursuant to Section 115.5, a license by endorsement, or
37 upon denial of the application for expedited licensure by the board,
38 whichever occurs first.

39 ~~(g)~~

1 (h) A board shall submit to the department for ~~approval~~
 2 *approval, if necessary to implement this section*, draft regulations
 3 necessary to administer this section by June 15, 2022. These
 4 regulations shall be adopted pursuant to the Administrative
 5 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
 6 Part 1 of Division 3 of Title 2 of the Government Code).

7 ~~(h)~~

8 (i) (A) This section shall not apply to a board that has a process
 9 in place by which an out-of-state licensed applicant in good
 10 standing who is married to, or in a domestic partnership or other
 11 legal union with, an active duty member of the Armed Forces of
 12 the United States is able to receive expedited, temporary
 13 authorization to practice while meeting state-specific requirements
 14 for a period of at least one year.

15 (B) *This section shall apply only to the extent that it does not*
 16 *amend an initiative or violate constitutional requirements.*

17 ~~SEC. 3. Section 115.7 is added to the Business and Professions~~
 18 ~~Code, to read:~~

19 ~~115.7. (a) A board not specified in subdivision (a) of Section~~
 20 ~~115.6 shall, after appropriate investigation, issue a license to an~~
 21 ~~applicant if the applicant meets all of the following requirements:~~

22 ~~(1) The applicant shall supply evidence satisfactory to the board~~
 23 ~~that the applicant is an honorably discharged veteran of the Armed~~
 24 ~~Forces of the United States or is married to, or in a domestic~~
 25 ~~partnership or other legal union with, an active duty member of~~
 26 ~~the Armed Forces of the United States who is assigned to a duty~~
 27 ~~station in this state under official active duty military orders.~~

28 ~~(2) The applicant shall hold a current, active, and unrestricted~~
 29 ~~license that confers upon the applicant the authority to practice,~~
 30 ~~in another state, district, or territory of the United States, the~~
 31 ~~profession or vocation for which the applicant seeks a license from~~
 32 ~~the board.~~

33 ~~(3) The applicant shall submit an application to the board that~~
 34 ~~shall include a signed affidavit attesting to the fact that the~~
 35 ~~applicant meets all of the requirements for the license, in the same~~
 36 ~~area and scope of practice as issued in the other state, district, or~~
 37 ~~territory of the United States described in paragraph (2), and that~~
 38 ~~the information submitted in the application is accurate, to the best~~
 39 ~~of the applicant's knowledge. The application shall also include~~
 40 ~~written verification from the applicant's original licensing~~

1 jurisdiction stating that the applicant's license is in good standing
2 in that jurisdiction.

3 ~~(4) The applicant shall not have committed an act in any~~
4 ~~jurisdiction that would have constituted grounds for denial,~~
5 ~~suspension, or revocation of the license under this code at the time~~
6 ~~the act was committed. A violation of this paragraph may be~~
7 ~~grounds for the denial or revocation of a license issued by the~~
8 ~~board.~~

9 ~~(5) The applicant shall not have been disciplined by a licensing~~
10 ~~entity in another jurisdiction and shall not be the subject of an~~
11 ~~unresolved complaint, review procedure, or disciplinary proceeding~~
12 ~~conducted by a licensing entity in another jurisdiction.~~

13 ~~(6) The applicant shall, upon request by a board, furnish a full~~
14 ~~set of fingerprints for purposes of conducting a criminal~~
15 ~~background check.~~

16 ~~(b) A board may adopt regulations necessary to administer this~~
17 ~~section.~~

18 ~~SEC. 4.~~

19 *SEC. 3.* Section 5132 of the Business and Professions Code is
20 amended to read:

21 5132. (a) All moneys received by the board under this chapter
22 from any source and for any purpose and from a temporary license
23 issued under Section 115.6 shall be accounted for and reported
24 monthly by the board to the Controller and at the same time the
25 moneys shall be remitted to the State Treasury to the credit of the
26 Accountancy Fund.

27 (b) The secretary-treasurer of the board shall, from time to time,
28 but not less than once each fiscal year, prepare or have prepared
29 on their behalf, a financial report of the Accountancy Fund that
30 contains information that the board determines is necessary for
31 the purposes for which the board was established.

32 (c) The report of the Accountancy Fund, which shall be
33 published pursuant to Section 5008, shall include the revenues and
34 the related costs from examination, initial licensing, license
35 renewal, citation and fine authority, and cost recovery from
36 enforcement actions and case settlements.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 95 is added to the Military and Veterans Code,
39 to read:

1 95. (a) The Department of Veterans Affairs shall place a
2 prominently displayed military licensure icon or hyperlink on its
3 internet website, in an appropriate location pertaining to licensure
4 and employment opportunities for veterans, service members, and
5 spouses, that links to the internet websites identified in this section.

6 (b) The Department of Consumer Affairs, the Commission on
7 Teacher Credentialing, the Department of Real Estate, and the
8 State Department of Public Health shall place a prominently
9 displayed military licensure icon or hyperlink on the home page
10 of their internet websites, linked to information for each
11 occupational board or program for licensure or certification that
12 it administers. In addition to general licensure or certificate
13 information, the following information shall be displayed:

14 (1) Each licensing agency's process for expediting applications
15 for service members, veterans, and spouses, including the average
16 processing times for expedited applications and the number of
17 expedited applications requested in the calendar year.

18 (2) The availability of temporary or provisional licensure,
19 specific requirements needed to obtain a temporary or provisional
20 license, and how long the provisional or temporary license is valid.

21 (c) (1) The Department of Consumer Affairs shall establish a
22 specific gateway aligned with the existing "Board and Bureau
23 Military Contact Information," "Expedited Licensure," and
24 "Renewal Fee Waivers" gateways on their Military Member
25 Resources page, including a list of all boards that provide
26 temporary or provisional licensure, with hyperlinks linking to each
27 board's military licensure data.

28 (2) The Department of Consumer Affairs shall establish a
29 "Licensure by Endorsement" section on its internet website listing
30 all boards that offer an option for licensure by endorsement,
31 accompanied by a hyperlink to each board's military licensure
32 data.

33 (d) The Department of Consumer Affairs, the Commission on
34 Teacher Credentialing, the Department of Real Estate, and the
35 State Department of Public Health shall compile information on
36 military, veteran, and spouse licensure into an annual report for
37 the Legislature, which shall be submitted in conformance with
38 Section 9795 of the Government Code. The report shall include
39 all of the following:

1 (1) The number of applications for a license submitted by active
2 duty service members, separating service members, veterans, or
3 military spouses per calendar year.

4 (2) The number of licenses issued and denied, including reason
5 for denial, to active duty service members, separating service
6 members, veterans, and military spouses per calendar year.

7 (3) The number of licenses of active duty service members,
8 separating service members, veterans, or military spouses that
9 were suspended or revoked per calendar year.

10 (4) The number of applications for waived renewal fees received
11 from active duty service members and military spouses per calendar
12 year.

13 (5) The number of fee waivers issued to active duty service
14 members and military spouses per calendar year.

15 (6) The average length of time between application and issuance
16 of licenses for active duty service members, separating service
17 members, veterans, or military spouses per board and occupation.

18 ~~SEC. 6.~~

19 *SEC. 5.* No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

O

ASSEMBLY BILL**No. 225**

Introduced by Assembly Members Gray, Gallagher, and PattersonJanuary 11, 2021

An act to amend Section 115.6 of, and to add Section 115.7 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as introduced, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations, including healing arts licensees. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under

existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would require the temporary licenses described above to expire 30 months after issuance. The bill would require boards not responsible for the licensure and regulation of healing arts licensees and not subject to the temporary licensing provisions described above to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license. The bill would authorize the immediate termination of a license issued pursuant to these provisions upon a finding that the licenseholder failed to meet specified requirements or provided substantively inaccurate information that would affect the person’s eligibility for licensure, as provided. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill’s expansion of the requirement to issue licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

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

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: yes.

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary
- 5 licenses to an applicant if the applicant meets the requirements set
- 6 forth in subdivision (c):

1 (1) Registered nurse license by the Board of Registered Nursing.

2 (2) Vocational nurse license issued by the Board of Vocational
3 Nursing and Psychiatric Technicians of the State of California.

4 (3) Psychiatric technician license issued by the Board of
5 Vocational Nursing and Psychiatric Technicians of the State of
6 California.

7 (4) Speech-language pathologist license issued by the
8 Speech-Language Pathology and Audiology and Hearing Aid
9 Dispensers Board.

10 (5) Audiologist license issued by the Speech-Language
11 Pathology and Audiology and Hearing Aid Dispensers Board.

12 (6) Veterinarian license issued by the Veterinary Medical Board.

13 (7) All licenses issued by the Board for Professional Engineers,
14 Land Surveyors, and Geologists.

15 (8) All licenses issued by the Medical Board of California.

16 (9) All licenses issued by the Podiatric Medical Board of
17 California.

18 (b) The board may conduct an investigation of an applicant for
19 purposes of denying or revoking a temporary license issued
20 pursuant to this section. This investigation may include a criminal
21 background check.

22 (c) An applicant seeking a temporary license pursuant to this
23 section shall meet the following requirements:

24 (1) The applicant shall supply evidence satisfactory to the board
25 that the applicant is married to, or in a domestic partnership or
26 other legal union with, an active duty member of the Armed Forces
27 of the United States who is assigned to a duty station in this state
28 under official active duty military orders.

29 (2) The applicant shall hold a current, active, and unrestricted
30 license that confers upon the applicant the authority to practice,
31 in another state, district, or territory of the United States, the
32 profession or vocation for which the applicant seeks a temporary
33 license from the board.

34 (3) The applicant shall submit an application to the board that
35 shall include a signed affidavit attesting to the fact that the
36 applicant meets all of the requirements for the temporary license
37 and that the information submitted in the application is accurate,
38 to the best of the applicant's knowledge. The application shall also
39 include written verification from the applicant's original licensing

1 jurisdiction stating that the applicant’s license is in good standing
2 in that jurisdiction.

3 (4) The applicant shall not have committed an act in any
4 jurisdiction that would have constituted grounds for denial,
5 suspension, or revocation of the license under this code at the time
6 the act was committed. A violation of this paragraph may be
7 grounds for the denial or revocation of a temporary license issued
8 by the board.

9 (5) The applicant shall not have been disciplined by a licensing
10 entity in another jurisdiction and shall not be the subject of an
11 unresolved complaint, review procedure, or disciplinary proceeding
12 conducted by a licensing entity in another jurisdiction.

13 (6) The applicant shall, upon request by a board, furnish a full
14 set of fingerprints for purposes of conducting a criminal
15 background check.

16 (d) A board may adopt regulations necessary to administer this
17 section.

18 (e) A temporary license issued pursuant to this section may be
19 immediately terminated upon a finding that the temporary
20 licenseholder failed to meet any of the requirements described in
21 subdivision (c) or provided substantively inaccurate information
22 that would affect the person’s eligibility for temporary licensure.
23 Upon termination of the temporary license, the board shall issue
24 a notice of termination that shall require the temporary
25 licenseholder to immediately cease the practice of the licensed
26 profession upon receipt.

27 (f) An applicant seeking a temporary license as a civil engineer,
28 geotechnical engineer, structural engineer, land surveyor,
29 professional geologist, professional geophysicist, certified
30 engineering geologist, or certified hydrogeologist pursuant to this
31 section shall successfully pass the appropriate California-specific
32 examination or examinations required for licensure in those
33 respective professions by the Board for Professional Engineers,
34 Land Surveyors, and Geologists.

35 (g) A temporary license issued pursuant to this section shall
36 expire ~~12~~ 30 months after issuance, upon issuance of an expedited
37 license pursuant to Section 115.5, or upon denial of the application
38 for expedited licensure by the board, whichever occurs first.

39 SEC. 2. Section 115.7 is added to the Business and Professions
40 Code, to read:

1 115.7. (a) A board not specified in Division 2 (commencing
2 with Section 500) or subdivision (a) of Section 115.6 shall, after
3 appropriate investigation, issue a license to an applicant if the
4 applicant meets all of the following requirements:

5 (1) The applicant shall supply evidence satisfactory to the board
6 that the applicant is an honorably discharged veteran of the Armed
7 Forces of the United States or is married to, or in a domestic
8 partnership or other legal union with, an active duty member of
9 the Armed Forces of the United States who is assigned to a duty
10 station in this state under official active duty military orders.

11 (2) The applicant shall hold a current, active, and unrestricted
12 license that confers upon the applicant the authority to practice,
13 in another state, district, or territory of the United States, the
14 profession or vocation for which the applicant seeks a license from
15 the board.

16 (3) The applicant shall submit an application to the board that
17 shall include a signed affidavit attesting to the fact that the
18 applicant meets all of the requirements for the license and that the
19 information submitted in the application is accurate, to the best of
20 the applicant's knowledge. The application shall also include
21 written verification from the applicant's original licensing
22 jurisdiction stating that the applicant's license is in good standing
23 in that jurisdiction.

24 (4) The applicant shall not have committed an act in any
25 jurisdiction that would have constituted grounds for denial,
26 suspension, or revocation of the license under this code at the time
27 the act was committed. A violation of this paragraph may be
28 grounds for the denial or revocation of a license issued by the
29 board.

30 (5) The applicant shall not have been disciplined by a licensing
31 entity in another jurisdiction and shall not be the subject of an
32 unresolved complaint, review procedure, or disciplinary proceeding
33 conducted by a licensing entity in another jurisdiction.

34 (6) The applicant shall, upon request by a board, furnish a full
35 set of fingerprints for purposes of conducting a criminal
36 background check.

37 (b) A board may adopt regulations necessary to administer this
38 section.

39 (c) A license issued pursuant to this section may be immediately
40 terminated pursuant to the board's procedural due process

1 requirements, upon a finding that the licenseholder failed to meet
2 any of the requirements described in subdivision (a) or provided
3 substantively inaccurate information that would affect the person's
4 eligibility for licensure. Upon termination of the license, the board
5 shall issue a notice of termination that shall require the
6 licenseholder to immediately cease the practice of the licensed
7 profession or vocation upon receipt.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

AMENDED IN ASSEMBLY MARCH 29, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 252

Introduced by Assembly Members Robert Rivas and Salas
(Coauthors: Assembly Members Bennett and Eduardo Garcia)

January 14, 2021

An act to add and repeal Division 10.6 (commencing with Section 12285) of the Public Resources Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 252, as amended, Robert Rivas. Department of Conservation: Multibenefit Land Repurposing Incentive Program: administration.

Existing law, the Sustainable Groundwater Management Act (SGMA), requires numerous groundwater basins throughout the state designated by the Department of Water Resources as medium- or high-priority basins to each be managed under a separate groundwater sustainability plan or coordinated groundwater sustainability plans by specified dates. SGMA requires, with some exceptions, that local agencies designated as groundwater sustainability agencies prepare, administer, and enforce the groundwater sustainability plans with the goal of sustainably managing these groundwater basins to avoid undesirable results such as overdrafting groundwater, subsidence, and sea water intrusion, among others. To achieve the sustainability goal, SGMA authorizes a groundwater sustainability agency to, among other measures, control groundwater extractions by regulating, limiting, or suspending extractions from groundwater wells, establish a program of voluntary fallowing of agricultural lands, or validate an existing fallowing program.

This bill would require the Department of Conservation to establish and administer a program named the Multibenefit Land Repurposing Incentive Program for purposes of providing grants to groundwater sustainability agencies or counties, or other specified entities designated by groundwater sustainability agencies or counties, for the development or implementation of local programs supporting or facilitating multibenefit land repurposing at the basin scale. The bill would establish procedures for the department’s administration of the program and would require the department to develop guidelines to implement the program and to exercise its expertise and discretion in awarding program funds to eligible applicants. The bill would specify numerous criteria regarding program eligibility, including compliance with several specified requirements of SGMA. The bill would prescribe certain actions regarding program accountability and oversight, including preparation of an annual report with specified information evaluating the implementation of local programs and use of program funds.

The bill would repeal its provisions on January 1, 2032.

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

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

1 SECTION 1. Division 10.6 (commencing with Section 12285)
 2 is added to the Public Resources Code, to read:

3
 4 DIVISION 10.6. MULTIBENEFIT LAND REPURPOSING
 5 INCENTIVE PROGRAM ACT

6
 7 CHAPTER 1. GENERAL PROVISIONS

8
 9 12285. This division shall be known, and may be cited, as the
 10 Multibenefit Land Repurposing Incentive Program Act.

11 12285.1. The Legislature finds and declares all of the following:

12 (a) Implementation of the Sustainable Groundwater Management
 13 Act is imperative to the future viability of the state’s economy,
 14 agriculture, ~~and environment.~~ *environment, and protection of the*
 15 *human right to water.*

16 (b) Implementation of the Sustainable Groundwater Management
 17 ~~Act~~ *Act, while necessary,* will result in significant changes to the

1 rural landscape, ~~placing additional burdens on~~ *creating challenges*
2 *for* rural communities and economies.

3 (c) Coordinated management of ~~landscape~~ *landscapes* affected
4 by the Sustainable Groundwater Management Act can minimize
5 economic and social dislocation in rural economies, reducing or
6 avoiding environmental health impacts, facilitating a transition to
7 less water-intensive but still productive and economic uses of land
8 to achieve sustainable groundwater management.

9 (d) If coordinated at a regional scale, land repurposing presents
10 an opportunity to maximize cobenefits on converted lands.

11 12285.2. The following definitions apply to this division:

12 (a) “Basin” has the same meaning as that term is defined in
13 Section 10721 of the Water Code.

14 (b) “Department” means the Department of Conservation.

15 (c) “Groundwater sustainability agency” has the same meaning
16 as that term is defined in Section 10721 of the Water Code.

17 (d) “Groundwater sustainability plan” has the same meaning as
18 that term is defined in Section 10721 of the Water Code.

19 (e) “Land repurposing” means converting previously irrigated
20 agricultural land to new uses through any of the following methods:

- 21 (1) Restoring upland habitat.
- 22 (2) Creating pollinator habitat.
- 23 (3) Restoring floodplains.
- 24 (4) Creating dedicated wildlife-friendly recharge areas.
- 25 (5) Dryland farming or planting cover crops.
- 26 (6) Switching from irrigated agriculture to rangeland.
- 27 (7) Creating parks or community recreation areas.

28 (f) “Local agency” has the same meaning as that term is defined
29 in Section 10721 of the Water Code.

30 (g) “Local program” means a local or regional program to
31 support and implement multibenefit land repurposing of lands for
32 a period of at least 10 years on each participating parcel of land.

33 (h) “Multibenefit” means providing more than one benefit,
34 including, but not limited to, improving water quality, increasing
35 water supplies or water supply reliability, reducing groundwater
36 demand, preserving, enhancing, or restoring wildlife habitat,
37 improving flood protection, improving soil health and carbon
38 storage, supporting jobs, local communities, and economies,
39 including disadvantaged communities, *creating buffer zones for*

1 *disadvantaged communities*, and preserving or enhancing
2 recreational opportunities.

3 (i) “Program” means the Multibenefit Land Repurposing
4 Incentive Program established pursuant to this division.

5 (j) “SGMA” or “Sustainable Groundwater Management Act”
6 means the act contained in Part 2.74 (commencing with Section
7 10720) of Division 6 of the Water Code.

8
9 CHAPTER 2. PROGRAM ADMINISTRATION

10
11 12285.3. The department shall establish and administer a
12 program named the Multibenefit Land Repurposing Incentive
13 Program for purposes of providing grants for development or
14 implementation of local programs supporting or facilitating reduced
15 use of groundwater and multibenefit land repurposing at the basin
16 scale.

17 12285.4. (a) The department may use moneys from the General
18 Fund or bonds as appropriated by the Legislature in the annual
19 Budget Bill or another bill for the purposes of this division, to do
20 all acts necessary to establish and administer the program.

21 (b) The department may use program funds to provide block
22 grants and other forms of financial support to eligible applicants
23 to support and implement local programs.

24 (c) It is the intent of the Legislature that in any year the
25 department use no more than 5 percent of revenues appropriated
26 for purposes of implementing the program for administrative
27 functions of the department in implementing this division, and that
28 the department make the other 95 percent of funds available to
29 eligible applicants for eligible local programs.

30
31 ~~CHAPTER 3. Program Eligibility~~

32
33
34 CHAPTER 3. PROGRAM ELIGIBILITY

35
36 12285.5. (a) The following agencies and entities may apply
37 for program funds:

- 38 (1) A groundwater sustainability agency.
- 39 (2) A county.

1 (3) A local agency, including a resource conservation district,
2 designated by a groundwater sustainability agency or county.

3 (4) A nongovernmental organization designated by a
4 groundwater sustainability agency or county.

5 (5) *A mutual water company designated by a groundwater*
6 *sustainability agency or county.*

7 (b) The applicants listed in subdivision (a) shall apply
8 individually to the department for an award of program funds, but
9 each funds. Each applicant's application may be for any of the
10 following purposes:

11 (1) To support a local program that will be implemented within
12 a basin or portion of a basin that is managed by one groundwater
13 sustainability agency.

14 (2) To support a local program that will be implemented within
15 a basin, portion of a basin, or area encompassing multiple basins
16 that is collectively managed by multiple groundwater sustainability
17 agencies through agreements, a joint powers authority, or other
18 similar combination or coordination effort.

19 (3) To support a local program overseen by a county that will
20 be implemented within a basin, portion of a basin, or area
21 encompassing multiple basins that is located in whole or in part
22 within the county.

23 (c) A groundwater sustainability agency that applies individually
24 for program funds and all groundwater sustainability agencies
25 involved in an application on behalf of multiple groundwater
26 sustainability agencies shall have a current list of interested parties
27 pursuant to Section 10723.4 of the Water Code. Code, and shall
28 engage stakeholders in the development of the local program per
29 an adopted stakeholder communication and engagement plan.

30 (d) A groundwater sustainability agency that applies individually
31 for program funds and all groundwater sustainability agencies
32 involved in an application on behalf of multiple groundwater
33 sustainability agencies shall comply with the annual reporting
34 requirements in Section 10728 of the Water Code.

35 12285.6. Program funds from the department shall only be
36 available for use and implementation of local programs that satisfy
37 all of the following criteria:

38 (a) The local program will be implemented in a basin designated
39 by the Department of Water Resources as in a condition of critical
40 overdraft.

1 (b) The local program will be implemented on lands that are
2 within the jurisdiction of one or more groundwater sustainability
3 agencies as required by Section 10723 or 10724 of the Water Code.

4 (c) The local program will be implemented consistent with the
5 groundwater sustainability plan or plans covering the lands where
6 the applicant proposes to implement the local program, if one has
7 been adopted. The local program is described and included in the
8 groundwater sustainability plan covering the basin where the local
9 program will be implemented. If a groundwater sustainability plan
10 for the basin where the local program will be implemented does
11 not describe the local program and has been submitted to the
12 Department of Water Resources, the groundwater sustainability
13 agency shall include a description of the local program as an
14 attachment to its next annual report to the Department of Water
15 Resources pursuant to Section 10728 of the Water Code and next
16 five year update pursuant to Section 10733.8 of the Water Code.

17 (d) (1) Except as provided in paragraph (2), the local program
18 will be implemented on lands covered by a groundwater
19 sustainability plan prepared pursuant to, and in compliance with,
20 Section 10723.4 of the Water Code, and the Department of Water
21 Resources has not determined that the plan is inadequate or
22 insufficiently meeting its sustainability goals. If a review by the
23 Department of Water Resources pursuant to Section 10733.8 of
24 the Water Code has identified deficiencies in the plan, the
25 corrective actions recommended by the Department of Water
26 Resources, or equally effective actions, shall be implemented by
27 the groundwater sustainability agency or multiple groundwater
28 sustainability agencies that prepared the plan in order to remain
29 eligible to receive program funds.

30 (2) Paragraph (1) shall not apply to a local program that is
31 overseen by a county and implemented on lands that are within an
32 area that is unmanaged in accordance with Section 10724 of the
33 Water Code or are within the jurisdiction of a groundwater
34 sustainability agency other than the county.

35 (e) The local program prioritizes land repurposing on acres with
36 the lowest soil quality, highest potential habitat value, including
37 lands that expand habitat connectivity or create wildlife corridors,
38 the best aquifer recharge potential, or best opportunity for a
39 community's recreational use, greatest potential to enhance local
40 water supply and water supply reliability, greatest flood protection

1 benefit, or any combination of these characteristics to capture the
2 highest level of potential multiple benefits.

3 (f) The local program reduces groundwater use in the basin and,
4 in combination with other demand reduction elements in existing
5 groundwater sustainability plans for the basin, contributes
6 measurably to the long-term attainment of the basin's groundwater
7 sustainability goal.

8 (g) The local program is consistent with the county general plan,
9 and with all other applicable local land use plans.

10 (h) The local program gives special consideration to the
11 provision of incentive payments to farms and ranches of 500 acres
12 or less and to socially disadvantaged farmers and ranchers, as
13 defined in Section 512 of the Food and Agricultural Code.

14 (i) The local program is developed with input from local
15 stakeholders and community ~~members~~. *members using stakeholder*
16 *outreach and communication methods detailed in the Department*
17 *of Water Resources' Guidance Document for Groundwater*
18 *Sustainability Plan - Stakeholder Communication and Engagement*
19 *and consistent with an adopted stakeholder communication and*
20 *engagement plan.*

21 12285.7. Applicants shall satisfy all of the following elements
22 to be eligible to receive program funds:

23 (a) Applicants shall agree to fund their local programs with
24 participating ~~local~~ matching funds of no less than 50 percent of
25 the total amount of program funds that the department would award
26 to them. Up to one-half of the required matching funds may be
27 from in-kind contributions of goods or services.

28 (b) Applicants shall agree to use funds received from the
29 department pursuant to the program for land repurposing to
30 implement one or more of the following purposes:

- 31 (1) Payments for habitat restoration.
- 32 (2) Payments for maintaining habitat.
- 33 (3) Payments for converting to rangelands.
- 34 (4) Payments for constructing ~~wildlife-friendly~~ *multibenefit*
35 *groundwater recharge facilities.*
- 36 (5) Payments for restoring floodplains.
- 37 (6) Payments for planting cover crops.
- 38 (7) Payments for dust control measures.
- 39 (8) Payments for creating community recreation areas or parks.

1 (c) Applicants may provide landowners with payments for the
2 costs of certain activities that implement and are consistent with
3 the local program and the program. Applicants may provide
4 payments to landowners on a per-acre basis. Applicants shall agree
5 that per-acre payments made to landowners by their local programs
6 for land repurposing shall be between 25 and 50 percent of the
7 annual average market irrigated cash rental rates for cropland and
8 pastureland for the county or area where the land is located, fixed
9 at the rate at the time of the agreement. For purposes of calculating
10 these rental rates, the most recent, publicly available estimates
11 derived from the survey conducted by the United States Secretary
12 of Agriculture pursuant to paragraph (4) of subdivision (d) of
13 Section 3834 of Title 16 of the United States Code shall be used.

14 (d) *Land that is sold or transferred during the term of the local*
15 *program shall continue the local program activities until at least*
16 *the minimum time agreed upon when a grant was awarded, and*
17 *the grant award shall continue to be used for implementation of*
18 *the local program.*

19 12285.8. An application to receive program funds shall include
20 the following:

21 (a) A description of how the local program will prioritize
22 repurposing of agricultural lands to habitat, dryland farming,
23 wildlife-friendly groundwater recharge facilities, recreation space,
24 or rangeland.

25 (b) A description of the applicant and, if the applicant is the
26 designee of a groundwater sustainability agency or county, a
27 description of that groundwater sustainability agency or county
28 and documentation establishing the applicant's status as a designee.

29 (c) The current groundwater sustainability plan or plans covering
30 the lands where the applicant proposes to implement the local
31 program or a statement that the lands are within an area that is
32 unmanaged in accordance with Section 10724 of the Water Code.

33 (d) If the lands where the applicant proposes to implement the
34 local program are managed by multiple groundwater sustainability
35 agencies, a description of how those lands are managed under the
36 Sustainable Groundwater Management Act, including the
37 management structure or entity and all related coordination or
38 cooperation agreements, joint powers agreements, articles of
39 incorporation, bylaws, ordinances, and other relevant documents
40 or agreements.

1 12285.9. The department, with stakeholder input, shall develop
2 guidelines regarding program eligibility and application
3 ~~requirements~~ *requirements, which includes information and*
4 *resources for applicants*, that are consistent with this division, and
5 the department shall determine program eligibility and award
6 program funds consistent with this division using its expertise and
7 discretion.

8
9 CHAPTER 4. MONITORING AND REPORTING

10
11 12285.10. (a) All applicants, on April 1 following the award
12 of program funds to them and annually thereafter for as long as
13 program funds are expended, shall complete a report describing
14 and evaluating the implementation of their local program and the
15 use of program funds during the previous year, including, but not
16 limited to, the following information:

17 (1) The number of acres participating in the local program.

18 (2) The aggregate reduction in groundwater use resulting from
19 acreage participating in the local program.

20 (3) The public benefits provided by acres repurposed through
21 the local program.

22 (4) ~~The aggregate cost of enrolling acres in the local program.~~
23 *program, including a breakdown of payments made pursuant to*
24 *subdivisions (b) and (c) of Section 12285.7.*

25 (b) If the applicant is a groundwater sustainability agency or
26 county, the annual report shall be posted on the groundwater
27 sustainability agency's or county's internet website, or, if the
28 applicant is a designee of a groundwater sustainability agency or
29 county, then the annual report shall be posted on the internet
30 website of the groundwater sustainability agency or county that
31 designated the applicant.

32 (c) The groundwater sustainability agency that posts the annual
33 report prepared pursuant to this section shall include that report in
34 its annual report of information to the Department of Water
35 Resources pursuant to Section 10728 of the Water Code.

36 12285.11. This division shall remain in effect only until January
37 1, 2032, and as of that date is repealed.

- 1
- 2 **REVISIONS:**
- 3 **Heading—Line 2.**
- 4

O

ASSEMBLY BILL**No. 564****Introduced by Assembly Members Lorena Gonzalez and Kalra**

February 11, 2021

An act to add Chapter 14 (commencing with Section 2950) to Division 3 of Fish and Game Code, relating to biodiversity.

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as introduced, Lorena Gonzalez. Biodiversity Protection and Restoration Act.

Existing law provides that it is the Department of Fish and Wildlife's mission to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment of the public. Existing law provides that one of the department's core programs is biodiversity conservation.

This bill would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The world is in the midst of an extinction crisis. In 2019,
4 the United Nation’s Intergovernmental Science-Policy Platform
5 on Biodiversity and Ecosystem Services warned that a million
6 species are at risk of extinction in the coming decades. Similarly,
7 in a December 2020 global assessment, the International Union
8 for the Conservation of Nature found that over a quarter of
9 evaluated species of plants and animals around the globe are
10 threatened with extinction.

11 (2) In light of the global extinction crisis, and with the goal of
12 protecting California’s unique and threatened biodiversity, on
13 September 7, 2018, former Governor Edmund G. Brown issued
14 Executive Order B-54-18, which launched the California
15 Biodiversity Initiative. This order directed the Secretary of Food
16 and Agriculture and the Secretary of the Natural Resources Agency
17 to implement the initiative and to “promote deeper understanding
18 of current and future threats to California’s biodiversity; protect
19 native vegetation; manage and restore natural and working lands
20 and waterways; and explore appropriate financing options to
21 achieve these goals.” The order directed all state agencies to work
22 together to achieve these goals.

23 (3) On October 7, 2020, Governor Gavin Newsom issued
24 Executive Order N-82-20. This order established the California
25 Biodiversity Collaborative to protect and restore the state’s
26 biodiversity. The California Biodiversity Collaborative, in
27 consultation and with the support of state agencies, is tasked with,
28 inter alia, establishing a baseline assessment of California’s
29 biodiversity, assessing the impacts of climate change and other
30 stressors on the state’s biodiversity, and identifying and advancing
31 opportunities for collaborative efforts to protect biodiversity.

32 (4) Executive Order N-82-20 also established that “to support
33 the global effort to combat the biodiversity and climate crises, it
34 is the goal of the State to conserve at least 30 percent of
35 California’s land and coastal waters by 2030.” That order tasked
36 the Natural Resources Agency and other relevant state agencies
37 to develop strategies to achieve this goal and report them to the
38 Governor by no later than February 1, 2022.

1 (b) It is the intent of the Legislature in adopting this act to ensure
2 that, consistent with Executive Orders B-54-18 and N-82-20, state
3 agencies, boards, and commissions consider and prioritize the
4 protection of biodiversity in carrying out their mandates.

5 SEC. 2. Chapter 14 (commencing with Section 2950) is added
6 to Division 3 of the Fish and Game Code, to read:

7
8 CHAPTER 14. BIODIVERSITY PROTECTION AND RESTORATION
9 ACT

10
11 2950. (a) It is the policy of this state that all state agencies,
12 boards, and commissions shall utilize their authorities in
13 furtherance of the biodiversity conservation purposes and goals
14 of Executive Orders B-54-18 and N-82-20. In carrying out this
15 policy, all state agencies, boards, and commissions shall consider
16 and prioritize the protection of biodiversity in carrying out their
17 statutory mandates.

18 (b) The strategies required by Section 2 of Executive Order
19 N-82-20 related to the goal of the state to conserve at least 30
20 percent of California’s land and coastal waters by 2030 shall be
21 made available to the public and provided to the Assembly
22 Committee on Water, Parks, and Wildlife and the Senate
23 Committee on Natural Resources and Water by no later than June
24 30, 2022.

25 (c) It is the policy of this state that public agencies shall not
26 approve projects as proposed that are inconsistent with or would
27 impair the successful implementation of the strategies required by
28 subdivision (b).

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 646

Introduced by Assembly Members Low, Cunningham, and Gipson
(Coauthor: Senator Roth)

February 12, 2021

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the

person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board’s internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee to the ~~person in an amount up to \$50;~~ *person*, not to exceed the cost of administering the bill’s provisions. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

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

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

- 1 SECTION 1. Section 493.5 is added to the Business and
- 2 Professions Code, to read:
- 3 493.5. (a) A board within the department that has posted on
- 4 its internet website that a person’s license was revoked because
- 5 the person was convicted of a crime, upon receiving from the
- 6 person a certified copy of an expungement order granted pursuant
- 7 to Section 1203.4 of the Penal Code for the underlying offense,
- 8 shall, within 90 days of receiving the expungement order, unless
- 9 it is otherwise prohibited by law, or by other terms or conditions,
- 10 do either of the following:
- 11 (1) If the person reapplies for licensure or has been relicensed,
- 12 post notification of the expungement order and the date thereof on
- 13 its internet website.
- 14 (2) If the person is not currently licensed and does not reapply
- 15 for licensure, remove the initial posting on its internet website that
- 16 the person’s license was revoked and information previously posted
- 17 regarding arrests, charges, and convictions.
- 18 (b) A board within the department may charge a fee to a person
- 19 described in subdivision ~~(a) in an amount up to fifty dollars (\$50);~~
- 20 *(a)*, not to exceed the reasonable cost of administering this section.

- 1 The fee shall be deposited by the board into the appropriate fund
- 2 and shall be available only upon appropriation by the Legislature.
- 3 (c) For purposes of this section, “board” means an entity listed
- 4 in Section 101.
- 5 (d) If any provision in this section conflicts with Section 2027,
- 6 Section 2027 shall prevail.

O

AMENDED IN SENATE APRIL 13, 2021

SENATE BILL

No. 607

Introduced by Senator Roth

February 18, 2021

An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Section 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to ~~healing arts~~: professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Roth. ~~Dentistry: registered dental assistants in extended practice: clinical or practical examination.~~ Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

Existing

(2) *Existing* law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

(3) *Existing* law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board.

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the

applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(4) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met.

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 *SECTION 1. Section 115.5 of the Business and Professions*
2 *Code is amended to read:*

3 115.5. (a) A board within the department shall expedite the
4 licensure process *and waive all fees charged by the board*
5 *associated with the application and initial license* for an applicant
6 who meets both of the following requirements:

7 (1) Supplies evidence satisfactory to the board that the applicant
8 is married to, or in a domestic partnership or other legal union
9 with, an active duty member of the Armed Forces of the United
10 States who is assigned to a duty station in this state under official
11 active duty military orders.

12 (2) Holds a current license in another state, district, or territory
13 of the United States in the profession or vocation for which the
14 applicant seeks a license from the board.

15 (b) A board may adopt regulations necessary to administer this
16 section.

17 *SEC. 2. Section 1724 of the Business and Professions Code,*
18 *as added by Section 13 of Chapter 929 of the Statutes of 2018, is*
19 *amended to read:*

20 1724. The amount of charges and fees for dentists licensed
21 pursuant to this chapter shall be established by the board as is
22 necessary for the purpose of carrying out the responsibilities
23 required by this chapter as it relates to dentists, subject to the
24 following limitations:

25 (a) The fee for an application for licensure qualifying pursuant
26 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed
27 one thousand five hundred dollars (\$1,500). The fee for an
28 application for licensure qualifying pursuant to paragraph (2) of

1 subdivision (c) of Section 1632 shall not exceed one thousand
2 dollars (\$1,000).

3 (b) The fee for an application for licensure qualifying pursuant
4 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

5 (c) The fee for an application for licensure qualifying pursuant
6 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

7 (d) The fee for an initial license and for the renewal of a license
8 is five hundred twenty-five dollars (\$525). On and after January
9 1, 2016, the fee for an initial license shall not exceed six hundred
10 fifty dollars (\$650), and the fee for the renewal of a license shall
11 not exceed six hundred fifty dollars (\$650). On and after January
12 1, 2018, the fee for an initial license shall not exceed eight hundred
13 dollars (\$800), and the fee for the renewal of a license shall not
14 exceed eight hundred dollars (\$800).

15 (e) The fee for an application for a special permit shall not
16 exceed one thousand dollars (\$1,000), and the renewal fee for a
17 special permit shall not exceed six hundred dollars (\$600).

18 (f) The delinquency fee shall be 50 percent of the renewal fee
19 for such a license or permit in effect on the date of the renewal of
20 the license or permit.

21 (g) The penalty for late registration of change of place of
22 practice shall not exceed seventy-five dollars (\$75).

23 (h) The fee for an application for an additional office permit
24 shall not exceed seven hundred fifty dollars (\$750), and the fee
25 for the renewal of an additional office permit shall not exceed three
26 hundred seventy-five dollars (\$375).

27 (i) The fee for issuance of a replacement pocket license,
28 replacement wall certificate, or replacement engraved certificate
29 shall not exceed one hundred twenty-five dollars (\$125).

30 (j) The fee for a provider of continuing education shall not
31 exceed five hundred dollars (\$500) per year.

32 (k) The fee for application for a referral service permit and for
33 renewal of that permit shall not exceed twenty-five dollars (\$25).

34 (l) The fee for application for an extramural facility permit and
35 for the renewal of a permit shall not exceed twenty-five dollars
36 (\$25).

37 (m) The fee for an application for an elective facial cosmetic
38 surgery permit shall not exceed four thousand dollars (\$4,000),
39 and the fee for the renewal of an elective facial cosmetic surgery
40 permit shall not exceed eight hundred dollars (\$800).

1 (n) The fee for an application for an oral and maxillofacial
 2 surgery permit shall not exceed one thousand dollars (\$1,000), and
 3 the fee for the renewal of an oral and maxillofacial surgery permit
 4 shall not exceed one thousand two hundred dollars (\$1,200).

5 (o) The fee for an application for a general anesthesia permit
 6 shall not exceed one thousand dollars (\$1,000), and the fee for the
 7 renewal of a general anesthesia permit shall not exceed six hundred
 8 dollars (\$600).

9 (p) The fee for an onsite inspection and evaluation related to a
 10 general anesthesia or moderate sedation permit shall not exceed
 11 four thousand five hundred dollars (\$4,500).

12 (q) The fee for an application for a moderate sedation permit
 13 shall not exceed one thousand dollars (\$1,000), and the fee for the
 14 renewal of a conscious sedation permit shall not exceed six hundred
 15 dollars (\$600).

16 (r) The fee for an application for an oral conscious sedation
 17 permit shall not exceed one thousand dollars (\$1,000), and the fee
 18 for the renewal of an oral conscious sedation permit shall not
 19 exceed six hundred dollars (\$600).

20 *(s) The fee for an application for a pediatric minimal sedation*
 21 *permit shall not exceed one thousand dollars (\$1,000), and the fee*
 22 *for the renewal of a pediatric minimal sedation permit shall not*
 23 *exceed six hundred dollars (\$600).*

24 ~~(s)~~
 25 (t) The fee for a certification of licensure shall not exceed one
 26 hundred twenty-five dollars (\$125).

27 ~~(t)~~
 28 (u) The fee for an application for the law and ethics examination
 29 shall not exceed two hundred fifty dollars (\$250).

30 ~~(u)~~
 31 (v) This section shall become operative on January 1, 2022.

32 **SECTION 1.**

33 *SEC. 3.* Section 1753 of the Business and Professions Code is
 34 amended to read:

35 1753. (a) On and after January 1, 2010, the board may license
 36 as a registered dental assistant in extended functions a person who
 37 submits written evidence, satisfactory to the board, of all of the
 38 following eligibility requirements:

1 (1) Current licensure as a registered dental assistant or
2 completion of the requirements for licensure as a registered dental
3 assistant.

4 (2) Successful completion of a board-approved course in the
5 application of pit and fissure sealants.

6 (3) Successful completion of either of the following:

7 (A) An extended functions postsecondary program approved
8 by the board in all of the procedures specified in Section 1753.5.

9 (B) An extended functions postsecondary program approved
10 by the board to teach the duties that registered dental assistants in
11 extended functions were allowed to perform pursuant to board
12 regulations prior to January 1, 2010, and a course approved by the
13 board in the procedures specified in paragraphs (1), (2), (5), and
14 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

15 (4) Passage of a written examination administered by the board.
16 The board shall designate whether the written examination shall
17 be administered by the board or by the board-approved extended
18 functions program.

19 (b) A registered dental assistant in extended functions may apply
20 for an orthodontic assistant permit or a dental sedation assistant
21 permit, or both, by providing written evidence of the following:

22 (1) Successful completion of a board-approved orthodontic
23 assistant or dental sedation assistant course, as applicable.

24 (2) Passage of a written examination administered by the board
25 that shall encompass the knowledge, skills, and abilities necessary
26 to competently perform the duties of the particular permit.

27 (c) A registered dental assistant in extended functions with
28 permits in either orthodontic assisting or dental sedation assisting
29 shall be referred to as an “RDAEF with orthodontic assistant
30 permit,” or “RDAEF with dental sedation assistant permit,” as
31 applicable. These terms shall be used for reference purposes only
32 and do not create additional categories of licensure.

33 (d) Completion of the continuing education requirements
34 established by the board pursuant to Section 1645 by a registered
35 dental assistant in extended functions who also holds a permit as
36 an orthodontic assistant or dental sedation assistant shall fulfill the
37 continuing education requirement for such permit or permits.

38 ~~SEC. 2.~~

39 *SEC. 4.* Section 1753.4 of the Business and Professions Code
40 is repealed.

1 ~~SEC. 3.~~

2 *SEC. 5.* Section 1753.55 of the Business and Professions Code
3 is amended to read:

4 1753.55. (a) A registered dental assistant in extended functions
5 is authorized to perform the additional duties as set forth in
6 subdivision (b) pursuant to the order, control, and full professional
7 responsibility of a supervising dentist, if the licensee meets one of
8 the following requirements:

9 (1) Is licensed on or after January 1, 2010.

10 (2) Is licensed prior to January 1, 2010, and has successfully
11 completed a board-approved course in the additional procedures
12 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
13 subdivision (b) of Section 1753.5.

14 (b) (1) Determine which radiographs to perform on a patient
15 who has not received an initial examination by the supervising
16 dentist for the specific purpose of the dentist making a diagnosis
17 and treatment plan for the patient. In these circumstances, the
18 dental assistant in extended functions shall follow protocols
19 established by the supervising dentist. This paragraph only applies
20 in the following settings:

21 (A) In a dental office setting.

22 (B) In public health settings, using telehealth, as defined by
23 Section 2290.5, for the purpose of communication with the
24 supervising dentist, including, but not limited to, schools, head
25 start and preschool programs, and community clinics, under the
26 general supervision of a dentist.

27 (2) Place protective restorations, which for this purpose are
28 identified as interim therapeutic restorations, and defined as a
29 direct provisional restoration placed to stabilize the tooth until a
30 licensed dentist diagnoses the need for further definitive treatment.
31 An interim therapeutic restoration consists of the removal of soft
32 material from the tooth using only hand instrumentation, without
33 the use of rotary instrumentation, and subsequent placement of an
34 adhesive restorative material. Local anesthesia shall not be
35 necessary for interim therapeutic restoration placement. Interim
36 therapeutic restorations shall be placed only in accordance with
37 both of the following:

38 (A) In either of the following settings:

39 (i) In a dental office setting, under the direct or general
40 supervision of a dentist as determined by the dentist.

1 (ii) In public health settings, using telehealth, as defined by
2 Section 2290.5, for the purpose of communication with the
3 supervising dentist, including, but not limited to, schools, head
4 start and preschool programs, and community clinics, under the
5 general supervision of a dentist.

6 (B) After the diagnosis, treatment plan, and instruction to
7 perform the procedure provided by a dentist.

8 (c) The functions described in subdivision (b) may be performed
9 by a registered dental assistant in extended functions only after
10 completion of a program that includes training in performing those
11 functions, or after providing evidence, satisfactory to the board,
12 of having completed a board-approved course in those functions.

13 (d) No later than January 1, 2018, the board shall adopt
14 regulations to establish requirements for courses of instruction for
15 the procedures authorized to be performed by a registered dental
16 assistant in extended functions pursuant to this section using the
17 competency-based training protocols established by the Health
18 Workforce Pilot Project (HWPP) No. 172 through the Office of
19 Health Planning and Development. The board shall submit to the
20 committee proposed regulatory language for the curriculum for
21 the Interim Therapeutic Restoration to the committee for the
22 purpose of promulgating regulations for registered dental hygienists
23 and registered dental hygienists in alternative practice as described
24 in Section 1910.5. The language submitted by the board shall
25 mirror the instructional curriculum for the registered dental
26 assistant in extended functions. Any subsequent amendments to
27 the regulations that are promulgated by the board for the Interim
28 Therapeutic Restoration curriculum shall be submitted to the
29 committee.

30 (e) The board may issue a permit to a registered dental assistant
31 in extended functions who files a completed application, including
32 the fee, to provide the duties specified in this section after the board
33 has determined the registered dental assistant in extended functions
34 has completed the coursework required in subdivision (c).

35 (f) This section shall become operative on January 1, 2018.

36 ~~SEC. 4.~~

37 *SEC. 6.* Section 1753.6 of the Business and Professions Code
38 is amended to read:

39 1753.6. (a) Each person who holds a license as a registered
40 dental assistant in extended functions on the operative date of this

1 section may only perform those procedures that a registered dental
 2 assistant is allowed to perform as specified in and limited by
 3 Section 1752.4, and the procedures specified in paragraphs (1) to
 4 (6), inclusive, until the person provides evidence of having
 5 completed a board-approved course in the additional procedures
 6 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
 7 subdivision (b) of Section 1753.5:

- 8 (1) Cord retraction of gingiva for impression procedures.
- 9 (2) Take final impressions for permanent indirect restorations.
- 10 (3) Formulate indirect patterns for endodontic post and core
 11 castings.
- 12 (4) Fit trial endodontic filling points.
- 13 (5) Apply pit and fissure sealants.
- 14 (6) Remove excess cement from subgingival tooth surfaces with
 15 a hand instrument.

16 (b) This section shall become operative on January 1, 2010.

17 *SEC. 7. Section 5650.5 is added to the Business and Professions*
 18 *Code, to read:*

19 *5650.5. (a) Pursuant to Section 144, the board has the*
 20 *authority to obtain and review criminal offender record*
 21 *information. The information obtained as a result of the*
 22 *fingerprinting shall be used in accordance with Section 11105 of*
 23 *the Penal Code to determine whether the applicant is subject to*
 24 *denial, suspension, or revocation of a license pursuant to Division*
 25 *1.5 (commencing with Section 475) or Section 5660, 5675, or 5676.*

26 *(b) As a condition of application for a license, each applicant*
 27 *shall furnish to the Department of Justice a full set of fingerprints*
 28 *for the purpose of conducting a criminal history record check and*
 29 *to undergo a state- and federal- level criminal offender record*
 30 *information search conducted through the Department of Justice,*
 31 *as follows:*

32 *(1) The board shall electronically submit to the Department of*
 33 *Justice fingerprint images and related information required by the*
 34 *Department of Justice of all landscape architect license applicants*
 35 *for the purpose of obtaining information as to the existence and*
 36 *content of a record of state or federal arrests and state or federal*
 37 *convictions and also information as to the existence and content*
 38 *of a record of state or federal arrests for which the Department*
 39 *of Justice establishes that the person is free on bail or on their*
 40 *recognizance pending trial or appeal.*

1 (2) When received, the Department of Justice shall transmit
2 fingerprint images and related information received pursuant to
3 this section, to the Federal Bureau of Investigation for the purpose
4 of obtaining a federal criminal history records check. The
5 Department of Justice shall review the information returned from
6 the Federal Bureau of Investigation and compile and disseminate
7 a response to the board.

8 (3) The Department of Justice shall provide a state or federal
9 response to the board pursuant to subdivision (p) of Section 11105
10 of the Penal Code.

11 (4) The board shall request from the Department of Justice
12 subsequent notification service, as provided pursuant to Section
13 11105.2 of the Penal Code, for persons described in paragraph
14 (1).

15 (5) The Department of Justice shall charge the applicant a fee
16 sufficient to cover the cost of processing the request described in
17 this subdivision.

18 (c) The applicant shall certify, under penalty of perjury, when
19 applying for a license whether the applicant's fingerprints have
20 been furnished to the Department of Justice in compliance with
21 this section.

22 (d) Failure to comply with the requirements of this section
23 renders the application for a license incomplete, and the
24 application shall not be considered until the applicant demonstrates
25 compliance with all requirements of this section.

26 (e) Notwithstanding any other law, the results of any criminal
27 offender record information request by either state or federal law
28 enforcement authorities shall not be released by the board except
29 in accordance with state and federal requirements.

30 (f) As used in this section, the term "applicant" shall be limited
31 to an initial applicant who has never been registered or licensed
32 by the board or to an applicant for a new licensure or registration
33 category.

34 (g) As a condition of petitioning the board for reinstatement of
35 a revoked or surrendered license, an applicant shall comply with
36 subdivision (a).

37 SEC. 8. Section 7071.6 of the Business and Professions Code
38 is amended to read:

39 7071.6. (a) The board shall require as a condition precedent
40 to the issuance, reinstatement, reactivation, renewal, or continued

1 maintenance of a license, that the applicant or licensee file or have
2 on file a contractor's bond in the sum of fifteen thousand dollars
3 (\$15,000).

4 (b) Excluding the claims brought by the beneficiaries specified
5 in subdivision (a) of Section 7071.5, the aggregate liability of a
6 surety on claims brought against a bond required by this section
7 shall not exceed the sum of seven thousand five hundred dollars
8 (\$7,500). The bond proceeds in excess of seven thousand five
9 hundred dollars (\$7,500) shall be reserved exclusively for the
10 claims of the beneficiaries specified in subdivision (a) of Section
11 7071.5. However, nothing in this section shall be construed so as
12 to prevent any beneficiary specified in subdivision (a) of Section
13 7071.5 from claiming or recovering the full measure of the bond
14 required by this section.

15 (c) ~~No~~A bond shall *not* be required of a holder of a license that
16 has been inactivated on the official records of the board during the
17 period the license is inactive.

18 (d) Notwithstanding any other law, as a condition precedent to
19 licensure, the board may require an applicant to post a contractor's
20 bond in twice the amount required pursuant to subdivision (a) until
21 the time that the license is renewed, under the following conditions:

22 (1) The applicant has either been convicted of a violation of
23 Section 7028 or has been cited pursuant to Section 7028.7.

24 (2) If the applicant has been cited pursuant to Section 7028.7,
25 the citation has been reduced to a final order of the registrar.

26 (3) The violation of Section 7028, or the basis for the citation
27 issued pursuant to Section 7028.7, constituted a substantial injury
28 to the public.

29 (e) (1) The board shall conduct a study to obtain information
30 to evaluate whether the current fifteen-thousand-dollar (\$15,000)
31 amount of the contractor bond is sufficient, or whether an increase
32 may be necessary.

33 (2) The board shall report its findings and recommendations to
34 the appropriate policy committees of the Legislature, in accordance
35 with Section 9795 of the Government Code, by January 1, 2021.

36 (f) *This section shall remain in effect only until January 1, 2023,*
37 *and as of that date is repealed.*

38 *SEC. 9. Section 7071.6 is added to the Business and Professions*
39 *Code, to read:*

1 7071.6. (a) *The board shall require as a condition precedent*
2 *to the issuance, reinstatement, reactivation, renewal, or continued*
3 *maintenance of a license, that the applicant or licensee file or have*
4 *on file a contractor’s bond in the sum of twenty-five thousand*
5 *dollars (\$25,000).*

6 (b) *Excluding the claims brought by the beneficiaries specified*
7 *in subdivision (a) of Section 7071.5, the aggregate liability of a*
8 *surety on claims brought against a bond required by this section*
9 *shall not exceed the sum of seven thousand five hundred dollars*
10 *(\$7,500). The bond proceeds in excess of seven thousand five*
11 *hundred dollars (\$7,500) shall be reserved exclusively for the*
12 *claims of the beneficiaries specified in subdivision (a) of Section*
13 *7071.5. However, nothing in this section shall be construed so as*
14 *to prevent any beneficiary specified in subdivision (a) of Section*
15 *7071.5 from claiming or recovering the full measure of the bond*
16 *required by this section.*

17 (c) *A bond shall not be required of a holder of a license that*
18 *has been inactivated on the official records of the board during*
19 *the period the license is inactive.*

20 (d) *Notwithstanding any other law, as a condition precedent to*
21 *licensure, the board may require an applicant to post a*
22 *contractor’s bond in twice the amount required pursuant to*
23 *subdivision (a) until the time that the license is renewed, under*
24 *the following conditions:*

25 (1) *The applicant has either been convicted of a violation of*
26 *Section 7028 or has been cited pursuant to Section 7028.7.*

27 (2) *If the applicant has been cited pursuant to Section 7028.7,*
28 *the citation has been reduced to a final order of the registrar.*

29 (3) *The violation of Section 7028, or the basis for the citation*
30 *issued pursuant to Section 7028.7, constituted a substantial injury*
31 *to the public.*

32 (e) *This section shall become operative on January 1, 2023.*

33 *SEC. 10. Section 7071.8 of the Business and Professions Code*
34 *is amended to read:*

35 7071.8. (a) *This section applies to an application for a license,*
36 *for renewal or restoration of a license, an application to change*
37 *officers or members of a corporation or a limited liability company,*
38 *or for continued valid use of a license which has been disciplined,*
39 *whether or not the disciplinary action has been stayed, made by*
40 *any of the following persons or firms:*

1 (1) A person whose license has been suspended or revoked as
2 a result of disciplinary action, or a person who was a qualifying
3 individual for a licensee at any time during which cause for
4 disciplinary action occurred resulting in suspension or revocation
5 of the licensee's license, whether or not the qualifying individual
6 had knowledge or participated in the prohibited act or omission.

7 (2) A person who was an officer, director, manager, partner, or
8 member of the personnel of record of a licensee at any time during
9 which cause for disciplinary action occurred resulting in suspension
10 or revocation of the licensee's license and who had knowledge of
11 or participated in the act or omission which was the cause for the
12 disciplinary action.

13 (3) A partnership, corporation, limited liability company, firm,
14 or association of which an existing or new officer, director,
15 manager, partner, qualifying person, or member of the personnel
16 of record has had a license suspended or revoked as a result of
17 disciplinary action.

18 (4) A partnership, corporation, limited liability company, firm,
19 or association of which a member of the personnel of record,
20 including, but not limited to, an officer, director, manager, partner,
21 or qualifying person was, likewise, a manager, officer, director,
22 or partner of a licensee at any time during which cause for
23 disciplinary action occurred resulting in suspension or revocation
24 of the license, and who had knowledge of or participated in the
25 act or omission which was the cause for the disciplinary action.

26 (b) The board shall require as a condition precedent to the
27 issuance, reissuance, renewal, or restoration of a license to the
28 applicant, or to the approval of an application to change officers
29 of a corporation or a limited liability company, or removal of
30 suspension, or to the continued valid use of a license which has
31 been suspended or revoked, but which suspension or revocation
32 has been stayed, that the applicant or licensee file or have on file
33 a contractor's bond in a sum to be fixed by the registrar based upon
34 the seriousness of the violation, but which sum shall not be less
35 than fifteen thousand dollars (\$15,000) nor more than 10 times
36 that amount required by Section 7071.6.

37 (c) The bond is in addition to, may not be combined with, and
38 does not replace any other type of bond required by this chapter.
39 The bond shall remain on file with the registrar for a period of at
40 least two years and for any additional time that the registrar

1 determines. The bond period shall run only while the license is
2 current, active, and in good standing, and shall be extended until
3 the license has been current, active, and in good standing for the
4 required period. Each applicant or licensee shall be required to file
5 only one disciplinary contractor's bond of the type described in
6 this section for each application or license subject to this bond
7 requirement.

8 *(d) This section shall remain in effect only until January 1, 2023,*
9 *and as of that date is repealed.*

10 *SEC. 11. Section 7071.8 is added to the Business and*
11 *Professions Code, to read:*

12 *7071.8. (a) This section applies to an application for a license,*
13 *for renewal or restoration of a license, an application to change*
14 *officers or members of a corporation or a limited liability company,*
15 *or for continued valid use of a license which has been disciplined,*
16 *whether or not the disciplinary action has been stayed, made by*
17 *any of the following persons or firms:*

18 *(1) A person whose license has been suspended or revoked as*
19 *a result of disciplinary action, or a person who was a qualifying*
20 *individual for a licensee at any time during which cause for*
21 *disciplinary action occurred resulting in suspension or revocation*
22 *of the licensee's license, whether or not the qualifying individual*
23 *had knowledge or participated in the prohibited act or omission.*

24 *(2) A person who was an officer, director, manager, partner,*
25 *or member of the personnel of record of a licensee at any time*
26 *during which cause for disciplinary action occurred resulting in*
27 *suspension or revocation of the licensee's license and who had*
28 *knowledge of or participated in the act or omission which was the*
29 *cause for the disciplinary action.*

30 *(3) A partnership, corporation, limited liability company, firm,*
31 *or association of which an existing or new officer, director,*
32 *manager, partner, qualifying person, or member of the personnel*
33 *of record has had a license suspended or revoked as a result of*
34 *disciplinary action.*

35 *(4) A partnership, corporation, limited liability company, firm,*
36 *or association of which a member of the personnel of record,*
37 *including, but not limited to, an officer, director, manager, partner,*
38 *or qualifying person was, likewise, a manager, officer, director,*
39 *or partner of a licensee at any time during which cause for*
40 *disciplinary action occurred resulting in suspension or revocation*

1 of the license, and who had knowledge of or participated in the
2 act or omission which was the cause for the disciplinary action.

3 (b) The board shall require as a condition precedent to the
4 issuance, reissuance, renewal, or restoration of a license to the
5 applicant, or to the approval of an application to change officers
6 of a corporation or a limited liability company, or removal of
7 suspension, or to the continued valid use of a license which has
8 been suspended or revoked, but which suspension or revocation
9 has been stayed, that the applicant or licensee file or have on file
10 a contractor's bond in a sum to be fixed by the registrar based
11 upon the seriousness of the violation, but which sum shall not be
12 less than twenty-five thousand dollars (\$25,000) nor more than
13 10 times that amount required by Section 7071.6.

14 (c) The bond is in addition to, may not be combined with, and
15 does not replace any other type of bond required by this chapter.
16 The bond shall remain on file with the registrar for a period of at
17 least two years and for any additional time that the registrar
18 determines. The bond period shall run only while the license is
19 current, active, and in good standing, and shall be extended until
20 the license has been current, active, and in good standing for the
21 required period. Each applicant or licensee shall be required to
22 file only one disciplinary contractor's bond of the type described
23 in this section for each application or license subject to this bond
24 requirement.

25 (d) This section shall become operative on January 1, 2023.

26 SEC. 12. Section 7071.9 of the Business and Professions Code
27 is amended to read:

28 7071.9. (a) If the qualifying individual, as referred to in
29 Sections 7068 and 7068.1, is neither the proprietor, a general
30 partner, nor a joint licensee, ~~he or she~~ the qualifying individual
31 shall file or have on file a qualifying individual's bond as provided
32 in Section 7071.10 in the sum of twelve thousand five hundred
33 dollars (\$12,500). This bond is in addition to, and ~~may~~ shall not
34 be combined with, any contractor's bond required by Sections
35 7071.5 to 7071.8, inclusive, and is required for the issuance,
36 reinstatement, reactivation, or continued valid use of a license.

37 (b) Excluding the claims brought by the beneficiaries specified
38 in paragraph (1) of subdivision (a) of Section 7071.10, the
39 aggregate liability of a surety on claims brought against the bond
40 required by this section shall not exceed the sum of seven thousand

1 five hundred dollars (\$7,500). The bond proceeds in excess of
2 seven thousand five hundred dollars (\$7,500) shall be reserved
3 exclusively for the claims of the beneficiaries specified in
4 paragraph (1) of subdivision (a) of Section 7071.10. However,
5 nothing in this section shall be construed to prevent any beneficiary
6 specified in paragraph (1) of subdivision (a) of Section 7071.10
7 from claiming or recovering the full measure of the bond required
8 by this section. This bond is in addition to, and ~~may~~ shall not be
9 combined with, any contractor's bond required by Sections 7071.5
10 to 7071.8, inclusive, and is required for the issuance, reinstatement,
11 reactivation, or continued valid use of a license.

12 (c) The responsible managing officer of a corporation shall not
13 be required to file or have on file a qualifying individual's bond,
14 if ~~he or she~~ *the responsible managing officer* owns 10 percent or
15 more of the voting stock of the corporation and certifies to that
16 fact on a form prescribed by the registrar.

17 (d) The qualifying individual for a limited liability company
18 shall not be required to file or have on file a qualifying individual's
19 bond if ~~he or she~~ *the qualifying individual* owns at least a
20 10-percent membership interest in the limited liability company
21 and certifies to that fact on a form prescribed by the registrar.

22 (e) *This section shall remain in effect only until January 1, 2023,*
23 *and as of that date is repealed.*

24 SEC. 13. *Section 7071.9 is added to the Business and*
25 *Professions Code, to read:*

26 7071.9. (a) *If the qualifying individual, as referred to in*
27 *Sections 7068 and 7068.1, is neither the proprietor, a general*
28 *partner, nor a joint licensee, the qualifying individual shall file or*
29 *have on file a qualifying individual's bond as provided in Section*
30 *7071.10 in the sum of twenty-five thousand dollars (\$25,000). This*
31 *bond is in addition to, and shall not be combined with, any*
32 *contractor's bond required by Sections 7071.5 to 7071.8, inclusive,*
33 *and is required for the issuance, reinstatement, reactivation, or*
34 *continued valid use of a license.*

35 (b) *Excluding the claims brought by the beneficiaries specified*
36 *in paragraph (1) of subdivision (a) of Section 7071.10, the*
37 *aggregate liability of a surety on claims brought against the bond*
38 *required by this section shall not exceed the sum of seven thousand*
39 *five hundred dollars (\$7,500). The bond proceeds in excess of*
40 *seven thousand five hundred dollars (\$7,500) shall be reserved*

1 exclusively for the claims of the beneficiaries specified in
2 paragraph (1) of subdivision (a) of Section 7071.10. However,
3 nothing in this section shall be construed to prevent any beneficiary
4 specified in paragraph (1) of subdivision (a) of Section 7071.10
5 from claiming or recovering the full measure of the bond required
6 by this section. This bond is in addition to, and shall not be
7 combined with, any contractor's bond required by Sections 7071.5
8 to 7071.8, inclusive, and is required for the issuance, reinstatement,
9 reactivation, or continued valid use of a license.

10 (c) The responsible managing officer of a corporation shall not
11 be required to file or have on file a qualifying individual's bond,
12 if the responsible managing officer owns 10 percent or more of
13 the voting stock of the corporation and certifies to that fact on a
14 form prescribed by the registrar.

15 (d) The qualifying individual for a limited liability company
16 shall not be required to file or have on file a qualifying individual's
17 bond if the qualifying individual owns at least a 10-percent
18 membership interest in the limited liability company and certifies
19 to that fact on a form prescribed by the registrar.

20 (e) This section shall become operative on January 1, 2023.

21 SEC. 14. Section 17973 of the Health and Safety Code is
22 amended to read:

23 17973. (a) Exterior elevated elements that include load-bearing
24 components in all buildings containing three or more multifamily
25 dwelling units shall be inspected. The inspection shall be performed
26 by a licensed architect; licensed civil or structural engineer; a
27 building contractor holding any or all of the "A," "B," or "C-5"
28 license classifications issued by the Contractors' State License
29 Board, with a minimum of five years' experience, as a holder of
30 the aforementioned classifications or licenses, in constructing
31 multistory wood frame buildings; or an individual certified as a
32 building inspector or building official from a recognized state,
33 national, or international association, as determined by the local
34 jurisdiction. These individuals shall not be employed by the local
35 jurisdiction while performing these inspections. The purpose of
36 the inspection is to determine that exterior elevated elements and
37 their associated waterproofing elements are in a generally safe
38 condition, adequate working order, and free from any hazardous
39 condition caused by fungus, deterioration, decay, or improper
40 alteration to the extent that the life, limb, health, property, safety,

1 or welfare of the public or the occupants is not endangered. The
2 person or business performing the inspection shall be hired by the
3 owner of the building.

4 (b) For purposes of this section, the following terms have the
5 following definitions:

6 (1) “Associated waterproofing elements” include flashings,
7 membranes, coatings, and sealants that protect the load-bearing
8 components of exterior elevated elements from exposure to water
9 and the elements.

10 (2) “Exterior elevated element” means the following types of
11 structures, including their supports and railings: balconies, decks,
12 porches, stairways, walkways, and entry structures that extend
13 beyond exterior walls of the building and which have a walking
14 surface that is elevated more than six feet above ground level, are
15 designed for human occupancy or use, and rely in whole or in
16 substantial part on wood or wood-based products for structural
17 support or stability of the exterior elevated element.

18 (3) “Load-bearing components” are those components that
19 extend beyond the exterior walls of the building to deliver structural
20 loads from the exterior elevated element to the building.

21 (c) The inspection required by this section shall at a minimum
22 include:

23 (1) Identification of each type of exterior elevated element that,
24 if found to be defective, decayed, or deteriorated to the extent that
25 it does not meet its load requirements, would, in the opinion of the
26 inspector, constitute a threat to the health or safety of the occupants.

27 (2) Assessment of the load-bearing components and associated
28 waterproofing elements of the exterior elevated elements identified
29 in paragraph (1) using methods allowing for evaluation of their
30 performance by direct visual examination or comparable means
31 of evaluating their performance. For purposes of this section, a
32 sample of at least 15 percent of each type of exterior elevated
33 element shall be inspected.

34 (3) The evaluation and assessment shall address each of the
35 following as of the date of the evaluation:

36 (A) The current condition of the exterior elevated elements.

37 (B) Expectations of future performance and projected service
38 life.

39 (C) Recommendations of any further inspection necessary.

1 (4) A written report of the evaluation stamped or signed by the
2 inspector presented to the owner of the building or the owner's
3 designated agent within 45 days of completion of the inspection.
4 The report shall include photographs, any test results, and narrative
5 sufficient to establish a baseline of the condition of the components
6 inspected that can be compared to the results of subsequent
7 inspections. In addition to the evaluation required by this section,
8 the report shall advise which, if any, exterior elevated element
9 poses an immediate threat to the safety of the occupants, and
10 whether preventing occupant access or conducting emergency
11 repairs, including shoring, are necessary.

12 (d) The inspection shall be completed by January 1, 2025, and
13 by January 1 every six years thereafter. The inspector conducting
14 the inspection shall produce an initial report pursuant to paragraph
15 (4) of subdivision (c) and, if requested by the owner, a final report
16 indicating that any required repairs have been completed. A copy
17 of any report that recommends immediate repairs, advises that any
18 building assembly poses an immediate threat to the safety of the
19 occupants, or that preventing occupant access or emergency repairs,
20 including shoring, are necessary, shall be provided by the inspector
21 to the owner of the building and to the local enforcement agency
22 within 15 days of completion of the report. Subsequent inspection
23 reports shall incorporate copies of prior inspection reports,
24 including the locations of the exterior elevated elements inspected.
25 Local enforcement agencies may determine whether any additional
26 information is to be provided in the report and may require a copy
27 of the initial or final reports, or both, be submitted to the local
28 jurisdiction. Copies of all inspection reports shall be maintained
29 in the building owner's permanent records for not less than two
30 inspection cycles, and shall be disclosed and delivered to the buyer
31 at the time of any subsequent sale of the building.

32 (e) The inspection of buildings for which a building permit
33 application has been submitted on or after January 1, 2019, shall
34 occur no later than six years following issuance of a certificate of
35 occupancy from the local jurisdiction and shall otherwise comply
36 with the provisions of this section.

37 (f) If the property was inspected within three years prior to
38 January 1, 2019, by an inspector as described in subdivision (a)
39 and a report of that inspector was issued stating that the exterior
40 elevated elements and associated waterproofing elements are in

1 proper working condition and do not pose a threat to the health
2 and safety of the public, no new inspection pursuant to this section
3 shall be required until January 1, 2025.

4 (g) An exterior elevated element found by the inspector that is
5 in need of repair or replacement shall be corrected by the owner
6 of the building. ~~No recommended repair shall be performed by a~~
7 ~~licensed contractor serving as the inspector.~~ All necessary permits
8 for repair or replacement shall be obtained from the local
9 jurisdiction. All repair and replacement work shall be performed
10 by a qualified and licensed contractor in compliance with all of
11 the following:

12 (1) The recommendations of a licensed professional described
13 in subdivision (a).

14 (2) Any applicable manufacturer's specifications.

15 (3) The California Building Standards Code, consistent with
16 subdivision (d) of Section 17922 of the Health and Safety Code.

17 (4) All local jurisdictional requirements.

18 (h) (1) An exterior elevated element that the inspector advises
19 poses an immediate threat to the safety of the occupants, or finds
20 preventing occupant access or emergency repairs, including
21 shoring, or both, are necessary, shall be considered an emergency
22 condition and the owner of the building shall perform required
23 preventive measures immediately. Immediately preventing
24 occupant access to the exterior elevated element until emergency
25 repairs can be completed constitutes compliance with this
26 paragraph. Repairs of emergency conditions shall comply with the
27 requirements of subdivision (g), be inspected by the inspector, and
28 reported to the local enforcement agency.

29 (2) The owner of the building requiring corrective work to an
30 exterior elevated element that, in the opinion of the inspector, does
31 not pose an immediate threat to the safety of the occupants, shall
32 apply for a permit within 120 days of receipt of the inspection
33 report. Once the permit is approved, the owner of the building
34 shall have 120 days to make the repairs unless an extension of time
35 is granted by the local enforcement agency.

36 (i) (1) The owner of the building shall be responsible for
37 complying with the requirements of this section.

38 (2) If the owner of the building does not comply with the repair
39 requirements within 180 days, the inspector shall notify the local
40 enforcement agency and the owner of the building. If within 30

1 days of the date of the notice the repairs are not completed, the
2 owner of the building shall be assessed a civil penalty based on
3 the fee schedule set by the local authority of not less than one
4 hundred dollars (\$100) nor more than five hundred dollars (\$500)
5 per day until the repairs are completed, unless an extension of time
6 is granted by the local enforcement agency.

7 (3) In the event that a civil penalty is assessed pursuant to this
8 section, a building safety lien may be recorded in the county
9 recorder's office by the local jurisdiction in the county in which
10 the parcel of land is located and from the date of recording shall
11 have the force, effect, and priority of a judgment lien.

12 (j) (1) A building safety lien authorized by this section shall
13 specify the amount of the lien, the name of the agency on whose
14 behalf the lien is imposed, the street address, the legal description
15 and assessor's parcel number of the parcel on which the lien is
16 imposed, and the name and address of the recorded owner of the
17 building.

18 (2) In the event that the lien is discharged, released, or satisfied,
19 either through payment or foreclosure, notice of the discharge
20 containing the information specified in paragraph (1) shall be
21 recorded by the governmental agency. A safety lien and the release
22 of the lien shall be indexed in the grantor-grantee index.

23 (3) A building safety lien may be foreclosed by an action
24 brought by the appropriate local jurisdiction for a money judgment.

25 (4) Notwithstanding any other law, the county recorder may
26 impose a fee on the city to reimburse the costs of processing and
27 recording the lien and providing notice to the owner of the building.
28 A city may recover from the owner of the building any costs
29 incurred regarding the processing and recording of the lien and
30 providing notice to the owner of the building as part of its
31 foreclosure action to enforce the lien.

32 (k) The continued and ongoing maintenance of exterior elevated
33 elements in a safe and functional condition in compliance with
34 these provisions shall be the responsibility of the owner of the
35 building.

36 (l) Local enforcement agencies shall have the ability to recover
37 enforcement costs associated with the requirements of this section.

38 (m) For any building subject to the provisions of this section
39 that is proposed for conversion to condominiums to be sold to the
40 public after January 1, 2019, the inspection required by this section

1 shall be conducted prior to the first close of escrow of a separate
2 interest in the project and shall include the inspector's
3 recommendations for repair or replacement of any exterior elevated
4 element found to be defective, decayed, or deteriorated to the extent
5 that it does not meet its load requirements, and would, in the
6 opinion of the inspector, constitute a threat to the health or safety
7 of the occupants. The inspection report and written confirmation
8 by the inspector that any repairs or replacements recommended
9 by the inspector have been completed shall be submitted to the
10 Department of Real Estate by the proponent of the conversion and
11 shall be a condition to the issuance of the final public report. A
12 complete copy of the inspection report and written confirmation
13 by the inspector that any repairs or replacements recommended
14 by the inspector have been completed shall be included with the
15 written statement of defects required by Section 1134 of the Civil
16 Code, and provided to the local jurisdiction in which the project
17 is located. The inspection, report, and confirmation of completed
18 repairs shall be a condition of the issuance of a final inspection or
19 certificate of occupancy by the local jurisdiction.

20 (n) This section shall not apply to a common interest
21 development, as defined in Section 4100 of the Civil Code.

22 (o) The governing body of any city, county, or city and county,
23 may enact ordinances or laws imposing requirements greater than
24 those imposed by this section.

25 *SEC. 15. No reimbursement is required by this act pursuant*
26 *to Section 6 of Article XIII B of the California Constitution for*
27 *certain costs that may be incurred by a local agency or school*
28 *district because, in that regard, this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*

34 *However, if the Commission on State Mandates determines that*
35 *this act contains other costs mandated by the state, reimbursement*
36 *to local agencies and school districts for those costs shall be made*
37 *pursuant to Part 7 (commencing with Section 17500) of Division*
38 *4 of Title 2 of the Government Code.*

O

AGENDA ITEM I.1: REVIEW AND DISCUSS EXAM PROCESS, CONTENT AREAS, AND REQUIREMENTS OF LANDSCAPE ARCHITECTS FOR QUALIFIED STORMWATER POLLUTION PREVENTION PLAN DEVELOPER (QSD) CERTIFICATION

Summary

At the November 8, 2019 Landscape Architects Technical Committee (LATC) meeting the members discussed the QSD certification requirements and process for landscape architects as a result of receiving correspondence from a licensee. Staff shared, based on its preliminary research, the State Water Resources Control Board's (State Water Board) National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Land Disturbance (Construction General Permit) includes certification training for Storm Water Pollution Prevention Plans (SWPPP). The Construction General Permit requires that a QSD possess one of eight underlying professional licenses or certifications, which includes a landscape architect, and have attended a State Water Board-sponsored or approved QSD training program.

The Committee members expressed further interest and requested a presentation on the extent of the QSD certification training program, requirements to become QSD certified, importance of being QSD certified, and how landscape architects can become QSD certified. A presentation was provided by State Water Board staff and Qualified Industrial Storm Water Practitioner, Brandon Roosenboom, at the September 4, 2020 LATC meeting on the additional information requested. After the presentation, Committee members expressed interest in receiving additional information on the examination process, subject areas, and stormwater requirements of landscape architects for QSD certification.

At today's meeting, Brandon Roosenboom will provide a presentation on the additional information requested by the Committee and the proposed language amending the Construction General Permit.

Action Requested

Review and discuss exam process and content areas for QSD certification and stormwater requirements.

Attachment

Qualified SWPPP Developer & Practitioner Exam Overview PowerPoint



Qualified SWPPP Developer & Practitioner Exam Overview

April 29, 2021

Brandon Roosenboom

Construction Stormwater Program

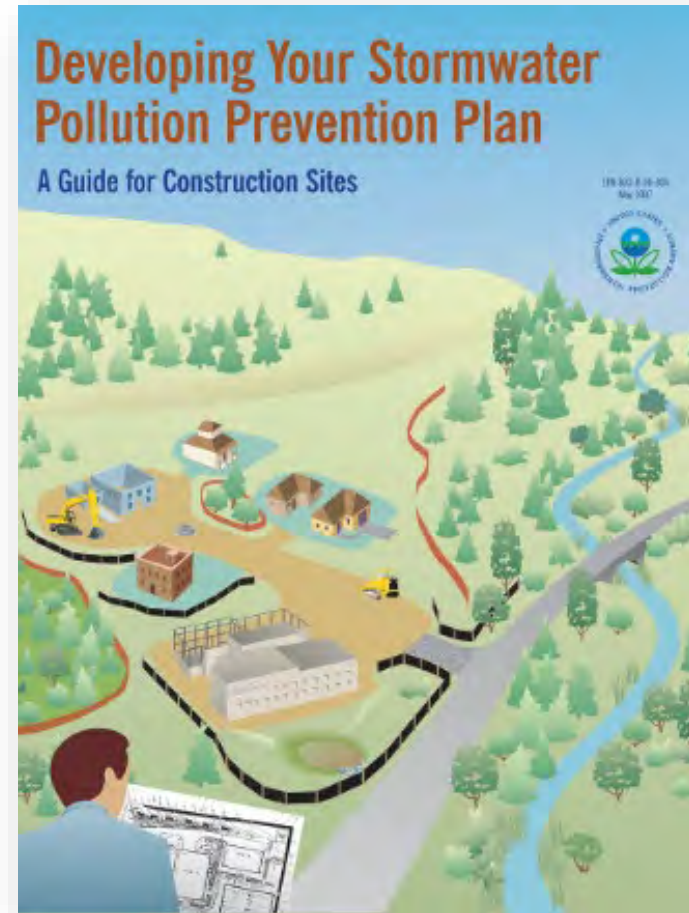
State Water Resources Control Board

Acronyms

- SWPPP – Stormwater Pollution Prevention Plan
- QSD – Qualified SWPPP Developer
- QSP – Qualified SWPPP Practitioner
- CGP – Construction Stormwater General Permit
- CASQA – California Stormwater Quality Association
- OWP – Office of Water Programs at Sacramento State

Overview

- Summary of QSD/QSP Program
- QSD/QSP Exam Details
- Key Takeaways
- Discussion



QSD/QSP Program Summary

- The 2009 Construction Stormwater General Permit requires the development of a SWPPP by a certified QSD
- During the construction project, the QSP implements the elements of the SWPPP to maintain compliance with the CGP
- California Registered Landscape Architect licensure is an acceptable underlying registration for the QSD/QSP training program
- California Registered Landscape Architects are required to take the QSD/QSP training and exam to earn the certification
- CASQA and OWP are the State Water Board's partners in administering the program

QSD/QSP Exam Details

There are 4 steps to earning a QSD/QSP certification

1. Take a QSD/QSP training course offered by a Trainer of Record
2. Register to take the QSD and/or QSP exam through the Office of Water Programs (\$125 fee)
3. Take and pass the QSD and/or QSP exam with a score of 70% or higher
4. Provide information on underlying certification or registration

More information about the QSD/QSP Training Program can be found on the [CASQA website](https://www.casqa.org/resources/qsp-qsd-qualification) (<https://www.casqa.org/resources/qsp-qsd-qualification>)

QSD/QSP Exam Details

The QSD/QSP exam is:

- Hosted online through the [OWP website](https://www.owp.csus.edu/stormwater-training/cgp/) (https://www.owp.csus.edu/stormwater-training/cgp/)
- “Open-book”, test takers may refer to the CGP and use a non-programmable calculator
- 3 hours long, the QSP exam is 2 hours and the QSD exam is 1 additional hour
- 127 questions, the QSP exam is 88 and the QSD exam is 39



QSD/QSP Exam Details

Subject areas include:

- Regulations
- Erosion Processes and Sediment Control
- Project Planning and Site Assessment*
- SWPPP Development and Permit Registration Documents*
- SWPPP Implementation
- Construction Site Monitoring
- Reporting
- Project Closeout*

* = QSD specific topics

Key Takeaways

California Registered Landscape Architects are expected to have fundamental knowledge of stormwater management such as erosion and sediment controls, hydrology, pollutant source controls, and soil science.

The QSD/QSP Program is designed to orient their experience towards complying with the requirements of the statewide Construction Stormwater General Permit.

The State Water Board and CASQA value the experience and perspective of landscape architects in addressing stormwater issues, often achieving improved project outcomes.


Questions & Discussion



Thank you!



 Brandon Roosenboom, Construction Stormwater Program Lead

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AGENDA ITEM I.2: REVIEW AND POSSIBLE ACTION ON PRELIMINARY STAFF DRAFT OF THE STATEWIDE CONSTRUCTION GENERAL PERMIT (20XX-XXXX-DWQ) REISSUANCE

Summary

The federal Clean Water Act requires discharges of construction stormwater to waters of the United States be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The State Water Board adopted the existing statewide NPDES Construction Stormwater General Permit in 2009 to regulate stormwater discharges associated with construction activities disturbing one or more acres. The existing General Permit expired on September 2, 2014 and has been administratively extended until the effective date of a reissued NPDES permit.

State Water Board staff has developed a preliminary staff draft Construction Stormwater General Permit (20XX-XXXX-DWQ) reissuance incorporating:

- (1) New requirements to implement existing Total Maximum Daily Loads;
- (2) New regulation of passive treatment technology uses and discharges from dewatering activities;
- (3) Updated criteria for Notices of Non-Applicability;
- (4) Efficiency to the existing Notice of Termination process;
- (5) Requirements to implement the California Ocean Plan, the Inland Surface Waters Plan, and statewide Trash provisions;
- (6) Updated requirements for demolition activities;
- (7) Updated water quality sampling requirements per the federal Sufficiently Sensitive Test Methods Rule; and
- (8) Updated monitoring and reporting requirements.

Action Requested

Review and provide input on the attached preliminary staff draft Construction Stormwater General Permit. Although, it is encouraged to review the draft [Construction Stormwater General Permit](#) (link) in its entirety, landscape architect's input may be most valuable for Sections VII, XIV, and XV in the Order (Attachment 2) and Attachment E for Risk Level 3 sites (Attachment 3).

Attachments

1. Proposed Construction Stormwater General Permit Reissuance Update PowerPoint

2. Preliminary staff draft Construction Stormwater General Permit (20XX-XXXX-DWQ) reissuance Order
3. Preliminary staff draft Construction Stormwater General Permit (20XX-XXXX-DWQ) reissuance Attachment E – Risk Level 3 Requirements

Proposed Construction Stormwater General Permit Reissuance Update

April 29, 2021

Brandon Roosenboom

Construction Stormwater Program

State Water Resources Control
Board



Background

- Federal Clean Water Act prohibits certain discharges of stormwater to waters of the United States, except discharges in compliance with a National Pollutant Discharge Elimination System (NPDES) permit
- State Water Resources Control Board (State Water Board) adopted the existing NPDES Construction General Permit in 2009
- Existing Permit: Order 2009-0009-DWQ, amended by 2010-0014-DWQ and 2012-0006-DWQ
- Existing Permit expired in 2014;
 - Administratively extended until State Water Board adopts permit reissuance

Discussion of Proposed Changes

Total maximum daily load implementation requirements

Passive treatment technology use requirements

Notice of Non-Applicability criteria

Notice of Termination process revisions

Statewide Water Quality Control Plan requirements

Authorized dewatering activity requirements

Discussion of Proposed Changes

Demolition activity requirements

Sufficiently Sensitive Test Methods Rule

Monitoring and reporting requirement revisions

Removal of bioassessment monitoring
requirements

Removal of rain event action plan
requirements



Implementation
of Adopted
Total Maximum
Daily Loads

Total Maximum Daily Loads (TMDLs)

TMDLs are:

- Existing regulations in Regional Water Board basin plans that address impaired waterbodies
- Adopted by the Regional Water Boards or U.S. Environmental Protection Agency
- A sum of the allowable loads of a pollutant to a waterbody from all identified sources
- Not self-implementing – must be implemented in permits or other Board actions

TMDLs assign waste load allocations to contributing point sources

- The maximum pollutant load from each source to be discharged to a waterbody

Proposed Implementation of Adopted TMDLs

- The Regional Water Boards provided 88 TMDLs for consideration
- All 88 TMDLs were reviewed to determine if applicable to construction stormwater dischargers
- 68 are proposed for incorporation into this proposed draft



Proposed Implementation of Adopted TMDLs

- Proposed TMDL implementation requirements built on permit requirements
- There are four categories of TMDL implementation requirements:

Comply with
General Permit

Erosion and
Sediment Controls
paired with RUSLE2
Modeling

Numeric Action
Levels

Numeric Effluent
Limitations

Proposed Implementation of Adopted TMDLs

Step 1: Determine responsible discharger status

Step 2: Perform site-specific pollutant source assessment

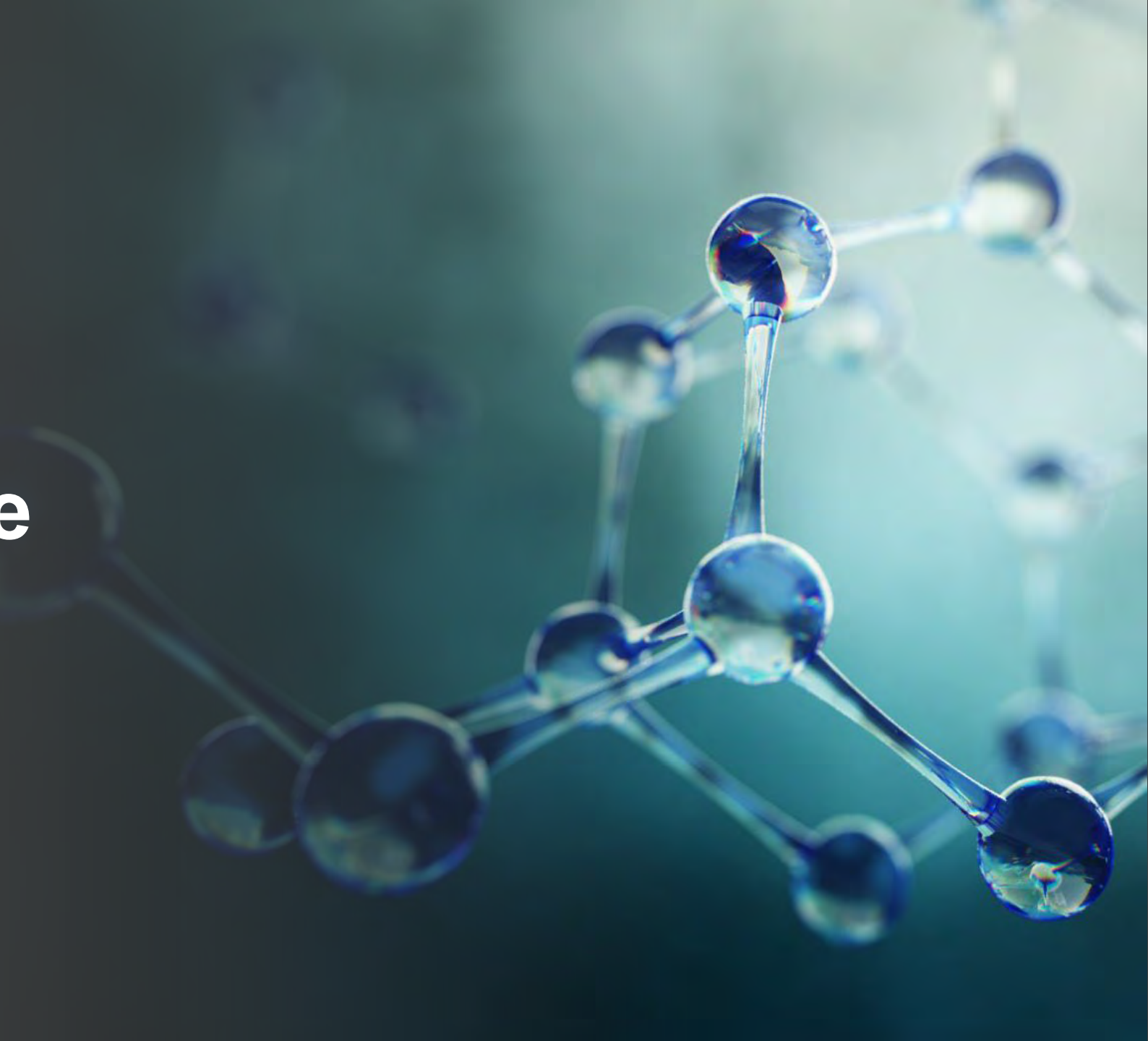
Step 3: Refer to proposed Attachment H for applicable TMDL Implementation Requirements

Shown right: Example of TMDL map tool (existing Industrial General Permit map tool, 2019)





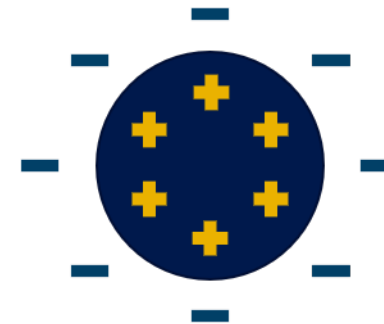
Passive Treatment Technology Use Requirements



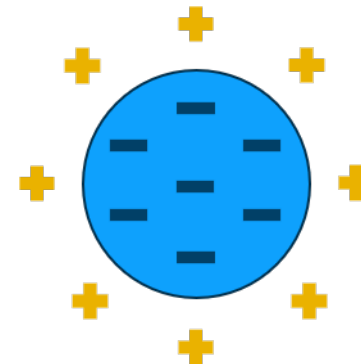
Proposed Passive Treatment Technology Use Requirements

- Treatment chemicals are often used to meet turbidity numeric action levels in stormwater
- Existing General Permit only addresses treatment chemicals used in an active treatment system
- Passive treatment technologies are used outside of a contained system with pumps and filters
- Cationic treatment chemical forms (positively charged ions) can be toxic to aquatic life

Anion Exchanger



Cation Exchanger



Proposed Passive Treatment Technology Use Requirements

- Not all treatment chemicals share same characteristics (e.g. toxicity)
- U.S. EPA, North Carolina, Washington and other states regulate the use of treatment chemicals at construction sites
- Stakeholders helped develop language and recommendations for including these technologies in the reissued permit



Proposed Passive Treatment Technology Use Requirements

- Requires the discharger to assign a QSD knowledgeable in the use of passive treatment systems to be present during applications
- QSDs are to prepare a Passive Treatment Plan to determine application rates, dosing, discharge locations, and inspections of passive treatment systems
- The QSD needs to have fundamental knowledge of chemistry and physical properties, water quality monitoring and testing procedures
- The QSD may train a QSP to assist in passive treatment implementation



Other Proposed Permit Changes

Proposed Notice of Non-Applicability Criteria

- California Water Code (Section 13399.30) allows for a Notice of Non-Applicability in NPDES permits
- Applies to projects that are hydrologically disconnected from waters of the United States, as determined by a profession geologist
- Dischargers must submit technical justification and confirmation of Regional Water Board concurrence with determination

Proposed Notice of Termination Process Revisions

- Dischargers must electronically certify and submit a complete Notice of Termination and obtain approval prior to ending permit coverage
- The proposed permit includes revised requirements to streamline Regional Water Board approval:
 - 1) Dischargers must submit project specific information (e.g., final site map, photo documentation, post-construction specifications, etc. prepared by a QSD)
 - 2) Automatic 30-day approval of notice of termination by Water Boards if not otherwise under review by a Regional Water Board

Proposed Statewide Water Quality Control Plan Requirements

- Implementation of the statewide Ocean Plan and Inland Surface Waters, Enclosed Bays, and Estuaries Plan (known as ISWEBE)
- Dischargers directly discharging into ocean waters:
 - Compliance with monitoring requirements of General Permit deemed as compliance with Ocean Plan model monitoring provisions
- Attachment I incorporates additional requirements for construction sites with direct discharges to Areas of Special Biological Significance to comply with the Ocean Plan
- ISWEBE Trash Provisions – a statewide prohibition of the discharge of debris/trash from construction sites

Proposed Authorized Dewatering Activity Requirements

- Defining and incorporating construction site dewatering activities to align with U.S. EPA 2017 NPDES Construction Stormwater General Permit
- Covers mechanical pumping or syphoning of non-potable water collected in surface impoundments and subsurface areas
- Dischargers would be required to comply with specific dewatering prohibitions, Regional Water Board requests, monitoring, and best management practices
- QSD must incorporate selection of BMPs into SWPPP for dewatering and the QSP shall monitor for exceedances of numeric action levels

Proposed Demolition Activity Requirements

- Proposed permit incorporates implementation requirements for demolition activities if:
 - Structure being demolished was built or renovated between January 1, 1950 and January 1, 1990, and
 - Structure floor space is at least 10,000 square feet
- Requirements include using best management practices to control exposure of stormwater to PCB-containing materials

Implementation of New Federal Sufficiently Sensitive Test Method Rule

- NPDES permits must specify the use of standard analytical methods for water quality sampling (40 CFR 122.21(e)(3) and 122.44(i)(1)(iv))
- Minimum level of quantification must be at or below the water quality criteria or permit limitation for the measured pollutant
- Newly required test methods must be sensitive enough to quantify pollutants at the numeric action level or numeric effluent limit
- Applies to all NPDES dischargers

Proposed Monitoring and Reporting Requirement Revisions

- Increased Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) responsibilities:
 - Must visit the site,
 - Must conduct visual inspections, and
 - Must assess site conditions.
- QSD and QSPs perform on-site visual inspection at intervals that reflect potential changes to the construction site
- Discharger must collect stormwater samples during precipitation events that result in discharge

Proposed Removal of Bioassessment Monitoring Requirements

- Bioassessment monitoring requirements in existing permit intended to align with forthcoming State Water Board biological integrity policy
- Plan to work with the Surface Water Ambient Monitoring Program (SWAMP) for a study on biological impacts of construction stormwater discharges on downstream environments
- Future reissuances of this permit may include bioassessment or biological integrity requirements to implement water quality control plans or policies

Proposed Removal of Rain Event Action Plan Requirements

- Existing permit required rain event action plans to include on-site inspections prior to a precipitation event
- Proposed Permit includes an action-based strategy in place of checklist or reporting-based rain event action plan
- Action-based strategy includes:
 - QSD involvement over the life of the project
 - Additional inspections and visual observations
 - Documentation and implementation of corrective actions

Anticipated Next Steps



Release official draft and initiate public comment period



Spring 2021



Additional public workshops and State Water Board Hearing



Spring/Summer 2021



Public comment period closes, and staff work on response to comments



Summer 2021



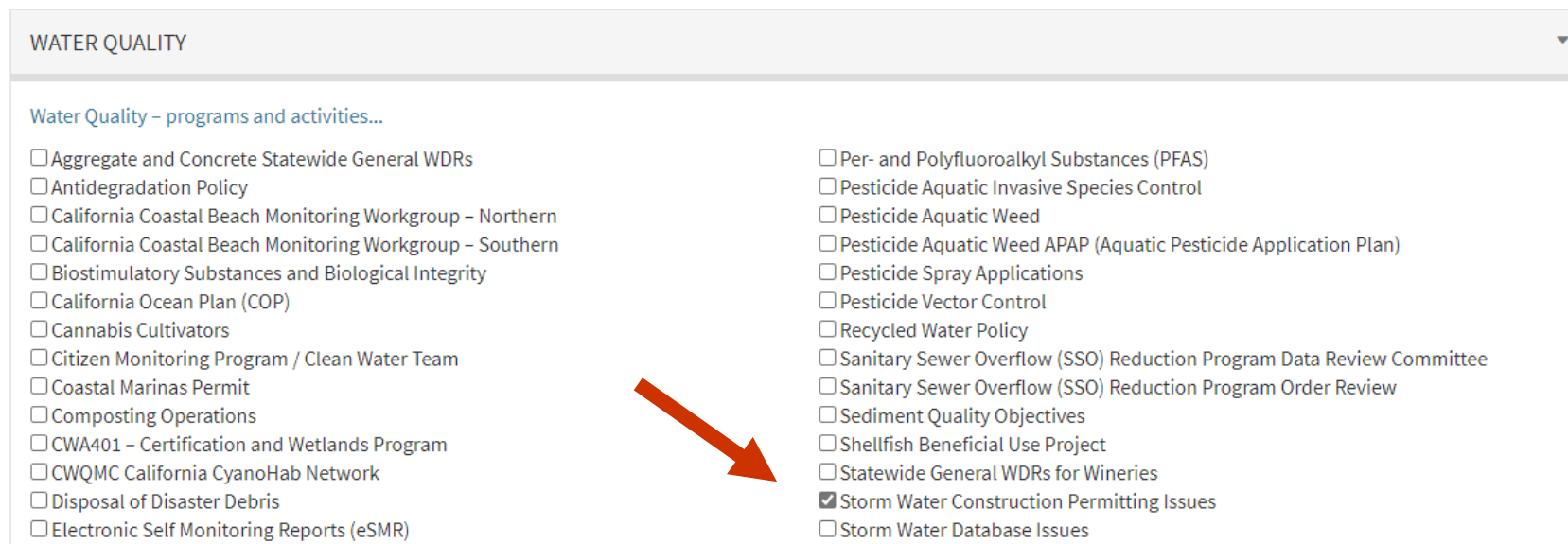
State Water Board Adoption Meeting



Summer/Fall 2021

Stay Informed – Future Notices

- Go to the [Email List Subscription Form web page](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html) (https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html),
- Select the “Water Quality” tab; Check the box for “Stormwater Construction Permitting Issues”, and fill in the required information



WATER QUALITY

Water Quality – programs and activities...

<input type="checkbox"/> Aggregate and Concrete Statewide General WDRs	<input type="checkbox"/> Per- and Polyfluoroalkyl Substances (PFAS)
<input type="checkbox"/> Antidegradation Policy	<input type="checkbox"/> Pesticide Aquatic Invasive Species Control
<input type="checkbox"/> California Coastal Beach Monitoring Workgroup – Northern	<input type="checkbox"/> Pesticide Aquatic Weed
<input type="checkbox"/> California Coastal Beach Monitoring Workgroup – Southern	<input type="checkbox"/> Pesticide Aquatic Weed APAP (Aquatic Pesticide Application Plan)
<input type="checkbox"/> Biostimulatory Substances and Biological Integrity	<input type="checkbox"/> Pesticide Spray Applications
<input type="checkbox"/> California Ocean Plan (COP)	<input type="checkbox"/> Pesticide Vector Control
<input type="checkbox"/> Cannabis Cultivators	<input type="checkbox"/> Recycled Water Policy
<input type="checkbox"/> Citizen Monitoring Program / Clean Water Team	<input type="checkbox"/> Sanitary Sewer Overflow (SSO) Reduction Program Data Review Committee
<input type="checkbox"/> Coastal Marinas Permit	<input type="checkbox"/> Sanitary Sewer Overflow (SSO) Reduction Program Order Review
<input type="checkbox"/> Composting Operations	<input type="checkbox"/> Sediment Quality Objectives
<input type="checkbox"/> CWA401 – Certification and Wetlands Program	<input type="checkbox"/> Shellfish Beneficial Use Project
<input type="checkbox"/> CWQMC California CyanoHab Network	<input type="checkbox"/> Statewide General WDRs for Wineries
<input type="checkbox"/> Disposal of Disaster Debris	<input checked="" type="checkbox"/> Storm Water Construction Permitting Issues
<input type="checkbox"/> Electronic Self Monitoring Reports (eSMR)	<input type="checkbox"/> Storm Water Database Issues


Questions & Discussion



Thank you!



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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
 GENERAL PERMIT FOR STORMWATER DISCHARGES
 ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE
 ACTIVITIES

DRAFT ORDER 20XX-XXXX-DWQ

NPDES NO. **CAS000002**

This Order was adopted by the State Water Resources Control Board on:	XXXX XX, 20XX
This Order shall become effective on:	XXXX XX, 20XX
This Order shall expire on:	XXXX XX, 20XX

IT IS HEREBY ORDERED, that this Order supersedes Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and 2012-0006-DWQ except for: (1) the requirement to submit annual reports by September 1, 20XX, and (2) enforcement purposes. The Discharger shall comply with the requirements in this Order to meet the provisions contained in Division 7 of the California Water Code (commencing with Section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on XXXX XX, XXXX.

AYE:

NAY:

ABSENT: None

ABSTAIN: None

Clerk to the Board

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Attachment A – Linear Underground and Overhead Project Requirements

Attachment A.1 – Linear Underground and Overhead Project Type Determination

Attachment A.2 – Linear Underground and Overhead Project Permit Registration Documents

Attachment B – Permit Registration Documents

Attachment C – Risk Level 1 Requirements

Attachment D – Risk Level 2 Requirements

Attachment E – Risk Level 3 Requirements

Attachment F – Active Treatment System (ATS) Requirements

Attachment G – Passive Treatment System Requirements

Attachment H – TMDL Implementation Requirements

Attachment I – Ocean Plan

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Appendix 1 – Risk Determination Worksheet

Appendix 2 – Glossary

Appendix 3 – Acronyms and Terms

Appendix 4 – State and Regional Water Resources Control Board Contacts

STATE WATER RESOURCES CONTROL BOARD**DRAFT ORDER 20XX-XXXX-DWQ****NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM****GENERAL PERMIT NO. CAS000002****WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF
STORMWATER RUNOFF ASSOCIATED WITH CONSTRUCTION
AND LAND DISTURBANCE ACTIVITIES****The State Water Resources Control Board (State Water Board) finds that:**

1. The Federal Water Pollution Control Act, also referred to as the Clean Water Act, prohibits certain discharges of stormwater containing pollutants to waters of the United States except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit (Title 33 United States Code (U.S.C.) section 1311 and 1342(p); also referred to as Clean Water Act section 301 and 402(p)). The United States Environmental Protection Agency (U.S. EPA) promulgates federal regulations to implement the Clean Water Act's mandate to control pollutants in stormwater runoff discharges. (Title 40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The federal statutes and regulations require discharges to waters of the United States comprised of stormwater associated with construction activity to obtain NPDES permit coverage (except operations that result in disturbance of less than one acre of total land area and that are not part of a larger common plan of development or sale). Construction activity includes, but is not limited to, clearing, demolition, dewatering, grading, excavation, and other land disturbance activities. The NPDES permit shall require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in stormwater runoff. NPDES permit coverage shall also include any additional requirements necessary to implement applicable water quality standards.
2. This NPDES permit also serves as waste discharge requirements for discharges of pollutants in stormwater runoff (stormwater discharges) associated with construction and land disturbance activities and is hereinafter referred to as General Permit.
3. The Legally Responsible Person(s) and the Duly Authorized Representative(s) of a site (as defined in Appendix 2 of this

General Permit) discharging stormwater associated with construction activity and requiring General Permit coverage are hereinafter also referred to as discharger(s).

4. This General Permit regulates discharges to waters of the United States from stormwater, dewatering, and authorized non-stormwater associated with construction activity from sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface.
5. This General Permit regulates discharges to waters of the United States from stormwater, dewatering and authorized non-stormwater associated with construction activities from all linear underground and overhead projects resulting in the disturbance of greater than or equal to one acre (Attachment A).
6. This General Permit does not preempt or supersede the authority of local stormwater management agencies to prohibit, restrict, or control stormwater discharges to municipal separate storm sewer systems or other watercourses within their jurisdictions.
7. This action to adopt a general NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), pursuant to Section 13389 of the California Water Code.
8. Regional Water Boards establish water quality standards in water quality control plans (Basin Plans). The State Water Board establishes water quality standards in various statewide plans, including the California Ocean Plan and the forthcoming Inland Surface Waters, Enclosed Bays, and Estuaries of California Plan. U.S. EPA establishes water quality standards in the National Toxic Rule and the California Toxic Rule.
9. Pursuant to 40 Code of Federal Regulations section 131.12 and State Water Board Resolution No. 68-16 (anti-degradation policy), which incorporates applicable requirements of section 131.12, in high quality waters, discharges may not unreasonably affect beneficial uses, result in water quality less than the quality specified by water quality objectives, or cause a pollution or nuisance, except as allowed under the anti-degradation policy. Because coverage under this General Permit is available statewide, this General Permit may authorize discharges to at least some surface waters that are high quality. This General Permit requires the implementation of BCT and BPT controls where discharges may cause degradation. This General Permit is

consistent with the maximum benefit to the people of the state. The State Water Board finds that discharges in compliance with this General Permit will not result in degradation of high-quality waters consistent with the anti-degradation policy.

10. This General Permit serves as an NPDES permit in compliance with Clean Water Act section 402 and will be effective on XXXX XX, 20XX provided the Regional Administrator of the U.S. EPA has no objection. If the U.S. EPA Regional Administrator objects to its issuance, this General Permit will not become effective until such objection is withdrawn.
11. The Regional Water Quality Control Boards (Regional Water Boards) and State Water Board, collectively referred to as the Water Boards, shall enforce the provisions herein following adoption and upon the effective date of this General Permit.
12. Stormwater discharges from dredge spoil placement that occur outside of waters of the state (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General Permit. This General Permit does not cover the discharge of dredged or fill material to waters of the state. Construction projects that include the discharge of dredged or fill material to waters of the state should contact the applicable Regional Board to obtain authorization for the discharge of dredged or fill material to waters of the state.
13. Compliance with requirements contained in this General Permit does not supersede or constitute compliance with other regulatory requirements also applicable to discharges regulated by this General Permit, including waste discharge prohibitions in regional and statewide water quality control plans.
14. The State Water Board heard and considered all comments and testimony in a public hearing on XXXX XX, 20XX as publicly notice in accordance with state and federal laws and regulations. The State Water Board has prepared written responses to all significant comments.
15. Construction activity that results in a discharge of dredged or fill material to a water of the United States is regulated by the United States Army Corps of Engineers under Clean Water Act section 404, and by the Water Boards under Clean Water Act section 401. Construction activity that results in a discharge of dredged or fill material to a water outside of federal jurisdiction may be regulated by the Water Boards under the Porter-Cologne Water Quality Control Act.

16. Pursuant to 40 Code of Federal Regulations Part 3 (Cross-Media Electronic Reporting Regulation), Section 122.44¹, and 40 Code of Federal Regulations Part 127 (NPDES Electronic Reporting)², all NPDES dischargers to electronically certify and submit all permit registration documents, notices of non-applicability, notices of coverage termination, changes of information, annual reports, and other required documents.
17. The 2002 Homeland Security Act³ (U.S. 116 STAT. 2135 and Title 6 U.S. Code Chapter 1 Section 101) requires any information provided to the Water Boards per a regulatory action taken by the Water Boards shall comply with the Homeland Security Act and other federal law that address security in the United States; the discharger should not submit any information that does not comply.
18. The discharger is required to comply with this General Permit's conditions for all discharges associated with stormwater from construction activity, dewatering, and authorized non-stormwater discharges by this General Permit or another NPDES permit issued by the State Water Board or a Regional Water Board (40 Code of Federal Regulations Part 122 Section 41). All other discharges are prohibited by this General Permit.
19. Unauthorized non-stormwater discharges are prohibited, including improper dumping, spills, or leakage from storage tanks or transfer areas. Non-stormwater discharges may contribute significant pollutant loads to receiving waters.
20. All discharges which contain a hazardous substance in excess of reportable quantities established in 40 Code of Federal Regulations Section 117.3 and 302.4, are prohibited unless a

¹ [U.S. EPA, Cross-media Electronic Reporting](https://www.govinfo.gov/content/pkg/CFR-2011-title40-vol22/pdf/CFR-2011-title40-vol22-sec122-44.pdf), October 13, 2005 <<https://www.govinfo.gov/content/pkg/CFR-2011-title40-vol22/pdf/CFR-2011-title40-vol22-sec122-44.pdf>> [as of October 19, 2020]

² [U.S. EPA, NPDES Electronic Reporting](https://ecfr.io/Title-40/cfr127_main), October 22, 2015 <https://ecfr.io/Title-40/cfr127_main>, [as of October 19, 2020]

³ [Department of Homeland Security, Homeland Security Act 107th Congress](https://www.dhs.gov/homeland-security-act-2002), November 25, 2002 <<https://www.dhs.gov/homeland-security-act-2002>>, [as of October 19, 2020]

separate NPDES permit has been issued to regulate those discharges.

21. Stormwater that is exposed to by-products and waste products resulting from demolition activities may transport and discharge pollutants off-site and into receiving waters.
22. In accordance with State Water Board Resolution 2015-0019, Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California, the discharge of any debris⁴ and/or trash from construction sites is prohibited.
23. The State Water Board, in collaboration with the California Stormwater Quality Association and the California State University, Sacramento, Office of Water Programs, established a Construction General Permit Training Team to develop a corresponding General Permit training program and certification process for Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer (QSD) and the Qualified SWPPP Practitioner (QSP) conducting work required by this General Permit.
24. All California professional engineering, land surveying, and geology work is licensed by the Board for Professional Engineers, Land Surveyors, and Geologists.⁵ Pursuant to the Professional Engineers Act (Bus. and Prof. Code Section 6700, et seq.), all engineering work is required to be performed by a California licensed professional engineer, land surveyor and/or geologist.
25. Precipitation events can occur at any time of the year in California. On-site stormwater management is necessary throughout the entire year to ensure sites implement adequate erosion and sediment controls prior to the onset of a precipitation event, even if construction is planned only during the typically dry season.
26. Soil particles smaller than 0.02 millimeters (mm) (i.e., finer than medium silt) do not settle easily using conventional measures for sediment control (i.e., sediment basins). Fine particles discharged

⁴ Debris may include, but is not limited to, litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.

⁵ [Department of Consumer Affairs, California Board for Professional Engineers, Land Surveyors, and Geologists website](https://www.bpelsg.ca.gov/) <<https://www.bpelsg.ca.gov/>> [as of October 19, 2020]

into surface waters cause downstream impacts to beneficial uses in the receiving water. Actively treating construction stormwater discharges with properly operated and maintained active treatment systems can reduce the turbidity level and sediment concentration in the discharge within receiving water limitations.

27. The State Water Board convened a Blue Ribbon Panel (Panel) of stormwater experts that submitted a report entitled “The Feasibility of Numeric Effluent Limits Applicable to Discharges of Stormwater Associated with Municipal, Industrial and Construction Activities,” dated June 19, 2006. The Panel concluded that numeric effluent limitations or numeric action levels are technically feasible to regulate construction stormwater discharges. The Panel concluded that numeric effluent limitations are feasible for discharges from sites that utilize an active treatment system. The Previous Permit (Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ) includes numeric action levels (NALs) for pH and turbidity, and specific numeric effluent limitations for active treatment system discharges. The Panel did not provide suggested conclusions for the legal implementation of total maximum daily loads (TMDLs) with construction stormwater sources and appropriate limitations.
28. The purpose of numeric action levels and associated monitoring requirements is to provide operational information regarding the performance of the site control measures used to minimize the discharge of pollutants and to protect receiving water beneficial uses from the adverse effects of construction-related stormwater, dewatering, and authorized non-stormwater discharges.
29. Receiving water limitations are based on established water quality standards in Regional Water Board Basin Plans or statewide water quality control plans. Receiving water limitations are applicable to the named receiving water body(ies), and unnamed tributaries to that water body(ies).
30. TMDLs refer to the maximum amount of a pollutant that a water body can receive and still attain water quality standards. A TMDL is defined as the sum of the allowable loads of a single pollutant from all contributing point sources (the waste load allocations) and non-point sources (load allocations), plus the contribution from background sources (40 Code of Federal Regulations section 130.2(i)). Discharges of stormwater from construction activities are considered point source discharges, and therefore must comply with NPDES permit requirements translated to be “consistent with the assumptions and requirements of any available waste load allocation for the discharge prepared by the state and approved by

U.S. EPA pursuant to 40 Code of Federal Regulations section 130.7”(40 Code of Federal Regulations section 122.44 (d)(1)(vii).) In addition, Water Code section 13263, subdivision (a), requires that waste discharge requirements implement any relevant water quality control plans. Many TMDLs in water quality control plans include implementation requirements in addition to waste load allocations.

31. Areas of Special Biological Significance are defined in the California Ocean Plan as “those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.” The California Ocean Plan prohibits the discharge of waste to Areas of Special Biological Significance.
32. Pursuant to the California Ocean Plan, discharges to Areas of Special Biological Significance are prohibited unless identified in a State Water Board-approved exception.
33. The California Ocean Plan authorizes the State Water Board to grant an exception to Ocean Plan provisions where the State Water Board determines that the exception will not compromise protection of ocean waters for beneficial uses and the public interest will be served.
34. On March 20, 2012, the State Water Board adopted Resolution 2012-0012 which contains exceptions to the California Ocean Plan for specific discharges of stormwater and non-point sources. This resolution also contains the special protections that are to be implemented for those discharges to Areas of Special Biological Significance.
35. Dischargers are only allowed to discharge to an Area of Special Biological Significance when in compliance with Areas of Special Biological Significance-specific requirements in a State Water Board-provided exception to the Ocean Plan granted to the specific discharger.
36. On August 19, 2014 the U.S. EPA amended the Clean Water Act to require all NPDES permits to include requirements to implement sufficiently sensitive test methods. This General Permit requires all laboratory analyses to be sufficiently sensitive and conducted according to test procedures under 40 Code of Federal Regulations Part 136. All analytical results less than the minimum level (reporting limit), as reported by the laboratory, will be assigned a value of zero (0) for any calculations required by this permit (e.g., numeric action level and numeric effluent limitation

exceedance determinations), so long as a sufficiently sensitive test method was used as evidenced by the reported method detection limit and minimum level.

37. Specific types of passive treatment used in combination with other best management practices (BMPs) can prevent or reduce the discharge of fine particles from certain construction activities when implemented correctly.
38. Passive treatment systems (e.g., floc logs, spray tackifiers, etc.) add chemicals to facilitate flocculation, coagulation, and filtration of suspended sediment particles to reduce turbidity. Passive treatment systems are used as site-specific BMPs to control erosion and sediment transport. The discharge of chemicals used in passive treatment can potentially cause or contribute to acute and chronic toxicity to aquatic life in receiving waters, in exceedance of narrative or numeric water quality objectives in Regional Water Board Basin Plans or statewide water quality control plans.
39. State Water Board Resolution 2005-0006, "Resolution Adopting the Concept of Sustainability as a Core Value for State Water Board Programs and Directing its Incorporation," and Resolution No. 2008-0030, "Requiring Sustainable Water Resources Management," include performance standards for post-construction BMPs. The standards include the use of permanent post-construction BMPs that manage stormwater runoff rates to match pre-construction project site hydrology, and to sustain and ensure the physical structure and biological integrity of aquatic ecosystems in the receiving waters. This "runoff reduction" approach is analogous in principle to low impact development (LID) and is proven to protect watersheds and waterbodies from hydrologic-based adverse changes and pollution impacts associated with the post-construction landscape.
40. Code of Federal Regulations section 122.26(a)(9)(i)(D) authorizes Regional Water Boards or their delegate(s) to require any unregulated stormwater discharge associated with construction activity to waters of the United States to obtain NPDES permit coverage as appropriate. Regional Water Boards also have the authority to adopt more stringent requirements on stormwater dischargers in their region, above and beyond a State Water Board statewide NPDES permit for stormwater discharges associated with construction activities, as necessary to protect beneficial uses in receiving waters within their region.

IT IS HEREBY ORDERED that all dischargers subject to this General Permit shall comply with the following conditions and requirements (including all conditions and requirements as set forth in Attachments: A, A.1, A.2, B, C, D, E, F, G, H, and I and Appendices 1, 2, 3, and 4)⁶: State Water Board Order No. 2009-009-DWQ as amended by Orders No. 2010-0014-DWQ & 2012-0006-DWQ (previous permit) is rescinded as of the effective date of this General Permit except for enforcement purposes and the Annual Report required to be submitted by September 1, 20XX.

I. CONDITIONS FOR GENERAL PERMIT COVERAGE

A. Construction Activity Subject to this General Permit

Construction activities that are covered under this General Permit include the following:

1. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but is part of a larger common plan of development or sale. Construction activity includes, but is not limited to, clearing, demolition, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement;
2. Construction activity related to residential, commercial, or industrial development on lands currently used for agriculture including, but not limited to, the construction of buildings related to agriculture that are considered industrial pursuant to U.S. EPA regulations, such as dairy barns or food processing facilities;
3. Construction activity associated with linear underground and overhead projects. A list of construction activity associated with linear underground and overhead projects can be found in Section I.J.2 of the fact sheet;
4. Discharges from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities pursuant to 40 Code of Federal Regulations section 122.26(c)(1)(iii), which;

⁶ These attachments are part of this General Permit itself and are not separate documents that are capable of being updated independently by the State Water Board.

- a. Had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 Code of Federal Regulations sections 117.21 or 302.6 at any time since November 16, 1987;
- b. Had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to Code of Federal Regulations section 110.6 at any time since November 16, 1987; or,
- c. Contributes to a violation of a water quality standard.

B. Traditional Construction Projects Not Covered

This General Permit does not apply to the following construction activity:

1. Routine maintenance. Routine maintenance is defined as activities intended to maintain the original grade, hydraulic capacity and/or purpose of the facility. This General Permit further defines routine maintenance for road and highway projects as the replacement of the structural section, but not when the activity exposes the underlying soil or pervious subgrade. The road surface and base are not part of the subgrade. As such, those portions of a project that remove the road surface and base down to the pervious subgrade and/or underlying soil would not be considered routine maintenance.
2. Disturbances to land surfaces solely related to growing crops or agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation.
3. Discharges of stormwater from areas on tribal lands; construction on tribal lands is regulated by a federal permit.
4. Discharges of stormwater within the Lake Tahoe Hydrologic Unit. The Lahontan Regional Water Board has adopted its own permit to regulate stormwater discharges from construction activity in the Lake Tahoe Hydrologic Unit (Regional Water Board 6SLT). Owners of construction projects in this watershed must apply for the Lahontan Regional Water Board permit rather than the statewide Construction General Permit. Construction projects

within the Lahontan region must also comply with the Lahontan Region Project Guideline for Erosion Control (R6T-2016-0010).⁷

5. Construction activity that disturbs less than one acre of land surface, unless part of a larger common plan of development or the sale of one or more acres of disturbed land surface.
6. Construction activity covered by an individual NPDES Permit for stormwater discharges.
7. Construction activity that is subject to the Industrial General Permit: Concrete manufacturer of prefabricated products, ready-mix concrete, or slurries that are delivered to construction sites require enrollment in the Industrial General Permit (Order 2014-0057-DWQ). Examples of this industrial activity are those facilities primarily engaged in manufacturing concrete building blocks and bricks, other concrete products not building blocks and bricks, or ready-mix concrete as categorized by Standard Industrial Classification (SIC) codes 3531, 3271, 3272, or 3273. Concrete manufacturing of prefabricated products, ready-mixed concrete, or slurries that are transported from construction sites where mixing occurs and delivered to a separate site require enrollment in the Industrial General Permit.
8. Construction activity that discharges to Combined Sewer Systems.
9. Conveyances that discharge stormwater runoff combined with municipal sewage.
10. Discharges of stormwater identified in Clean Water Act section 402(l)(2), 33 USC section 1342(l)(2) (stormwater runoff from oil, gas, and mining operations) unless the discharge meets the conditions of 40 Code of Federal Regulations section 122.26(c)(1)(iii) as described in this General Permit.

⁷ Lahontan Regional Water Quality Control Board, [Order NO. R6T-2016-0010](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/storm_water/docs/r6t_2016_0010_cgp_combined.pdf) (March 10, 2016), <https://www.waterboards.ca.gov/lahtontan/water_issues/programs/storm_water/docs/r6t_2016_0010_cgp_combined.pdf> [as of October 19, 2020]

D. Linear Underground and Overhead Projects

Dischargers with linear underground and overhead projects shall comply with the conditions and requirements in Attachment A, A.1, and A.2 of this General Permit; Requirements of this General Permit outside of Attachment A, A.1, and A.2 are not applicable to linear underground and overhead projects construction, except as indicated in Attachment A.

1. Linear underground and overhead projects include, but are not limited to conveyance facilities, culverts pipelines, or other linear corridors for:
 - a. The transportation of any gaseous, liquid, liquescent, and slurry material;
 - b. Cable line or wire for the transmission of:
 - i. Electrical energy;
 - ii. Communications, including internet, telephone, telegraph, radio, or television messages;
 - c. Affiliated facilities and substructures such as substations, towers, poles and ancillary facilities.
2. Construction support activities (as defined in Appendix 2 of this General Permit) associated with linear underground and overhead projects include, but are not limited to:
 - a. Activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, vegetative management, and associated ancillary facilities); and;
 - b. Activities including underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavating, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction that will disturb less than one acre, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and pavement repair or replacement, and stockpile/borrow locations.
3. Dischargers with multiple linear underground and overhead projects may submit one Notice of Intent for General Permit coverage, per set of projects that are entirely within one Regional Water Board region, if its linear underground and overhead projects have the same following project components:

- a. the same Legally Responsible Person,
 - b. the same linear underground or overhead project type (e.g. Type 1, 2, or 3), and
 - c. Are contiguous to other linear underground and overhead projects.
4. A discharger for a linear underground and overhead project is required to obtain General Permit coverage under one or more applications through SMARTS. Attachment A.1 contains a guidance flow chart to determine a linear underground and overhead project type and requirements for General Permit coverage.

E. Linear Underground and Overhead Projects Not Covered

1. Linear underground and overhead project construction activity does not include linear routine maintenance projects. Routine maintenance projects are projects associated with operations and maintenance activities that are conducted on existing lines and facilities and within existing right-of-way, easements, franchise agreements, or other legally binding agreements of the discharger. Routine maintenance projects include, but are not limited to projects that are conducted to:
 - a. Maintain the original purpose of the facility or hydraulic capacity.
 - b. Update existing lines⁸ and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
 - c. Repair leaks.
2. Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards, and regulations.
3. Routine maintenance projects do not include those areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements. When a project must secure new areas, those areas may be subject to this General Permit

⁸ Update existing lines includes replacing existing lines with new materials or pipes.

based on the area of disturbed land outside the original right-of-way, easement, or agreement.

4. Linear underground and overhead project construction activity does not include field activities associated with the planning and design of a project (e.g., activities associated with route selection).
5. Tie-ins conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger are not considered construction activities where all other linear underground and overhead project construction activities associated with the tie-in are covered by a Notice of Intent and SWPPP of a third party or municipal agency.

F. Legally Responsible Person and Permit Registration Documents

The discharger shall designate a Legally Responsible Person for each of its waste discharge identification numbers (WDIDs). The Legally Responsible Person is responsible for enrollment under and compliance with this General Permit. The Legally Responsible Person, as defined in Appendix 2 of this General Permit, shall fulfill the electronic signature and certification requirements to obtain General Permit coverage. (See Section III.I, Electronic Signature and Certification Requirements.)

1. The Legally Responsible Person shall electronically certify and submit the following applicable Permit Registration Documents through SMARTS⁹ and obtain a WDID prior to the commencement of construction activity. Failure to obtain General Permit coverage for stormwater and non-stormwater discharges to waters of the United States is a violation of the Clean Water Act and the California Water Code.
 - a. Notice of Intent, including Risk Level calculation;
 - b. Site Drawings and Maps;
 - c. Stormwater Pollution Prevention Plan (SWPPP) (see Section XV, below);
 - d. Applicable post-construction calculations and supporting documentation (e.g., specifications for a basin) or documentation proposing compliance with an existing

⁹ Dischargers are required to have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.

permitted Phase I or Phase II MS4 post-construction requirements; and,

- e. Annual fee per the current 23 California Code of Regulations Chapter 9 fee schedule for NPDES stormwater permits.
 - f. All applicable additional Permit Registration Document information as required in Attachment B of this General Permit.
2. An applicant is considered to have General Permit regulatory coverage and can commence construction activity upon receipt of a Waste Discharge Identification (WDID) Number generated by SMARTS. Dischargers shall post their site-specific WDID number in a site location that is visible to the public.
 3. In the case of a public emergency that requires immediate construction activities involving one acre or more of land disturbance, a discharger shall submit to the applicable Regional Water Board a brief description of the emergency construction activity within five calendar days of the onset of site construction. The discharger shall then submit the required Permit Registration Documents through SMARTS within 30 calendar days of commencing site activity.

G. Regulatory Coverage under the Previous Permit

1. Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous permit) will continue coverage under the previous permit until XXXX XX, XXXX. After XXXX XX, XXXX, all existing NOIs subject to the previous permit will be terminated.
2. Dischargers with previous permit coverage shall re-certify for coverage under this General Permit through SMARTS by the effective date. Dischargers with the previous permit's Small Construction Rainfall Erosivity Waiver may continue to operate under a project's active Waiver until it expires. Waivers granted under the previous permit cannot be modified or extended.
3. Dischargers that submit a Notice of Termination for previous permit termination prior to the effective date of this General Permit and receive Notice of Termination approval from the Regional Water Board are not subject to this General Permit (unless the discharger subsequently submits new Permit Registration Documents).

H. Small Construction Rainfall Erosivity Waiver

1. Dischargers are eligible for the Small Construction Rainfall Erosivity Waiver (Waiver) if:
 - a. The site is between one and five acres; and
 - b. The construction activity will take place during a period when the calculated rainfall erosivity factor is less than five.
2. Dischargers are not eligible for the Waiver if the stormwater runoff from the site directly discharges to, or through a municipal separate storm sewer system (MS4) into, a high-risk watershed. A high-risk watershed is a watershed with Clean Water Act section 303(d) impaired waterbody(ies) listed for sediment or a water body with cold, spawn, and migratory beneficial uses.
3. Dischargers with small sites that are part of a larger common plan of development do not qualify for a Waiver unless the entire project qualifies for a Waiver.
4. The Legally Responsible Person shall submit a Notice of Intent application and corresponding site information through SMARTS, and the appropriate fee to the State Water Board to request a Waiver. If approved, the Legal Responsible Person will be electronically provided with the Waiver with a unique SMARTS-generated Waiver Identification Number. The Waiver is effective on the date the Waiver Identification Number is issued.
5. A discharger qualifying for a Waiver shall obtain a Waiver Identification Number prior to starting any land disturbances, construction, or demolition activities.
6. A Waiver is valid only if the correct start and end dates of construction activities are entered (and updated if necessary) through the Change of Information process in SMARTS.
7. The discharger may revise an original construction start date through the Change of Information process in SMARTS and shall provide documentation demonstrating the project had not started on the date originally submitted through SMARTS.
8. The discharger shall update the project end date through the Change of Information process in SMARTS prior to expiration of the Waiver if the project completion date is anticipated to extend past the Waiver expiration date. If the updated project end date results in a rainfall erosivity factor of five or greater, the discharger shall obtain coverage under this General Permit. If the discharger

fails to update the project end date prior to expiration of waiver, they shall immediately obtain coverage under this General Permit.

9. The discharger and the applicable Regional Water Board will be notified when a Waiver expires through an email from SMARTS.
10. The discharger shall post the unique Waiver Identification Number in a site location that is visible to the public.
11. A Waiver does not provide General Permit coverage. Dischargers with a Waiver are not required to comply with post-construction, sampling, monitoring, or other SWPPP requirements in this General Permit.
12. A Regional Water Board may rescind a Waiver if the Regional Water Board determines the discharge of stormwater runoff causes or contributes to an exceedance of a water quality standard, or violates a prohibition in an applicable regional or statewide water quality control plan. The Regional Water Board Executive Officer or their delegate may require the discharger to obtain regulatory coverage under this General Permit or an NPDES permit issued by the Regional Water Board.

I. Authorized Non-Stormwater Discharges

1. Non-stormwater discharges from the following de-chlorinated potable and non-potable water sources are authorized if they comply with the requirements in Section I.H.2 of this General Permit:
 - a. Fire-fighting activity;
 - b. Fire hydrant system flushing;
 - c. Irrigation of vegetative erosion control measures;
 - d. De-chlorinated potable water, including uncontaminated water line flushing;
 - e. Hydrostatic pipe flushing and testing water;
 - f. Air conditioning or compressor condensate;
 - g. Groundwater or spring water;
 - h. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water;

- i. Water to control dust; and/or,
 - j. Construction dewatering water discharged in accordance with Section K below.
2. The above non-stormwater discharges are authorized under the following conditions:
 - a. The discharge is not routed through site areas with exposed soil, except for water used for dust control or to vegetation irrigation to stabilize areas;
 - b. The discharge does not cause or contribute to an exceedance of water quality standards in the receiving water;
 - c. The discharge complies with other applicable requirements of this General Permit including applicable action levels, effluent limitations, and monitoring and reporting requirements;
 - d. The discharge is not prohibited by an applicable Regional Water Board Basin Plan or statewide water quality control plan;
 - e. The discharge is in accordance with other applicable State and Regional Water Board Orders; and
 - f. The discharge does not contain toxic constituents in toxic amounts and does not cause toxicity in the receiving water body.
3. The discharger shall notify the Regional Water Board of existing or anticipated non-stormwater discharges not authorized by this General Permit, to determine if regulatory coverage is necessary through a separate NPDES permit.

J. Demolition

1. Dischargers with construction activities including demolition of any structure¹⁰ built or renovated between January 1, 1950 and

¹⁰ "Structure," in this instance, must have been constructed with floor space (such as a building).

January 1, 1980 with at least 10,000 square feet of floor space shall:

2. Implement controls¹¹ to minimize the exposure of PCB-containing building materials to precipitation and stormwater, including but not limited to, paint, caulk, and pre-1980 fluorescent lighting fixtures by:
 - a. separating work areas from non-work areas,
 - b. selecting appropriate personal protective equipment and tools,
 - c. constructing containment areas preventing all dust or debris generated by the work from leaving the protected area, and
 - d. using tools that minimize dust and heat (less than 212°F). and,
 - e. Dispose of all materials in compliance with applicable state, federal, and local laws.

K. Authorized Construction Dewatering Discharges

1. Dewatering discharges authorized by this General Permit include mechanical pumping or syphoning of non-potable water from sources including, but not limited to: excavations, trenches, foundations, vaults, groundwater removal specifically related to the construction activities, and/or water collected in surface impoundments (e.g., ponds, puddles, low points on the active site, or other similar accumulation points).
2. Dewatering discharges shall comply with the following requirements:
 - a. The discharge shall not cause or contribute to an exceedance of any water quality standards in the receiving water;
 - b. The discharge shall be analyzed within the first hour of discharge for turbidity and instantaneously comply with the

¹¹ Refer to this General Permit's Fact Sheet for additional information regarding examples of controls to minimize exposure of PCBs to precipitation and stormwater.

numerical action level of 250 Nephelometric Turbidity Units (NTU) for each sample and continuous discharges shall be analyzed weekly;

- c. The Qualified SWPPP Practitioner (QSP) shall upload all numeric action level exceedances through SMARTS within 10 days of receiving analytical results from a laboratory or within 10 days of field measurements (e.g., turbidity and pH);
- d. The Qualified SWPPP Developer (QSD) shall revise the SWPPP to incorporate immediate corrective actions to prevent further exceedances. The revised SWPPP shall be uploaded as part of a Change of Information through SMARTS;
- e. The discharger shall certify and submit the uploaded numeric action level exceedances through SMARTS;
- f. Dewatering operations with discharge(s) exceeding the above requirements shall immediately cease until the discharge complies with all applicable requirements in this General Permit;
- g. The discharge is absent of pollutants in quantities that threaten to cause pollution or a nuisance¹²;
- h. The dewatering activity takes place in an area without known (including, but not limited to information from: Geotracker, local permitting authorities, Water Boards, etc.) soil and/or groundwater contamination where that contamination could adversely affect the discharge and/or the receiving water;
- i. The dewatering activity does not use a groundwater extraction well; and,
- j. The discharger shall utilize outlet structures that withdraw water from the surface when conducting dewatering activity from sediment basins or similar impoundments, unless infeasible.

¹² 40 Code of Federal Regulations section 131.12, and State Water Board Resolution No. 68 16.

3. The discharger shall describe how the following requirements are addressed in the site-specific SWPPP developed by a QSD:
 - a. The discharger shall select and implement site-specific BMPs to prevent the non-stormwater discharge from contacting construction materials or equipment.
 - b. The discharger shall select and implement BMPs that do not use waters of the U.S. as part of the treatment area, at all areas or points where dewatering water is discharged;
 - c. The discharger shall select and implement on-site BMPs to decelerate the velocity of the dewatering discharge (e.g., check dams, sediment traps, riprap, and grouted riprap at outlets);
 - d. The discharger shall remove, dispose of, or recirculate (to the beginning of the treatment process) all backwash water;
 - e. The discharger shall clean and maintain all dewatering devices and filter media when the pressure differential equals or exceeds the manufacturer's specifications (if applicable).
 - f. The discharger shall follow site-specific dewatering sampling protocols used to comply with requirements in Section K.4 below; and,
 - g. The discharger shall depict the discharge area or point location in the site maps.
4. Prior to the beginning of a dewatering discharge, the discharger shall:
 - a. Update its SWPPP in SMARTS with current information required in Section K.3 above; and
 - b. Notify the applicable Regional Water Boards of the anticipated dewatering discharge.
 - c. The discharger shall cease discharge if necessary, as follows:
 - d. Through an hourly automated sampling device capable of ceasing the discharge if a single sample concentration/level exceeds the numeric action level; or,

- e. By a QSP or delegate who is present during the operation of the mechanical pumping and/or syphoning of the dewatering activity and has the authority to halt the activity if a numeric action level is exceeded for a single sample.
5. For turbidity in Nephelometric Turbidity Units (NTU). If the turbidity level in a single sample exceeds the numeric action level of 250 NTU, the discharger shall cease discharge until the discharge turbidity level is below 250 NTU.
 6. The discharger shall notify the corresponding Regional Water Board within 24 hours of a discharge occurring if an exception to the requirement to cease discharge is necessary to protect human life and health or prevent severe property damage.
 7. This General Permit does not limit the State or Regional Water Boards' authority to modify dewatering discharge requirements upon providing written notice to the discharger, including but not limited to the following:
 - a. Adding constituents to be monitored;
 - b. Adding or modifying frequency of monitoring;
 - c. Limiting the maximum discharge volume per day;
 - d. Requiring all or part of the discharge to be treated by an active treatment system prior to discharge; and/or,
 - e. Revoking coverage under this General Permit and requiring the discharger to obtain different NPDES permit coverage for discharges to waters of the United States.

L. Revising General Permit Coverage for Change of Acreage or Ownership

The discharger may reduce or increase the total disturbed acreage covered under this General Permit when: (1) a portion of the site meets conditions for termination of coverage (See Section I.N, Conditions for Termination of Coverage), (2) ownership of a portion of the site is sold to a different entity, or (3) new acreage subject to this General Permit is added to the site.

1. The discharger shall electronically certify and submit the following Permit Registration Document revisions in SMARTS within 30 days of the revised site conditions listed above:

- a. A revised Notice of Intent through a Change of Information indicating the new site size;
 - b. Revised site map(s) showing (as applicable) acreage currently under construction; acreage sold, transferred, and/or added; and acreage currently stabilized in accordance with the Conditions for Termination of Coverage in Section I.N below; and,
 - c. A revised SWPPP to match current site conditions and current personnel (QSD, QSP, and delegates).
 - d. The discharger shall comply with the following if the disturbed acreage of the site, parcel, or individual lot has decreased due to completing construction on a portion of the total disturbed acreage:
 - a. Post-construction requirements in Section XIV for the completed portions and upload supporting documentation through SMARTS; and
 - b. Conditions for Termination of Coverage for the completed portions (Section I.N).
2. When the disturbed acreage of the site has increased, the discharger shall submit the applicable fees, in accordance with the revised fee notification, within 14 calendar days of the notification date (the Change of Information will be returned if these fees are not received within 14 calendar days of the Change of Information submittal date).
 3. If the increased acreage is greater than one-fourth mile from the existing site boundary, the discharger is required to submit a new Notice of Intent.
 4. The discharger shall maintain General Permit coverage for any site, parcel, or individual lot that have not: (1) completed "Final Stabilization" as required in Conditions for Termination of Coverage (Section I.N), and (2) received Regional Water Board Notice of Termination approval.
 5. Prior to a change of ownership, the existing discharger shall submit a Notice of Termination and certification that the new owner has been notified of applicable requirements to obtain new General Permit coverage for the subject site, parcel, or individual lot. The existing discharger certification shall include the name, address, telephone number, and email address of the proposed

new owner in the Notice of Termination submitted through SMARTS.

6. The Legally Responsible Person's responsibility may be transferred to the new person within a company or organization without submitting a Notice of Termination if the Legally Responsible Person changes within a company or organization. The new Legally Responsible Person shall recertify all existing Notices of Intent with active WDID numbers through SMARTS.
7. General Permit coverage is not transferable to a new owner. The Legally Responsible Person for the new owner shall submit new Permit Registration Documents to obtain a WDID number in their name prior to continuing construction activities and/or installing final landscaping (including meeting conditions for termination of coverage). The Legally Responsible Person for the new owner shall enter the original project start date (initial date of disturbance) from the previous(s) owners.

M. Inactive Sites

1. Dischargers that do not have construction activities, passive treatment products, active treatment systems, and/or active equipment on their site may submit a Change of Information through SMARTS to amend their SWPPP and change the status of their site to inactive.
2. Upon Regional Water Board approval of the change to inactive status, sampling may be suspended, and monitoring and inspections may be reduced to the following conditions:
 - a. A QSP shall visit the inactive site at least once every 30 days, and 2 days prior to any forecasted precipitation event. The QSP shall conduct visual inspections of all BMPs listed in the SWPPP, ensure that BMPs are properly maintained, and provide a status report to the QSD within 7 calendar days of each inspection.
 - b. The QSD shall visit the site within 14 days of Regional Water Board approval of the change to inactive status. The QSD shall review the QSP inspection information and relevant data and amend the SWPPP to address problematic site conditions through the Change of Information process in SMARTS.

3. Inactive dischargers shall submit a Change of Information through SMARTS to amend their SWPPP and obtain coverage under this General Permit prior to initiating construction activities or the use of passive treatment products, active treatment systems, and/or active equipment on their site.

N. Conditions for Termination of Coverage

1. To terminate General Permit coverage, the Legally Responsible Person shall electronically certify and submit the required documentation (Section N.2 below) to demonstrate compliance with all General Permit coverage termination requirements, including post-construction BMPs and low impact development features.
2. The Legally Responsible Person shall electronically certify and submit the following through SMARTS to be considered for General Permit coverage and annual fee billing termination:
 - a. A complete Notice of Termination;
 - b. QSD-prepared final Notice of Termination inspection with the QSD name, and valid QSD certificate number or professional engineer/geologist license number;
 - c. A final site map; and,
 - d. Photos demonstrating final stabilization.
3. The Regional Water Board will consider a site, parcel, or individual lot complete and the Notice of Termination approved only when all portions of the site comply with all the following conditions:
 - a. The discharger has completed all construction activity and final stabilization requirements, construction-related equipment and temporary BMPs have been removed from the site, construction materials and wastes have been disposed of properly, soils disturbed by construction activities have been stabilized, and there is no greater potential for construction-related stormwater pollutants to be discharged into site runoff than prior to the construction activity.
 - b. Final stabilization materials shall:
 - i. Have a product life that supports the full and continued stabilization of the site;

- ii. Achieve stabilization without becoming trash or debris; and,
 - iii. Minimizes the risk of wildlife entrapment.
4. The discharger has ensured the QSD completed on-site visual observations, verified the site complies with all Notice of Termination requirements, including installation of post-construction stormwater runoff BMPs and low impact development features, and the Legally Responsible Person has included this information in the Notice of Termination certified and submitted through SMARTS;
5. The discharger has demonstrated that the site complies with all Notice of Termination conditions above (Section I.N) and all final stabilization conditions by one of the following methods:
 - a. **70 percent final cover method.** No computational proof required. Requires permanent vegetative cover to be evenly established over 70 percent of all disturbed and exposed areas of soil (non-paved or non-built). In areas that naturally have low vegetation coverage (e.g., deserts), 70 percent of natural conditions is acceptable. Photos of all site areas are required to verify compliance with the 70 percent final cover requirement.

OR:
 - b. **Revised Universal Soil Loss Equation (RUSLE or RUSLE2) method.** Computational proof required. Site conditions shall match values used in method computation. Photos of all site areas are required to verify pre-construction and post-construction conditions used in the computations.

OR:
 - c. **Custom method.** The discharger may use an analytical model or method other than d.ii above to demonstrate that the site complies with the “final stabilization” requirements. Photos of all site areas are required to verify the custom method used.
6. The Legally Responsible Person shall certify and submit a final site map, which was prepared by a QSD, as part of the Notice of Termination documents through SMARTS. The Notice of Termination final site map shall, at minimum, include the following:

- a. Elevation contours;
- b. Project boundaries and adjacent lands;
- c. Developed drainage basin boundaries and discharge location points;
- d. Site entrances and exits, lot boundaries, roads, structures, and features related to the project that may be used as a reference;
- e. Specific permanent erosion control BMPs, post-construction BMPs, and post-construction low impact development features;
- f. Individual erosion control BMPs (including final landscaping) identified using hatch patterns, symbols, or shading unique to each BMP;
- g. Location and orientation of all photos used to document final site conditions and demonstrate compliance with post-construction requirements of this General Permit; and,
- h. If applicable, areas of the site being transferred to new ownership, and the name and contact information of the owner.
- i. The Notice of Termination photo documentation for General Permit compliance verification shall include photos of the site's final site conditions; post-construction low impact development features (e.g., stormwater capture/treatment features); a description of the corresponding location and orientation of photos as indicated on the final site map; and,
- j. The Notice of Termination shall include information on the specification used and where to find the specification when post-construction features are constructed in accordance with local Phase I or II municipal codes and/or ordinances.

7. The Notice of Termination shall include a long-term maintenance plan¹³ for the post-construction stormwater runoff BMP and low impact development features being implemented.
8. The Notice of Termination is automatically approved 30 calendar days after the date of Notice of Termination submittal, unless, within the 30 calendar days the Regional Water Board notifies the discharger through SMARTS that the Notice of Termination has been denied, returned, or accepted for review.
9. All General Permit requirements remain in effect until the Notice of Termination is approved. The Legally Responsible Person will be notified through SMARTS communication when the discharger's General Permit coverage and corresponding WDID number are terminated.

II. DISCHARGE PROHIBITIONS

1. Dischargers shall comply with all applicable discharge prohibitions contained in applicable Basin Plans and statewide water quality control plans.
2. Discharges to Areas of Special Biological Significance (ASBS) are prohibited by the California Ocean Plan, unless granted an exception issued by the State Water Board.
3. All discharges from the site are prohibited except for the stormwater and non-stormwater discharges specifically authorized by this General Permit or another NPDES permit.
4. All of the following discharges are prohibited:
 - a. Debris and trash resulting from construction activities, in accordance with State Water Board Resolution 2015-0019, Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California;
 - b. If the discharger can satisfactorily demonstrate to the permitting authority its inability to comply with the outright

¹³ For the purposes of this requirement, a long-term maintenance plan shall be designed for a minimum of five years, and describe the responsible party(ies) and procedures to ensure that post-construction features are adequately maintained.

prohibition of the discharge of debris and trash, then the permitting authority may require the discharger to either:

- i. Install, operate, and maintain full capture systems for all storm drains that capture runoff from the facility or site regulated by the NPDES; or,
 - ii. Install, operate and maintain any combination of full capture systems, multi-benefit projects, other treatment controls, and/or institutional controls for the facility or site regulated by the NPDES permit. The discharger shall demonstrate that such combination achieves full capture systems equivalency.
- c. Wastewater from washout or cleanout of areas, structures or equipment with concrete, grout, stucco, paint or other construction materials;
 - d. Form-release oils and curing compounds;
 - e. Fuels, oils, fluids, or other materials used in vehicle and equipment operation and maintenance;
 - f. Soaps, solvents, or detergents used in vehicle and equipment washing or external building wash-down;
 - g. Toxic or hazardous substances from a spill or other release (e.g., asbestos, lead, mercury, or PCBs).

III. SPECIAL PROVISIONS

A. Duty to Comply

1. The discharger shall comply with all General Permit conditions and requirements. Any General Permit non-compliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal of General Permit coverage.
2. The discharger shall comply with effluent standards or prohibitions established under Clean Water Act Section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

B. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The submittal of a request by the discharger for a General Permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated non-compliance does not annul any General Permit condition.
2. This General Permit shall be modified or revoked and reissued to conform if any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) promulgated under Clean Water Act Section 307(a) for a toxic pollutant which is present in the discharge and the standard or prohibition is more stringent than any pollutant limitation in this General Permit. The Water Boards shall provide the public and dischargers notice of the action.

C. Need to Halt or Reduce Activity Not a Defense

1. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this General Permit.

D. Duty to Mitigate

1. The discharger shall take all responsible steps to prevent any discharge from violating an effluent limitation and/or exceeding a numeric action level in this General Permit, including ceasing discharge as necessary.

E. Proper Operation and Maintenance

1. The discharger shall at all times properly install, operate, and maintain any treatment and control facilities, systems, related appurtenances, and backup or auxiliary systems (treatment control systems) which are installed or used by the discharger to achieve compliance with this General Permit's conditions.
2. The discharger shall include adequate laboratory controls and appropriate quality assurance procedures for all treatment control systems.

F. Property Rights

1. This General Permit does not: (1) convey any property rights of any sort or any exclusive privileges, (2) authorize any injury to private property or any invasion of personal rights, (3) or authorize any infringement of Federal, State, or local laws or regulations.

G. Duty to Maintain Records and Provide Information

1. The discharger shall maintain a paper or electronic copy of all required records, including a copy of this General Permit and all its attachments, appendices, and Fact Sheet, for three years from the date generated or date submitted whichever is later.
2. The discharger shall furnish the Water Boards or U.S. EPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.

H. Inspection and Entry

1. The discharger shall allow staff of the Water Boards, U.S. EPA, and/or, an authorized representative of the municipal separate storm sewer system receiving the discharge to:
 - a. Enter the site premises during a regulated construction activity and/or at the location where compliance records are maintained in accordance with this General Permit;
 - b. Access and copy any compliance records maintained in accordance with this General Permit;
 - c. Inspect the complete site, including any off-site staging areas or material storage areas, and the erosion/sediment controls;
 - d. Sample, monitor or install automated sampling equipment to ensure General Permit monitoring compliance; and,
 - e. Conduct bioassessment monitoring, receiving water monitoring, and/or evaluate the performance of BMPs.

I. Electronic Signature and Certification Requirements

1. All documents submitted to the water boards (including, but not limited to, Permit Registration Documents, Annual Reports, monitoring records, and Notices of Terminations) are required to

be certified by the Legally Responsible Person¹⁴ or a Duly Authorized Representative¹⁵ through SMARTS.

J. Certification

1. Any person signing documents under Section III.I above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. Clean Water Act section 309(c)(4) provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or non-compliance shall upon conviction, be penalized with a monetary fine of up to \$10,000 or by imprisonment for not more than two years, or both.

K. Anticipated Noncompliance

1. The discharger shall provide advance notice, in writing, to the applicable Regional Water Board and local stormwater management agency of any planned changes in site construction activities that may result in non-compliance with this General Permit.

L. Reporting of Contaminated Soils

1. The discharger shall have soils sampled and tested to ensure proper handling and public safety measures are implemented when soil contamination is found or suspected, and a responsible

¹⁴ Defined in this General Permit's Appendix 2 (Glossary)

¹⁵ Defined in this General Permit's Appendix 2 (Glossary)

party is not identified, or the responsible party fails to promptly take the appropriate action. The discharger shall notify the appropriate local, State (including the Regional Water Board), and federal agency(ies) when contaminated soil is found at a site.

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M. Bypass

1. Bypass¹⁶ is prohibited. The Regional Water Board may take enforcement action against the discharger for bypass unless the discharger demonstrates one or more of the following:
 - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage¹⁷; or
 - b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventative maintenance; or
 - c. The discharger allowed a bypass to occur that does not cause the exceedance of an effluent limitation(s), due to essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The discharger shall submit notice of any bypass to the Water Boards as a Change of Information through SMARTS; and
 - d. The discharger submitted a notice at least 14 calendar days in advance of the need for a bypass to the Regional Water Board, except where advance notice was not possible due to an emergency situation where the bypass was unavoidable to prevent loss of life, personal injury or severe property damage. The discharger unable to notify the Regional Water Board in advance of a bypass shall submit

¹⁶ The intentional diversion of waste streams from any portion of a treatment facility.

¹⁷ Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

written notification to the Regional Water Board within 14 days after the bypass occurs.

N. Requirements for Dischargers Claiming “No Discharge” through the Notice of Non-Applicability (NONA)

1. For the purpose of the NONA, “Entity” or “Entities” refers to the person(s) defined in Water Code Section 13399.30.
2. A NONA can only be claimed for a site if the discharger demonstrates, to the satisfaction of the Regional Water Board, that no stormwater or non-stormwater will discharge to a Waters of the United States. The discharger’s Legally Responsible Person shall certify and submit through SMARTS:
 - a. A written determination prepared by a California licensed professional geologist with appropriate hydrological expertise: (1) identifying the site by address or parcel number, and (2) providing technical justification that the subject site location does not discharge to waters of the United States; and
 - b. Written documentation signed by the applicable Regional Water Board Executive Officer stating Water Board concurrence with the discharger’s determination (2.a above) that the site location does not discharge to waters of the United States.

O. Upset

1. To establish an affirmative defense of an upset,¹⁸ a discharger must demonstrate the following through properly signed, contemporaneous operating logs or other relevant evidence:
 - a. The non-compliance discharge location;

¹⁸ An exceptional incident in which there is unintentional and temporary non-compliance with technology-based numeric effluent limitations because of factors beyond the reasonable control of the discharger. An upset event does not include a large storm event, wind event, or other natural weather-related force of nature. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

- b. The cause(s) of the upset;
 - c. The treatment facility was properly operated and maintained at the time of the upset;
 - d. The discharger submitted notice of the upset as required; and,
 - e. Any required remedial measures were implemented as soon as feasibly possible.
2. An administrative determination made before an action of noncompliance occurs is not a final administrative action subject to review.
 3. In an enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

P. Oil and Hazardous Substance Liability

1. This General Permit, or parts of this General Permit (including, but not limited to, the findings, requirements, conditions, and provisions) shall not be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Clean Water Act Section 311.

Q. Severability

1. The provisions of this General Permit are severable; if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this General Permit, shall not be affected thereby.

R. Reopener Clause

1. This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations section 122.62, 122.63, 122.64, and 124.5.

S. Penalties for Violations of General Permit Conditions

1. Clean Water Act section 309 provides significant penalties for any person who violates a permit condition implementing Clean Water Act section 301, 302, 306, 307, 308, 318, or 405 or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500¹⁹ per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the Clean Water Act.
2. Clean Water Act section 309(c)(4) provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained by this General Permit, including reports of compliance or non-compliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or both.
3. The Porter-Cologne Water Quality Control Act provides specific administrative, civil and criminal penalties, which in some cases are greater than those under the Clean Water Act.

T. Water Quality Based Corrective Actions²⁰

1. Upon determination by the discharger or written notification by the Regional Water Board delegate that construction stormwater, non-stormwater, and/or dewatering discharges contain pollutants that are in violation of Receiving Water Limitations (Section V) or in the event that a Responsible Discharger's discharge exceeds an

¹⁹ May be further adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act.

²⁰ Terms including, but not limited to, Responsible Dischargers, numeric effluent limitations and exceedances are defined in Appendix 2 of this General Permit.

applicable numeric effluent limitation (NEL) in Attachment H, the Discharger shall:

- a. Conduct a site assessment to identify pollutant source(s) within the site that are associated with construction activity and whether the BMPs described in the SWPPP have been properly implemented;
 - b. Evaluate the site's SWPPP and its implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to reduce or prevent pollutants in all regulated discharges to comply with the Receiving Water Limitations (Section V) or applicable numeric effluent limitations in Attachment H; and,
 - c. Certify and submit, through SMARTS, documentation based upon the above site assessment and SWPPP evaluation that:
 - i. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP to comply with the Receiving Water Limitations (Section V) or applicable numeric effluent limitations in Attachment H; or
 - ii. No additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in all regulated discharges to comply with the Receiving Water Limitations (Section V) or applicable numeric effluent limitations in Attachment H.
2. The Regional Water Board delegate may reject the discharger's water quality based corrective actions and/or request additional supporting documentation.

U. Continuation of Expired General Permit

1. This General Permit continues in force and effect until the effective date of a new General Permit adopted the State Water Board or the State Water Board rescinds this General Permit.

IV. EFFLUENT LIMITATIONS AND ACTION LEVELS

A. Narrative Effluent Limitations

1. Stormwater discharges, dewatering discharges, and authorized non-stormwater discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 Code of Federal Regulations section 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
2. Dischargers shall minimize or prevent pollutants in stormwater discharges, dewatering discharges, and authorized non-stormwater discharges through the use of controls, structures, and management practices set forth in the order and attachments of this General Permit that achieve best available technology (BAT) for toxic and non-conventional pollutants and best conventional technology (BCT) for conventional pollutants.

B. Numeric Action Levels (NALs)²¹

1. For Risk Level 2 and 3 sites, the numeric action level (NAL) for pH is provided as a range where the lower NAL is 6.5 pH standard units and the upper NAL is 8.5 pH standard units. An NAL exceedance for pH is the analytical result of a single sample, taken at the site's discharge location(s), that falls under the lower NAL or exceeds the upper NAL, as shown in Table 1 of this Section. Dischargers shall sample all stormwater discharges with a calibrated portable instrument for pH or analyze for pH using field methods in accordance with 40 Code of Federal Regulations Part 136. If there is an exceedance, the discharger shall implement corrective actions to maintain pH within the NAL range.
2. For Risk Level 2 and 3 sites or authorized dewatering discharges, the NAL for turbidity is 250 Nephelometric Turbidity Units (NTU). An exceedance of the turbidity NAL occurs when the analytical result of a single sample, taken at the site's discharge location(s), is over 250 NTU. All sampling for turbidity shall be conducted with a calibrated turbidity meter following manufacturer's instruction and using field methods in accordance with 40 Code of Federal Regulations Part 136.

²¹ Refer to Appendix 2 of this General permit for the definitions of NALs and NAL exceedances.

Table 1 - Numeric Action Levels, Test Methods, Detection Limits, and Reporting Units

Parameter	Test Method	Discharge Type	Method Detection Limit	Units	Numeric Action Level (NAL)
pH	Field test with calibrated portable instrument using EPA approved procedures	Risk Level 2 and Risk Level 3	0.2	pH Units	Lower NAL = 6.5 Upper NAL = 8.5
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Risk Level 2 and Risk Level 3	1	NTU	250 NTU

3. When a single sampling result obtained from a precipitation event is below the lower NAL for pH, exceeds the upper NAL for pH, or exceeds the turbidity NAL (as listed in Table 1), the discharger shall conduct a site and run-on evaluation to determine whether pollutant source(s) associated with the site’s construction activity may have caused or contributed to the NAL exceedance and shall immediately implement corrective actions.
4. Run-on water flowing onto a managed site from off-site areas may be separated from a site’s stormwater discharge to eliminate commingled contribution. Run-on diversion shall occur prior to entering an area affected by construction activity. Run-on flow diversion shall be conveyed through or around the construction activity in plastic pipe or an engineered conveyance channel in a manner that will not cause erosion due to flow diversion. Run-on combined with a site’s stormwater discharge is considered a stormwater discharge.
5. The discharger shall use a Qualified SWPPP Developer (QSD) to verify if the implemented BMPs during construction are as protective as pre-construction conditions using RUSLE2 or an equivalent modeling technique when a NAL exceedance occurs. If the BMPs are found to not be as protective as pre-construction conditions, the QSD shall revise the SWPPP and specifically address the source(s) of the pollutants causing the NAL

exceedance by implementing additional BMPs to eliminate future NAL exceedances.

V. RECEIVING WATER LIMITATIONS

1. The discharger shall ensure that stormwater discharges, dewatering discharges, and authorized non-stormwater discharges to any surface or ground water will not adversely affect human health or the environment.
2. The discharger shall ensure that stormwater discharges, dewatering discharges, and authorized non-stormwater discharges will not contain pollutants in quantities that threaten to cause pollution or a public nuisance.
3. The discharger shall ensure that stormwater discharges, dewatering discharges, and authorized non-stormwater discharges will not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).
4. Responsible Dischargers shall comply with the applicable TMDL implementation requirements in Attachment H of this General Permit, including TMDL-specific additional BMPs and site pollutant modeling, numeric action levels, and/or numeric effluent limitations.

VI. DISCHARGES SUBJECT TO THE CALIFORNIA OCEAN PLAN

A. Discharges to Ocean Waters

1. Dischargers that discharge directly into ocean waters that are subject to the model monitoring provisions of the California Ocean Plan shall be deemed in compliance with applicable California Ocean Plan model monitoring provisions when in compliance with monitoring requirements of this General Permit.
2. The Regional Water Boards may require a discharger that discharges directly into ocean waters who has demonstrated non-compliance with this General Permit's monitoring requirements to develop and implement a monitoring plan in compliance with additional effluent and ocean monitoring provisions established pursuant to Water Code Section 13383.

B. Discharge Granted an Exceptions for Areas of Special Biological Significance (ASBS)

1. Dischargers who were granted an exception to the California Ocean Plan prohibition of discharges of waste to an ASBS pursuant to Resolution 2012-00127 amended by Resolution 2012-00318 shall comply with the conditions and requirements set forth in Attachment I of this General Permit. Any Discharger that applies for and is granted an exception to the California Ocean Plan prohibition after July 1, 2013 shall comply with the conditions and requirements set forth in the granted exception.

VII. DISCHARGER ROLES AND SITE PERSONNEL**A. Legally Responsible Person**

1. The Legally Responsible Person, as defined in Appendix 2, is responsible for all site project activity affiliated with General Permit compliance and non-compliance.
2. The Legally Responsible Person shall ensure that the SWPPP and any required amendments are developed by a certified QSD. SWPPP changes or amendments shall be uploaded through SMARTS within 14 calendar days.
3. The Legally Responsible Person shall ensure that all persons responsible for implementing this General Permit's requirements for a project shall be appropriately licensed or certified in accordance with this General Permit. For example, the Legally Responsible Person shall verify personnel serving as QSD(s) or QSP(s) have an active and current certificate, and engineering and/or geology work performed for the site is conducted by a California licensed professional.
4. The Legally Responsible Person shall ensure that the correct construction start and end date are:
 - a. Used for each regulated construction project;
 - b. Listed in SMARTS; and,
 - c. Included on the unique WDID notification form in a site location viewable by the public.
5. The Legally Responsible Person shall ensure project data and contact information is current in SMARTS.

B. Becoming a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP)

A QSD or QSP certification is obtained by completing the following steps:

1. Complete a required prerequisite to take the QSP or QSD training course;
2. Complete the QSD or QSP training course;
3. Pass the QSP or QSD exam; and,
4. Register as a QSD or QSP through the California Stormwater Quality Association (CASQA).

A QSP applicant shall possess one of the prerequisites:

1. A certified erosion, sediment and stormwater inspector registered through Enviro Cert International, Inc.;
2. A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control, Inc.;
3. A certification from a State Water Board-sponsored or approved QSP prerequisite training course; or,
4. A Construction Management degree from an accredited 4-year institution that includes underlying principles of erosion and sediment control and practices of reducing pollution in stormwater.
5. Any prerequisite course approved by the State Water Board's Division of Water Quality Deputy Director in accordance with Section VII.G.1.

A QSD shall possess one of the following prerequisites:

1. A California professional engineer registration;
2. A California professional geologist or engineering geologist registration;
3. A California landscape architect registration;
4. A professional hydrologist registration through the American Institute of Hydrology;
5. A Certified Professional in Erosion and Sediment Control (CPESC)[™] registration through EnviroCert International, Inc.;

6. A Certified Professional in Stormwater Quality (CPSWQ)TM registration through EnviroCert International, Inc.; or,
7. A Certification from a State Water Board-sponsored or approved QSD prerequisite training course.
8. Any prerequisite course approved by the State Water Board's Division of Water Quality Deputy Director in accordance with Section VII.G.1.
9. A California licensed professional engineer, land surveyor, or geologist may self-certify their responsibility to act as a QSD with the State Water Board through SMARTS.
10. Consistent with Title 16, California Code of Regulations, Section 475 Code of Professional Conduct, a California Board for Professional Engineers Land Surveyors and Geologists (CBPELSG) licensee shall provide service for a project in a manner that is consistent with the laws, codes, ordinances and regulations applicable to that project. A CBPELSG licensee shall not misrepresent their scope of authority affiliated with their professional license.
11. The State Water Board expects that a CBPELSG licensee serving a discharger enrolled in this General Permit has thorough knowledge of the conditions and requirements of this General Permit and the required supporting documents and information. A CBPELSG licensee serving a discharger shall have a fundamental knowledge of erosion and sediment control, and best management practices for treating site pollutants to protect waters of the United States.
12. A CBPELSG licensee may use their license as a prerequisite of a QSD/QSP course prior to taking the QSD/QSP exam for the QSD/QSP certificate.
13. A QSD may perform the work of a QSP.

C. Discharger Responsibilities for Qualified SWPPP Developer (QSD) Performance

1. The Discharger shall retain a QSD from the project beginning through the approved Notice of Termination.
2. The Discharger shall ensure that a QSD reviews visual observation reports and sampling data prior to the electronic submittal through SMARTS. The QSD is required to assess how construction activities will affect sediment transport, erosion, and

other discharges of pollutants in stormwater runoff in the SWPPP design and implementation. The QSD is required to revise the SWPPP to address potential problems identified by visual observations, sampling data, comments from the QSP, or their own site observations.

3. The QSD is required to include in the SWPPP the name, email, and phone number of all the QSP-trained delegate(s).
4. The Discharger shall ensure that the QSD performs the required²² on-site visual observations in Section E below during the following time periods:
 - a. Within 30 days of construction activities commencing on a site;
 - b. Within 30 days of a discharger replacing a site's QSD;
 - c. Within 14 days of starting a new construction phase;
 - d. Prior to verification of compliance with regulatory coverage termination requirements and preparation of required documents (Change of Information or Notice of Termination) for all or part of a site;
 - e. Within 14 calendar days after a numeric action level exceedance; and,
 - f. Within the time period requested in writing from Water Board staff.
5. The discharger shall ensure that the QSD completes an on-site evaluation form through SMARTS after each site visit. The on-site evaluation form will be used to auto populate the Annual Report. The on-site evaluation is a series of questions based on this General Permit's requirements.

D. Discharger's Responsibilities for Qualified SWPPP Practitioner (QSP) Performance

²² This on-site visual observation requirement is a minimum value and may be increased by the discharger or QSD during times of high-risk construction activities, excessive site problems, or other conditions that warrant increased oversight by the QSD.

1. The discharger shall ensure that a QSP reviews work performed by designated staff including sampling, analysis, and other required tasks listed in the SWPPP.
2. The discharger shall have a QSP perform on-site visual observations²³ at the following times:
 - a. Once every 14 days;
 - b. Within 14 days after a numeric action level exceedance the QSP shall visually inspect drainage area of exceedance and document any areas of concern;
 - c. Prior to the submittal of General Permit Notice of Termination or Change of Information (for acreage changes) of all or part of a site; and,
 - d. Within 72 hours prior to a forecasted precipitation event that has a probability of precipitation of 50% or greater when the site has any BMP deficiencies, poorly performing BMPs, a numeric action level exceedance, or unresolved corrective actions. The QSP shall inspect areas of concern to verify the status of any deficiencies, BMPs, or other identified issues at the site.
3. The discharger shall ensure that the QSP verifies the following:
 - a. All BMPs required in the SWPPP are implemented, correctly installed, inspected, and maintained;
 - b. Track out of construction related material at site entrances and exits is controlled;
 - c. The SMARTS generated WDID notification form in a site location viewable by the public, kept up to date, and the start and end dates are correct and match the dates listed in SMARTS for the project;
 - d. Sampling protocols for stormwater and non-stormwater discharges are correctly performed as described in the

²³ This on-site visual observation requirement is a minimum value and may be increased by the Discharger or QSD during times of high-risk construction activities, excessive site problems, or other conditions that warrant increased oversight of the site.

SWPPP by on-site trained personnel delegated by the QSP (including, but not limited to, taking representative samples of the runoff);

- e. Contact information including, name, phone number and email address, is updated within 14 days of a change and correct as listed in SMARTS for the discharger, QSD, and QSP; and,
 - f. Photo documentation is included in the SWPPP evaluation form for: problem areas of erosion, new sediment deposition, unauthorized non-stormwater discharges, and/or failed BMPs.
4. The discharger shall electronically certify and submit uploaded sampling data and visual observation reports through SMARTS within 14 calendar days after conclusion of the observation and/or sampling event.

E. Discharger's Responsibilities for Delegates' Performance

1. The discharger may authorize a QSP to delegate visual monitoring and/or discharge sampling to an individual site staff that has received training for the site-specific BMPs in the SWPPP (delegate). The discharger shall ensure the QSP provides site-specific training and a log of each individual trained on the site-specific SWPPP when delegating the following requirements for this General Permit to an individual:
 - a. Installation and maintenance of BMPs;
 - b. Verification that BMPs are functioning between QSP visits; and
 - c. Sampling stormwater and non-stormwater discharges.
2. The discharger shall ensure the following for QSP-delegates:
 - a. The QSP has determined the delegate(s) can perform the visual monitoring and sampling tasks prior to fully delegating the responsibility to the individual;
 - b. The delegate(s) name, email, and phone number are included in the SWPPP and kept current in the certified and submitted SWPPP in SMARTS;
 - c. The current delegate(s) are maintained in the certified and submitted SWPPP in SMARTS through a SWPPP

amendment (Change of Information) prior to the delegate performing the delegated function;

- d. The QSP is physically present during the delegate's first visual monitoring and sampling event; and,
 - e. The delegate(s) have a competent understanding of the sampling procedures, the BMPs used on the site, and the system used to record and report issues back to the QSP within 24 hours when a corrective action is needed.
3. Having a delegate does not replace the QSP requirements of Section VII.D and does not replace the QSD requirements in Section VII.C.

F. Pre-existing QSP and QSD qualification

1. A QSD or QSP who maintained a valid certification at the effective date of this General Permit shall recertify their certification through (1) their underlying certification entities and California Stormwater Quality Association, or (2) self-certify when they are a California licensed professional engineer or California licensed professional geologist.

G. QSP and QSD Prerequisite course qualification

1. A California Stormwater Quality Association certified Construction General Permit Trainer of Record (CGP ToR) may request the State Water Board's Division of Water Quality Deputy Director, to review and approve the qualification of additional prerequisite courses for QSP and QSD certification. The course curriculum shall: meet an acceptable level of training, be developed or reviewed by a college with Accreditation Board for Engineering and Technology, Inc. (ABET) accreditation, and be submitted to the State Water Board for review by the CGP ToR. If approved, the course will be listed on the State Water Board's Construction Stormwater Program website as an approved prerequisite course.

H. Water Board Rescission of a QSP or QSD Certification

1. The State Water Board Executive Director or a Regional Water Board Executive Officer may:
 - a. Require additional training for the QSD or QSP; and/or
 - b. Rescind any QSD or QSP certification if the Executive Director or Executive Officer finds, in writing, that the QSD or QSP has repeatedly demonstrated an inadequate level of performance in completing the QSD or QSP requirements in this General Permit or evidence pertaining to Section III.J.2 above.
2. Enforcement actions may be taken against any individual or organization, including a site's Legally Responsible Person, if the State Water Board's Executive Director or a Regional Water Board's Executive Officer find, in writing, that:
 - a. A site inspection report was completed without there having been an inspection for that report; or,
 - b. An inspection report identifies an inspector other than the individual who performed the inspection for that report.
 - c. An individual whose QSD or QSP certification has been rescinded may request the State Water Board to review the rescission. Any request for review must be received by the State Water Board no later than 30 days after the date that the individual received written notice of the rescission.
 - d. Complaints made to the State Water Board or a Regional Water Board regarding work performed by a CBPEL SG Licensee must be submitted to the Department of

Consumer Affairs, Board for Professional Engineers, Land Surveyors and Geologists.

VIII. RISK DETERMINATION

1. The discharger shall calculate the site's sediment risk and receiving water risk during all phases of construction activity (e.g., demolition and pre-development site preparation, grading and land development, streets and utilities, vertical construction, final landscaping and site stabilization).
2. SMARTS will assign the higher Risk Level to the entire site for any site spanning two or more planning watersheds²⁴.
3. Sites, parcels, or individual lots that are part of a larger plan of development shall include the larger plan of development in Risk Level determination. The discharger shall include this determination in the Permit Registration Documents submittal.
4. Dischargers may request that the Regional Water Board revise the site-specific Risk Level calculation values in SMARTS by providing the following information to the Regional Water Board:
 5. A site-specific soils test certified by a California licensed professional engineer or geologist. The soil testing must include the soil classification method used (e.g., Unified Soil Classification System);
 6. A site-specific survey of the elevation change used in the revised Risk Level calculation certified by a professional licensed by the California Board of Professional Engineers, Land Surveyors and Geologists for this work; and,
 7. A revised Risk Level calculation hand calculated in accordance with Appendix 1 of this General Permit.

²⁴ [Planning watershed](https://edg.epa.gov/metadata/catalog/search/resource/details.page?uuid=%7BCE93EE98-7348-4253-978B-CDBBAEEAE6E8%7D): defined by the Calwater Watershed documents as a watershed that ranges in size from approximately 3,000 to 10,000 acres. California Department of Water Resources, Planning Watershed Polygons, California (May 2004).
<<https://edg.epa.gov/metadata/catalog/search/resource/details.page?uuid=%7BCE93EE98-7348-4253-978B-CDBBAEEAE6E8%7D>> [as of October 19, 2020].

IX. RISK LEVEL 1 REQUIREMENTS

1. Risk Level 1 dischargers shall comply with the requirements included in Attachment C of this General Permit.

X. RISK LEVEL 2 REQUIREMENTS

1. Risk Level 2 dischargers shall comply with the requirements included in Attachment D of this General Permit.

XI. RISK LEVEL 3 REQUIREMENTS

1. Risk Level 3 dischargers shall comply with the requirements included in Attachment E of this General Permit.

XII. ACTIVE TREATMENT SYSTEM REQUIREMENTS

1. Dischargers implementing an active treatment system on-site shall comply with all of the requirements in Attachment F of this General Permit.

XIII. PASSIVE TREATMENT REQUIREMENTS

1. Dischargers implementing a Passive Treatment system on-site shall comply with all the requirements in Attachment G of this General Permit.

XIV. POST-CONSTRUCTION REQUIREMENTS

1. All dischargers shall implement BMPs to reduce pollutants in stormwater discharges that are reasonably foreseeable after all construction phases have been completed at the site (post-construction BMPs).
2. All dischargers shall comply with the following post-construction runoff reduction requirements unless the discharger is required to comply with equivalent or more stringent post-construction requirements of an existing NPDES Phase I or II municipal separate storm sewer system (MS4) permit. The discharger shall comply with this General Permit's post-construction requirements if the PRDs were submitted prior to the effective date of applicable post-construction requirements of an adopted Phase I or Phase II MS4 permit.
3. The discharger shall upload an attachment containing the applicable post-construction requirements and/or web-source with their PRDs submittal through SMARTS if the post-construction

requirements of an applicable MS4 permit are more stringent than this General Permit.

4. The discharger shall use non-structural and structural measures to replicate the pre-project water balance (for this General Permit, defined as the volume of rainfall that ends up as runoff) for the smallest storms up to and including the 85th percentile, 24-hour storm event (or the smallest storm event that generates runoff, whichever is larger).
5. When runoff volume cannot be managed using non-structural controls, the discharger shall demonstrate that non-structural practices are:
 - a. technically infeasible;
 - b. economical impracticable; and,
 - c. the structural controls will result in greater protection against water quality impacts.
6. The discharger shall certify that the local Regional Water Board approved the use of structural controls. The discharger shall submit the above documentation as an additional Permit Registration Document.
7. For sites with disturbed area exceeding two acres, the discharger shall preserve the pre-construction drainage density (miles of stream length per square mile of drainage area) for all drainage areas within the area serving a first order stream²⁵ or larger stream and ensure that post project time of runoff concentration is equal to or greater than pre-project time of concentration.

XV. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

- A. The discharger shall ensure the site's SWPPP complies with the below conditions:
 1. A site-specific SWPPP is developed and amended by a QSD. The discharger is responsible for keeping the SWPPP and associated

²⁵ A first order stream is defined as a stream with no tributaries.

documents correct in SMARTS and consistent with QSD and QSP site visits to reflect current site conditions.

2. The discharger is ultimately responsible to ensure trained personnel and BMP materials are available at the site as required by this General Permit.
3. The SWPPP includes the implementation of BMPs that comply with BAT, BCT, and water quality standards; additional BMPs based on input from the QSP to address numeric action level and numeric effluent limitation exceedances; and additional training needed for the QSP, Legally Responsible Person, or designated persons on-site.
4. The SWPPP includes the implementation of BMPs that comply with Water Quality Standards, protect Beneficial Uses, and address applicable Total Maximum Daily Loads implementation requirements (in Attachment H);
5. The discharger is required to review the SWPPP and the specific stormwater management work being performed on the site with the QSD and QSP. The SWPPP shall include the signatures of the Legally Responsible Person, QSD, and QSP certifying that the Legally Responsible Person and QSP have received site-specific training on the contents of the SWPPP.
6. The SWPPP shall be available at the site and made available upon request by a federal, State, or municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the site, current copies of the BMPs and map/drawing shall be left with the field crew and the original SWPPP shall be made available through a request by radio or telephone. A current copy of the site-specific SWPPP and any site inspection reports required by this General Permit may be kept in electronic format at the site so long as the information requested by a federal, State, or municipal inspector can be made available during an inspection. All maps shall be legible and available in hard copy at the site.

B. The SWPPP shall include:

1. Identification of all pollutants, their sources, and control mechanism, including sources of sediment associated with all construction activities (e.g., sediment, paint, cement, stucco, cleaners, site erosion etc.);

2. Scheduled sequence of major activities, including implementation of BMPs that minimize the impacts to waters of the United States. Major activities included but are not limited to clearing, grubbing, demolition, excavating, grading, soil stockpiling, utility installation, hardscape, vertical build, post-construction BMP installation, and the installation of BMPs and planting to reach final stabilization;
3. Description of site-specific BMPs implemented to reduce or eliminate stormwater pollution, including those implemented to address applicable Total Maximum Daily Loads implementation requirements (in Attachment H);
4. Site-specific BMPs initialized immediately to temporarily stabilize an area disturbed by construction where construction activities will not be resumed within 14 days;
5. Identification, elimination, control, or treatment information for all non-stormwater discharges from the site not regulated by another NPDES permit;
6. Description of efforts to minimize pollutants discharged from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
7. Description of efforts to minimize exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
8. Description of efforts to minimize pollutants discharged from spills and leaks and the implementation of chemical spill and leak prevention and response procedures.
9. Pollutant source assessment documentation, including all non-visible pollutants and pollutants associated with Total Maximum Daily Loads, that are known or should be known to occur on the site with the potential to discharge, including but not limited to, materials that:
 - a. Are being used in construction activities;

- b. Are stored on the site;
- c. Were spilled during construction operations and not cleaned up;
- d. Were stored (or used) in a manner that created the potential for a release of the materials during past land use activities;
- e. Were spilled during previous land use activities and not cleaned up; or,
- f. Were applied to the soil as part of past land use activities.

10. All visual observations methods and protocols;

11. All sampling and handling methods and protocols;

12. Title Sheet with:

- a. Project Name;
- b. Project Location (Vicinity Map);
- c. Preliminary Schedule of Activities;
- d. Site Operating Hours (hours when construction activities are occurring);
- e. Index of Attachments;
- f. Project QSD(s) and QSP(s) contact information (name, phone numbers, license or certification number)
- g. Signature of the QSD(s) who prepared the SWPPP; and,
- h. Signature of the Legally Responsible Person and the QSP(s).

13. Pre-Earthwork Drawing with:

- a. Site layout (existing topography);
- b. Site and project boundaries;
- c. Areas disturbed during geotechnical or other preconstruction investigation work;
- d. Existing roads and trails;

- e. Drainage areas;
- f. Discharge locations;
- g. Sampling locations;
- h. Locations of erosion control BMPs;
- i. Locations of sediment control BMPs;
- j. Locations of run-off BMPs;
- k. Temporary and/or permanent run-on conveyance (if applicable);
- l. Locations of all sediment control BMPs;
- m. Locations of sensitive habitats, watercourses, features which are not to be disturbed, contaminated areas, or other relevant features and associated BMPs; and,
- n. Locations of storage areas for waste, construction materials, project staging areas, stockpiles, vehicles, equipment and vehicle maintenance, loading/unloading of materials, site access (entrance/exits), fueling, water storage, water transfer for dust control, demolition, compaction areas, and areas of other construction support activities.

14. Construction and Earthwork Drawing(s) with:

- a. Site layout (grading plans) including roads;
- b. Site and project boundaries;
- c. Drainage areas;
- d. Discharge locations;
- e. Sampling locations;
- f. Areas of soil disturbance (temporary or permanent);
- g. Active areas of soil disturbance (cut or fill);
- h. Locations of erosion control BMPs;
- i. Locations of sediment control BMPs;

- j. Locations of run-off BMPs;
- k. Temporary and/or permanent run-on conveyance (if applicable);
- l. Locations of active treatment systems(s) (if applicable);
- m. Locations of sensitive habitats, watercourses, or other features which are not to be disturbed; contaminated areas, or other relevant features and associated BMPs; and,
- n. Locations of storage areas for waste, construction materials, project staging areas, stockpiles, vehicles, equipment and vehicle maintenance, loading/unloading of materials, site access (entrance/exits), fueling, water storage, water transfer for dust control, demolition, compaction areas, and areas of other construction support activities.
- o. Calculations and design details for site run-on BMPs;
- p. Calculations and design details for site run-off BMPs;
- q. Detailed instructions on how to maintain sediment and erosion control BMPs used at the site;
- r. Procedures for removing temporary BMPs and any associated disturbed sediment;
- s. RUSLE2 calculations when used (all Risk Level 2/Linear Underground and Overhead Project Type 2, Risk Level 3/Linear Underground and Overhead Type 3 sites); and,
- t. Site-specific procedures to implement final stabilization BMPs as soon as reasonably practicable.

XVI. ANNUAL REPORTING REQUIREMENTS

- A.** All dischargers assigned a WDID number shall submit an Annual Report through SMARTS by September 1st for the previous reporting period from July 1st through June 30th. SMARTS will auto populate the Annual Report based on the information input through SMARTS throughout the reporting period.
- B.** An Annual Report must be submitted if a WDID is active for at least 90 days within the reporting period.

- C. The discharger shall electronically certify and submit the site's Annual Report no later than September 1st of each year, and prior to submitting a Notice of Termination in accordance with Section I.N of this General Permit.
- D. The discharger shall retain an electronic copy or hard copy of each Annual Report for a minimum of three years after the date the Annual Report is certified.
- E. The Annual Report shall consist of the following:
 - 1. The summary of all stormwater sampling and monitoring reports;
 - 2. The summary of all corrective actions taken during the compliance year;
 - 3. The identification of any compliance activities or corrective actions that were not implemented;
 - 4. The summary of all the General Permit violations;
 - 5. The names of individual(s) who performed the facility inspections, sampling, visual inspections, and/or measurements;
 - 6. The date, place, time of facility inspections, sampling, visual inspections, and/or measurements, including precipitation snow depth/rain gauge; and,
 - 7. The visual observations and sample collection exception records and reports specified in the applicable Attachments A, C, D, and/or E.

XVII. REGIONAL WATER BOARD AUTHORITIES

- A. Regional Water Boards (as defined in Appendix 2) may terminate General Permit coverage upon determination that a discharger has failed to comply with General Permit requirements. The Regional Water Boards may also terminate General Permit coverage upon determination that the subject discharges must be regulated through a separate Regional Water Board-issued NPDES permit.
- B. Regional Water Boards may require a discharger to comply with additional Monitoring and Reporting Program requirements, including but not limited to, sampling and analysis of discharges and/or increasing the frequency of inspections and recommendations by the Qualified SWPPP Developer and Qualified SWPPP Practitioner.

- C. Regional Water Boards may allow a discharger to comply with reduced Monitoring and Reporting Program requirements, including but not limited to, suspending sampling and analysis of discharges and/or decreasing the frequency of inspections.
- D. Monitoring information or data collected by Water Board staff may be used to determine permit compliance when the discharger has not complied with all sampling requirements in this General Permit.
- E. Regional Water Boards may require dischargers to retain records for more than the three years required by this General Permit.
- F. Regional Water Boards may obtain site-specific data, records, or documentation demonstrating one or more numeric action level exceedances occurred at a site and may direct the discharger to revise their SWPPP and/or BMPs²⁶ to address the exceedance.
- G. Consistent with Water Code Section 13350(a) and/or 13376, Regional Water Boards finding a discharger in violation of a prohibition or requirement in this General Permit with the potential to discharge pollutants into the waters of the United States, may require a discharger to revise and re-submit the SWPPP, other required documents and/or implement additional BMPs to address the inadequate site-specific conditions in violation of this General Permit.
- H. Consistent with 40 Code of Federal Regulations section 122.26(a)(9)(i)(D) and 122.26(a)(9)(i)(C), a Regional Water Board or its delegate may require any discharge of stormwater and non-stormwater from construction activity that is not regulated by this General Permit, and that may cause or contribute to an exceedance of a water quality standard, to obtain General Permit coverage.
- I. A Regional Water Board Executive Officer has the authority to require a Risk Level determination to be performed on a site currently regulated under this General Permit, or with an active Waiver, as deemed necessary. The following circumstances may require the Regional Water Board Executive Officer to require a Risk Level determination to be

²⁶ BMPs include scheduling of activities, prohibitions of practices, operation and maintenance procedures, treatment, vegetated infiltration basins, and other management practices and structural controls used to prevent or reduce the discharge of pollutants from runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage to waters of the United States.

performed on a site currently regulated under this General Permit, or with an active Waiver:

1. The discharger has a demonstrated history of General Permit non-compliance with this General Permit or its predecessors;
 2. The subject construction site poses a significant risk of causing or contributing to an exceedance of a water quality standard without the implementation of the additional Risk Level 2 or 3 requirements; or,
 3. The Regional Water Board staff have documented that the discharger Risk Level for the subject site is calculated incorrectly.
- J. All Regional Water Board actions that modify requirements for compliance, pursuant to California Water Code Section 13267, with this General Permit shall be provided to the Legally Responsible Person, by Regional Water Board or State Water Board staff, in writing and submitted through the current Water Board-approved system²⁷ (the Stormwater Multiple Application and Report Tracking System, or SMARTS) within 30 days of the action.

²⁷ Currently the Stormwater Multiple Application and Report Tracking System (SMARTS). Upon the Water Board notifying the permittee in writing that this Water Board-approved system has changed, the permittee shall use the newly specified system.

DRAFT ATTACHMENT E**RISK LEVEL 3 REQUIREMENTS****NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR STORMWATER DISCHARGES
ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE
ACTIVITIES****A. Effluent Standards**

1. Risk Level 3 dischargers shall comply with the narrative effluent limitations listed below:
 - a. Stormwater, dewatering, and authorized non-stormwater discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 Code of Federal Regulations §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
 - b. Dischargers shall minimize or prevent pollutants in stormwater, dewatering, and authorized non-stormwater discharges through the use of controls, structures, and management practices that achieve Best Available Technology (BAT) for toxic and non-conventional pollutants and Best Control Technology (BCT) for conventional pollutants.
2. Risk Level 3 dischargers are subject to a pH numeric action level (NAL) of 6.5-8.5, and a turbidity numeric action level of 250 NTU.
3. Risk Level 3 dischargers are subject to the specified numeric effluent limitations in Table 4 when operating an active treatment system.
4. Risk Level 3 dischargers, that are Responsible Dischargers for a Total Maximum Daily Load (TMDL), are subject to applicable numeric action levels and numeric effluent limitations listed in Table H-2 of Attachment H of this General Permit.

B. Good Site Management "Housekeeping"

1. Risk Level 3 dischargers shall implement good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum to the extent feasible, Risk Level 3 dischargers shall implement the following good housekeeping measures:

- a. Identify the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.);
 - b. Apply appropriate BMPs to erodible stockpiled construction materials (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.) to prevent erosion;
 - c. Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed);
 - d. Minimize exposure of construction materials to precipitation. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.);
 - e. Implement BMPs to prevent the off-site tracking of loose construction and landscape materials; and,
 - f. Prevent the discharge of plastic materials and limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. The discharger shall consider the use of plastic materials resistant to solar degradation where plastic materials are deemed necessary.
2. Risk Level 3 dischargers shall implement, to the extent feasible, good housekeeping measures for waste management, which, at a minimum to the extent feasible, shall consist of the following:
- a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - b. Ensure the containment (e.g., secondary containment) of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the stormwater drainage system or receiving water;
 - c. Clean or replace sanitation facilities and inspect them regularly for leaks and spills;

- d. Trash must be placed in waste containers if it is subject to transport from the site by wind or runoff;
 - e. Cover waste disposal containers at the end of every business day and during precipitation events;
 - f. Prevent discharges (e.g., containers with solid bottoms and regular maintenance) from waste disposal containers to the stormwater drainage system or receiving water;
 - g. Contain and securely protect stockpiled waste material from wind and precipitation at all times unless actively being used;
 - h. Implement procedures that effectively address hazardous and non-hazardous spills;
 - i. Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities, requiring:
 - i. Spill and leak response equipment and materials to be available on-site, cleaned up immediately, and disposed of properly; and
 - ii. Appropriate spill and leak response personnel are assigned and trained.
 - j. Ensure the containment (including covering the area at the end of every business day and during a precipitation event) of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto surrounding areas.
3. Risk Level 3 dischargers shall implement, to the extent feasible, good housekeeping for vehicle storage and maintenance, which, at a minimum to the extent feasible, shall consist of the following:
- a. Prevent fuel, grease, and oil from leaking into ground, storm drains, or surface waters.
 - b. Place all equipment or vehicles, which are to be fueled, maintained, and/or stored in a designated area fitted with appropriate BMPs.
 - c. Clean leaks immediately and dispose of leaked materials properly.

- d. Risk Level 3 dischargers shall implement good housekeeping for landscape materials, which, at a minimum, shall consist of the following:
 - e. Containment of stockpiled materials such as mulches and topsoil when they are not actively being used.
 - f. Containment of fertilizers and other landscape materials when they are not actively being used.
 - g. Discontinuation of the application of any erodible landscape material at least 2 days before a forecasted precipitation event¹ or during periods of precipitation.
 - h. Application of erodible landscape material at quantities and application rates in accordance with manufacturer recommendations or based on written specifications by knowledgeable and experienced field personnel.
 - i. Stacking of erodible landscape material on pallets and covering or storing such materials when not being used or applied.
4. Risk Level 3 dischargers shall have a Qualified SWPPP Developer conduct an assessment and create a list of potential pollutant sources and identify any areas of the site where additional BMPs are necessary to reduce or prevent pollutants in stormwater, dewatering and authorized non-stormwater discharges. This potential pollutant list shall be kept with the SWPPP and shall identify all non-visible pollutants which are known, or should be known, to occur on the site. Risk Level 3 dischargers shall do the following, at a minimum, when developing the Pollutant Source Assessment:
 - a. Consider potential sources of pollutants associated with applicable TMDLs listed in Attachment H and state whether or not sources of those pollutants are present on-site.
 - b. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant exposed, source handled, produced, stored, recycled, or disposed of on-site.

¹ A forecasted precipitation event has a precipitation probability of 50 percent or greater.

- c. Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with stormwater.
 - d. Consider the direct and indirect pathways that pollutants may be exposed to stormwater or authorized non-stormwater discharges. This shall include an assessment of past spills or leaks, non-stormwater discharges, and discharges from adjoining areas.
 - e. Ensure retention of sampling and visual inspection records.
 - f. Ensure effectiveness of existing BMPs to reduce or prevent pollutants in stormwater, dewatering, and authorized non-stormwater discharges.
5. Risk Level 3 dischargers shall implement good housekeeping measures on the site to control the air deposition of site materials and from site operations, to the extent feasible. Such particulates can include, but are not limited to, bacteria, metals, nutrients, oil and grease, organics, sediment, and trash.
 6. Risk Level 3 dischargers shall document all housekeeping BMPs in the SWPPP in accordance with the nature and phase of the construction project. Construction phases at traditional land development projects include Demolition and Pre-development Site Preparation Phase, Grading and Land Development Phase, Streets and Utilities Phase, Vertical Construction, Final Landscaping and Site Stabilization Phase.

C. Non-Stormwater Management

1. Dischargers shall implement the following measures to control all non-stormwater discharges during construction, to the extent feasible:
 - a. Wash vehicles in such a manner as to prevent non-stormwater discharges to surface waters or MS4 drainage systems;
 - b. Clean streets in such a manner as to prevent unauthorized non-stormwater discharges from reaching surface water or MS4 drainage systems; and,
 - c. Eliminate any non-stormwater discharges not authorized in Section II.E of this General Permit's Order.

D. Preserve Existing Topsoil

1. Risk Level 3 dischargers shall implement the following practices to preserve existing topsoil, to the extent feasible:
 - a. Stockpile existing topsoil during construction and deploy when feasible to reestablish native vegetation prior to termination of coverage, and;
 - b. Stabilize disturbed topsoil during construction and as part of final stabilization Notice of Termination requirements.

E. Erosion Control

1. Risk Level 3 dischargers shall implement the following practices to eliminate or minimize site erosion, to the extent feasible:
 - a. Implement effective wind erosion control;
 - b. Preserve existing vegetation, schedule earthwork to minimize the amount of disturbed area during periods of high rainfall potential when feasible;
 - c. Stabilize exposed soils disturbed by construction activities by designing, installing, and maintaining BMPs that minimize erosion. Temporary or permanent BMPs shall be applied within 14 days of completing earthwork in a specific area or prior to a precipitation event forecasted with greater than 50 percent probability whichever is sooner;
 - d. Erosion control BMPs must be available on-site with trained staff able to deploy the product under the direction of the Qualified SWPPP Practitioner;
 - e. Reestablish vegetation or non-vegetative erosion controls as soon as practicable;
 - f. Divert up gradient run-on water from contacting areas of exposed soils disturbed by construction activities or convey run-on through the site in a manner that prevents erosion from areas of construction and does not compromise the effectiveness of erosion, sediment, and perimeter controls;
 - g. Dischargers shall limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation;

- h. Control stormwater and non-stormwater discharges to minimize downstream channel and bank erosion; and,
- i. Control peak flowrates and total volume of stormwater and authorized non-stormwater discharges to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.

F. Sediment Controls

1. Risk Level 3 dischargers shall implement the following site sediment controls, to the extent feasible:
 - a. Establish and maintain effective perimeter controls;
 - b. Stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site;
 - c. Design, install, and maintain effective sediment controls to minimize the discharge of pollutants utilizing site-specific BMPs. Dischargers utilizing sediment ponds shall complete installation prior to other land disturbing activities, when feasible; and,
 - d. At a minimum, design sediment basins according to the method provided in CASQA's Construction BMP Handbook².

G. Additional Risk Level 3 Requirements:

1. Risk Level 3 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active³ construction, to the extent feasible.
2. Risk Level 3 Dischargers shall implement the following:

² California Stormwater Quality Association (CASQA), [Construction BMP Handbook](https://www.casqa.org/sites/default/files/casqa-handbook-construction/master_hanbook_file_2015_sec.pdf) (January 2015), <https://www.casqa.org/sites/default/files/casqa-handbook-construction/master_hanbook_file_2015_sec.pdf> [as of October 19, 2020] (CASQA Construction BMP Handbook)

³ Active areas of construction are areas undergoing land surface disturbance and associated site areas included in the SWPPP. This includes construction activity during the preliminary phase, mass grading phase, streets and utilities phase, and the vertical construction phase.

- a. Cut and fill slopes are designed and constructed in a manner to ensure slope stability and to minimize erosion including, but not limited to, these practices:
 - i. Reducing continuous slope length using terracing and diversions;
 - ii. Reducing slope steepness; and,
 - iii. Roughening slope surfaces with large cobble or track walking.
- b. Using linear sediment controls in conjunction with erosion control BMPs; and,
- c. Installing linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes and comply with the Table 1 sheet flow lengths until the slope has reached Notice of Termination conditions for erosion protection.

Table 1 - Critical Slope and Sheet Flow Length Combinations for Linear Sediment Reduction Barriers

Slope Ratio Horizontal: Vertical	Sheet flow length not to exceed
0 to 20:1	Per QSDs specification.
> 20:1 to ≤ 4:1	35 feet
> 4:1 to ≤ 3:1	20 feet
> 3:1 to ≤ 2:1	15 feet
> 2:1	10 feet

- 3. Construction activity traffic to and from the project is limited to entrances and exits that employ effective controls to prevent off-site tracking of sediment.
- 4. All storm drain inlets and perimeter controls, runoff control BMPs, and pollutant controls at entrances and exits (e.g. tire wash off locations) are maintained and protected from activities that reduce their effectiveness.
- 5. Additional site-specific sediment controls are implemented upon written request by the Regional Water Boards when the implementation of the other requirements in this Section are determined to inadequately protect the site’s receiving water(s).

6. Revised Universal Soil Loss Equation, Version 2, (RUSLE2) calculations for temporary BMP applications during construction. The calculations must be included in the SWPPP, include the steepest slope and soil types found on the specific site, and be used to determine site-specific BMPs resulting in a sediment loss from the disturbed construction area to be less than or equal to natural (native vegetation for the area) conditions. The discharger implementing an equally protective alternative to RUSLE2 shall include in the SWPPP a technical site-specific explanation developed by the QSD for the alternative method and the site-specific RUSLE2 calculations.
7. The Regional Water Board may require Risk Level 3 dischargers to implement additional site-specific sediment control requirements if the implementation of the other requirements in this section are not adequately protecting the receiving waters.

H. Surface Water Buffer

1. Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances.
2. The discharger must comply with one of the following alternatives for any discharges to waters of the U.S. located within 50 feet a site's earth disturbances:
 - a. Provide and maintain a 50-foot undisturbed natural buffer;
 - b. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
 - c. Implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer when infeasible to provide and maintain an undisturbed natural buffer of any size.

I. Pesticide Application

1. Risk Level 3 dischargers shall only apply pesticides that have been authorized for use through California Department of Pesticide Regulation. The application of pesticides must follow manufacturer's guidance.

2. Risk Level 3 dischargers are prohibited in exposing pesticide treated soil to a precipitation event. All areas treated with pesticide including but not limited to pre-construction termite application of pesticide must be covered with an impermeable barrier such as concrete or plastic sheeting within 24 hours of application or prior to a precipitation event whichever occurs first.

J. Demolition of existing structure

1. Risk Level 3 dischargers shall prevent exposing demolished materials to a precipitation event when feasible. Demolition materials should be covered with an impermeable barrier such as, but not limited to, plastic sheeting prior to a rain to prevent known contaminants from being mobilized. Dischargers unable to cover demolished material shall sample for any non-visible pollutants in stormwater discharges such as, but not limited to, asbestos, leaded paint, or PCBs when the demolished structure was built or renovated between January 1, 1950 and January 1, 1980.

K. Inspection, Maintenance and Repair

1. Risk Level 3 dischargers shall ensure that all inspection, maintenance, repair, and sampling activities at the site shall be performed or supervised by a Qualified SWPPP Practitioner (QSP) representing the discharger. The QSP may delegate inspection, sampling, maintenance, and repair activities to appropriately trained personnel, under their supervision.
2. Risk Level 3 dischargers shall perform weekly inspections, and at least one inspection during each 24-hour period during extended precipitation events, to identify and record BMPs that need maintenance to operate effectively, have failed, or could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP.
3. Risk Level 3 dischargers shall implement repairs or design changes (review options that have not been used yet) to BMPs within 72 hours of identification.
4. Risk Level 3 dischargers shall complete an inspection checklist using a form provided by the Water Board or in an alternative format for each required inspection.
5. Risk Level 3 dischargers shall ensure that checklists remain on-site with the SWPPP and at a minimum, shall include:
 - a. Inspection date and date the inspection report was written;

- b. Weather information, including presence or absence of precipitation, estimate of beginning of precipitation event, duration of event, time elapsed since last storm, and approximate amount of precipitation in inches;
- c. Site information, including construction phase, activities completed, and approximate area of the site exposed;
- d. A description of any BMPs evaluated and any noted deficiencies;
- e. If the site is safely accessible during inclement weather, list the inspections of all BMPs, erosion controls, sediment controls, chemical and waste controls, and non-stormwater controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and provide any projected maintenance activities;
- f. Report the presence of noticeable odors or of any visible sheen on the surface of any discharges;
- g. Any required corrective actions, including any necessary changes to the SWPPP and the associated implementation dates;
- h. Photographs of areas of concern prior to rain event and the QSP's description of the problem, if any; and,
- i. Inspector's name, title, and certification.

L. Risk Level 3 Requirements for Pre-Precipitation Event Inspections

1. The discharger shall ensure a QSP or QSD conduct a pre-precipitation event inspection within 48 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a 50 percent or greater probability of producing precipitation in the project area. The discharger shall ensure a QSP obtain a printed copy of precipitation forecast information from the [National Weather Service Forecast Office](https://www.weather.gov/) (e.g., by entering the zip code of the project's location at <https://www.weather.gov/>).
2. The discharger shall ensure a QSP or QSD conduct the pre-precipitation event inspection for all phases of construction. This inspection must be done by a QSP or QSD and not delegated to other site staff.

3. The discharger shall ensure a QSP includes, at a minimum, the following site information in the pre-precipitation event inspection:
 - a. Site Address;
 - b. Calculated Risk Level 3;
 - c. Site stormwater manager information including the name, company, and 24-hour emergency telephone number;
 - d. Erosion and sediment control provider information including the name, company, and 24-hour emergency telephone number;
 - e. Stormwater sampling agent information including the name, company, and 24-hour emergency telephone number; and,
 - f. Photographs of areas of concern prior to the precipitation event and the QSP's description of any problems.
4. The QSP shall include in the pre-precipitation event inspection, at a minimum, the following project phase information:
 - a. Activities associated with each construction phase;
 - b. Trades active on the site during each construction phase;
 - c. Trade contractor information; and,
 - d. Suggested actions for each project phase.
5. The discharger shall ensure a QSP begin implementation and make the pre-precipitation event inspection form available on-site no later than 24 hours prior to the likely precipitation event.
6. The discharger shall ensure a QSP maintain a paper copy of each pre-precipitation event inspection form on-site in compliance with the record retention requirements of the Special Provisions Section IV of this General Permit's Order.

M. Risk Level 3 Monitoring and Reporting Requirements

Table 2 - Summary of Monitoring Requirements

Risk Level	Weekly Visual Inspection	Pre-Precipitation Event Visual Inspection	Daily Extended Precipitation Event Visual Inspection	Post-Precipitation Event Visual Inspection	Stormwater Discharge Sample Collection	Receiving Water Sample Collection	Non-Visible Sample Collection (when applicable)
3	X	X	X	X	X	X	X

1. Construction Site Monitoring Program Requirements

- a. Pursuant to Water Code Sections 13383 and 13267, all dischargers subject to this General Permit shall develop and implement a written site-specific Construction Site Monitoring Program (CSMP) in accordance with the requirements of this Section. The CSMP shall include all monitoring procedures and instructions, location maps, forms, and checklists as required in this Section. The CSMP shall be developed prior to the commencement of construction activities and revised as necessary to reflect project modifications. The CSMP shall be a part of the Stormwater Pollution Prevention Plan (SWPPP), included as an appendix or separate SWPPP chapter.
- b. the new discharger shall comply with these requirements as of the date the ownership change occurs for all or any portion of the site prior to completion or final stabilization.
- c. A Qualified SWPPP Practitioner is responsible for completing visual inspection and monitoring requirements.
- d. For all Risk Level 3 sites, sampling is required at all locations where stormwater associated with construction activity, dewatering, or authorized non-stormwater is discharged off-site or enters any on-site waters of the U.S. (e.g., a creek running through a site). All sampling locations shall be identified on the SWPPP site map(s). The discharger shall determine the feasibility of installing automated sampling equipment where sampling locations are unsafe or infeasible for personnel to sample during storm events. The site-specific SWPPP map(s) shall indicate locations of automatic sampling equipment when used.

2. The Construction Site Monitoring Program shall be developed and implemented to address the following objectives:
 - a. To demonstrate site compliance with the Discharge Prohibitions in this General Permit's Order Section III;
 - b. To demonstrate site compliance with applicable numeric action levels (NALs);
 - c. To determine whether non-visible pollutants are present at the site and are causing or contributing to exceedances of water quality objectives;
 - d. To determine whether immediate corrective actions, additional BMP implementation, or SWPPP revisions are necessary to reduce pollutants in stormwater discharges, dewatering discharges and authorized non-stormwater discharges;
 - e. To determine whether BMPs included in the SWPPP are effective in preventing or reducing pollutants in stormwater discharges and authorized non-stormwater discharges; and,
 - f. e. To determine compliance with water quality-based effluent limitations.
3. Risk Level 3 Visual Inspection Requirements
 - a. Risk Level 3 dischargers shall visually inspect all discharge locations for evidence of erosion, insufficient BMPs, or ineffective BMPs within two business days (48 hours) after each precipitation event.
 - b. Risk Level 3 dischargers shall visually inspect the discharge of stored or contained stormwater that is derived from and discharged subsequent to a precipitation event. Stored or contained stormwater that will likely discharge after operating hours due to anticipated precipitation shall be observed prior to the discharge during site operating hours.
 - c. Risk Level 3 dischargers shall conduct pre-precipitation inspections, weekly inspections, extended precipitation event inspections, and post precipitation event inspections to visually inspect each drainage area for the presence of (or indications of prior discharge) unauthorized and authorized non-stormwater discharges and their sources.

- d. Risk Level 3 dischargers shall ensure that visual inspections document the presence or evidence of any non-stormwater discharge (authorized or unauthorized), dewatering discharges, pollutant characteristics (floating and suspended material, sheen, discoloration, turbidity, odor, etc.), and source. Risk Level 3 dischargers shall maintain on-site records indicating the personnel performing the visual inspections, the dates and approximate time of the inspection, the non-stormwater discharge that was observed, the location of the discharge, the response taken to eliminate unauthorized non-stormwater discharges, and measures to reduce or prevent pollutants from contacting non-stormwater discharges.
- e. Risk Level 3 dischargers shall only conduct visual inspections during site operating hours.
- f. Risk Level 3 dischargers shall record the time and date of all precipitation events that produce discharge.
- g. Within 2 business days (48 hours) prior to each precipitation event, Risk Level 3 dischargers shall visually inspect:
 - i. All stormwater drainage areas to identify any leaks, spills, or uncontrolled pollutant sources. The discharger shall implement appropriate corrective actions when necessary to control pollutant sources.
 - ii. All BMPs to identify whether they have been properly implemented in accordance with the SWPPP. The discharger shall implement appropriate corrective actions when necessary to control pollutant sources.
 - iii. Any stormwater storage and containment areas to detect leaks and ensure maintenance of adequate freeboard.
- h. Risk Level 3 dischargers shall observe the presence or absence of floating and suspended materials, a sheen on the surface, discolorations, turbidity, odors, and source(s) of any observed pollutants during the visual inspections described in g.i and g.iii above.
- i. Risk Level 3 dischargers shall conduct post precipitation event visual inspections within two business days (48 hours) after each precipitation event resulting in discharge to: (1) identify if BMPs were adequately designed, implemented,

and effective, and (2) identify additional BMPs and revise the SWPPP accordingly.

- j. Risk Level 3 dischargers shall maintain on-site records of all visual inspections, personnel performing the inspections, inspection dates, weather conditions, locations inspected, and corrective actions in response to the inspections.

4. Risk Level 3 Water Quality Sampling and Analysis

Table 3 - Risk Level 3 Effluent Monitoring Requirements

Risk Type	Frequency	Effluent Monitoring
3	Minimum of 3 samples per day characterizing discharges associated with construction activity from the project construction areas.	Turbidity, pH, and applicable non-visible pollutant parameters

- a. The discharger shall collect stormwater grab samples from sampling locations characterizing discharges associated with activity from active construction areas.
- b. The discharger shall obtain a minimum of 3 samples per day of the precipitation event. The first sample must be taken within the first 2 hours of discharge during site operating hours. A minimum 2-hour interval is required between subsequent discharge samples during site operating hours.
- c. The discharger shall record the discharge end-time in the if discharge does not continue long enough to collect 3 samples.
- d. The discharger shall collect samples of stored or contained stormwater discharged subsequent to a precipitation event.
- e. The discharger shall ensure that stormwater grab sample(s) obtained be representative of the discharge flow and characteristics.
- f. Risk Level 3 dischargers shall analyze their effluent samples for:
 - i. pH and turbidity;
 - ii. Non-visible pollutant parameters (if applicable); and,

- iii. Any additional parameters for which monitoring is required by the Regional Water Board.
- g. Risk 3 dischargers shall electronically submit all effluent sampling results to the State Water Board no later than 10 days after the conclusion of the precipitation event or 10 days after receiving the analytical laboratory results.

5. Risk Level 3 Stormwater Effluent Sampling Locations

- a. The discharger shall perform sampling and analysis of stormwater discharges to characterize discharges associated with construction activity from the entire disturbed project or area.
- b. The discharger may monitor and report run-on from surrounding areas if there is reason to believe run-on may contribute to exceedance of NALs.
- c. The dischargers shall select analytical test methods from the list provided in Table 4 below.
- d. The discharger shall ensure that all stormwater sample collection preservation and handling is conducted in accordance with Section M.7 Stormwater Sample Collection and Handling Instructions below.
- e. Risk Level 3 dischargers who deploy an active treatment system on their site, or a portion on their site, shall collect active treatment systems effluent samples and measurements from the discharge pipe or another location representative of the discharge.

6. Risk Level 3 Visual Inspection and Sample Collection Exemptions

- a. Risk Level 3 dischargers shall be prepared to conduct visual inspections to meet the minimum visual inspection requirements of this Attachment. Risk Level 3 dischargers are not required to conduct visual inspections under the following conditions:
 - i. During dangerous weather conditions such as flooding or electrical storms;
 - ii. Outside of site operating hours (hours when construction activities are not occurring); or,
 - iii. When access to the site is unsafe.

- b. The discharger shall include an explanation for any missed sampling or visual inspections required by this Attachment in the SWPPP and the Annual Report.
7. Risk Level 3 Stormwater Sample Collection and Handling Instructions
 - a. The discharger shall ensure the following during stormwater sample collection and handling:
 - i. Identification of testing parameters and the number of stormwater discharge points that will be sampled.
 - ii. Request the laboratory to provide the appropriate number of sample containers, types of containers, sample container labels, blank chain of custody forms, and sample preservation instructions.
 - iii. Appropriate sample shipping method to the laboratory. The laboratory should receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory). The options are to either deliver the samples to the laboratory, arrange to have the laboratory pick them up, or ship them overnight to the laboratory.
 - iv. Only the sample containers provided/specified by the laboratory are used to collect and store samples. Use of any other type of containers could cause sample contamination.
 - v. Sample contamination is prevented by not touching or putting anything into the sample containers before collecting stormwater samples.
 - vi. Sample containers are not overfilled. Overfilling can change the analytical results.
 - vii. Each sample container cap is tightly secured without stripping the cap threads.
 - viii. Each sample container is labeled. The label shall identify the date and time of sample collection, the person taking the sample, and the sample collection location or discharge point. The label should also identify any sample containers that have been preserved.

- ix. Carefully pack sample containers into an ice chest or refrigerator to prevent breakage and maintain temperature during shipment; frozen ice packs or ice is placed into the shipping container to keep sample close to 4° C (39° F) until arriving at the laboratory (do not freeze samples).
- x. A complete Chain of Custody form is with each sample set. The Chain of Custody form shall include the discharger's name, address, phone number, identification of each sample container and sample collection point, person collecting the samples, the date and time each sample container was filled, and the analysis required for each sample container.
- xi. Both the signatures of the persons relinquishing and receiving the sample containers is obtained upon shipping and delivering the sample containers.
- xii. Personnel are designated and trained for the collection, maintenance, and shipment of samples in accordance with the above sample protocols and laboratory-specific practices.
- xiii. The Surface Water Ambient Monitoring Program's (SWAMP) Quality Assurance Program Plan (QAPrP) is referred to for more information on sampling collection and analysis.⁴

8. Risk Level 3 Monitoring Methods

- a. Risk Level 3 dischargers shall include a description of the following items in the Construction Site Monitoring Program:
 - i. Visual inspection locations, procedures, and follow-up tracking procedures.
 - ii. Sampling locations, collection, and handling procedures shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained.

⁴ Additional information regarding [SWAMP's QAPrP](https://www.waterboards.ca.gov/water_issues/programs/swamp/quality_assurance.html#qaprp) can be found at: https://www.waterboards.ca.gov/water_issues/programs/swamp/quality_assurance.html#qaprp [as of October 19, 2020]

Dischargers shall use an example Chain of Custody form used for sample handling and shipping.

- iii. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required in Section M.7 above.
- b. Risk Level 3 dischargers shall ensure all sampling and sample preservation are in accordance with 40 Code of Federal Regulations Part 136 and the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association)⁵. All monitoring instruments and equipment (including a discharger's own field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturers' specifications using available U.S. EPA acceptable test methods to ensure accurate measurements.
- c. All analyses shall be conducted by a laboratory certified for such analyses by the State Water Board Environmental Laboratory Accreditation Program (ELAP), except field-analyzed turbidity and pH. Risk Level 3 dischargers shall conduct their own field analysis of pH and may conduct their own field analysis of turbidity if the discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.

9. Risk Level 3 Analytical Methods

- a. Risk Level 3 dischargers shall refer to Table 4 for test methods, detection limits, and reporting units.
- b. Risk Level 3 dischargers shall perform pH analysis on-site with a calibrated pH meter using a U.S. EPA acceptable test method. Risk Level 3 dischargers shall record pH monitoring results on paper and retain these records in accordance with Section M.14, below.
- c. Risk Level 3 dischargers shall perform turbidity analysis using a calibrated turbidity meter (turbidimeter), either on-site through an ELAP-accredited laboratory. Acceptable test methods include Standard Method 2130 or U.S. EPA

⁵ Unless other test procedures have been specified in this General Permit or by the Water Board.

Method 180.1. The results will be recorded in the site log book in Nephelometric Turbidity Units (NTU).

10. Risk Level 3 Non-Visible Pollutant Monitoring Requirements

- a. Risk Level 3 dischargers shall implement sampling and analysis requirements to monitor non-visible pollutants associated with: (1) construction activities, (2) activities producing pollutants that are not visually detectable in stormwater discharges, and (3) activities which could cause or contribute to an exceedance of water quality objectives in the receiving waters.
- b. The Regional Water Board may assign additional non-visible pollutant monitoring requirements upon obtaining site-specific information about the potential presence of non-visible pollutants in the site's stormwater, dewatering, or non-stormwater discharges.
- c. Risk Level 3 dischargers shall conduct sampling and analysis for non-visible pollutants when it is believed pollutants associated with construction activities have the potential to be discharged with stormwater runoff due to a: (1) failure to implement BMPs, and/or (2) BMP(s) breach, failure, leak, malfunction, or spill.
- d. Risk Level 3 dischargers are not required to sample if one of the conditions described in 10.c above (e.g., breach or spill) occurs and is immediately cleaned of material and pollutants and/or BMPs are implemented prior to the next precipitation or snowmelt event.
- e. Risk Level 3 dischargers shall use visual inspections as a monitoring trigger to collect samples down-gradient from all discharge locations visually inspected and safely accessible. Personnel collecting any stormwater samples shall be trained in water quality sampling procedures.
- f. Risk Level 3 dischargers shall ensure all sampling for non-visible pollutant parameters are analyzed for parameters indicating the presence of pollutants identified in the pollutant source assessment required in Section B.5 of this Attachment.
- g. Risk Level 3 dischargers shall collect samples during the first two hours of stormwater discharge that occur during site operating hours (hours when construction activities are occurring).

- h. Risk Level 3 dischargers shall ensure representative discharge samples are collected and analyzed in the field or through a laboratory as specified in 10.j below:
 - i. For all identified non-visible pollutant parameters; and/or
 - ii. For indicator parameters including, but not limited to dissolved oxygen, pH, salinity, specific conductance, and Total Dissolved Solids (TDS).
- i. Risk Level 3 dischargers may, or upon written direction by the Regional Water Board delegate(s), collect uncontaminated (collected at a location unaffected by construction activities) samples during the first two hours of stormwater discharge that occur during site operating hours (hours when construction activities are occurring). The discharger shall then compare the discharge samples to uncontaminated discharge samples using field analysis or through laboratory analysis. The discharger shall ensure that a sufficiently large sample of stormwater that has not come into contact with the disturbed soil, construction activities, or the materials stored or used on-site (uncontaminated sample) is collected for this comparison.
- j. Risk Level 3 dischargers shall ensure:
 - i. Compliance with Section M.7 and M.8 of this Attachment;
 - ii. Sampling results and records are kept in the SWPPP document in accordance with Section M.14 of this Attachment;
 - iii. Monitoring requirements in the Construction Site Monitoring Program are updated to address these additional parameters and associated updates are made to the SWPPP's pollutant source assessment; and,
 - iv. All field and/or analytical sampling results are certified and submitted through SMARTS⁶ 30 days after obtaining the analytical laboratory report, or 10 days if the analytical laboratory report demonstrates the

⁶ [Stormwater Multiple Application and Report Tracking System](https://smarts.waterboards.ca.gov), <<https://smarts.waterboards.ca.gov>> [as of October 19, 2020] (SMARTS):

exceedance of an applicable numeric action level (NAL) or numeric effluent limitation (NEL).

11. Risk Level 3 Watershed Monitoring Option

- a. Risk Level 3 dischargers who are part of a qualified regional watershed-based monitoring program may be eligible for relief from the requirements in Sections M.5. The Regional Water Board may approve proposals to substitute an acceptable watershed-based monitoring program by determining if the watershed-based monitoring program will provide substantially similar monitoring information in evaluating discharger compliance with the requirements of this General Permit.

12. Risk Level 3 Receiving Water Monitoring Requirements

- a. Risk Level 3 dischargers with discharges directly to receiving waters, trigger receiving water monitoring when the effluent pH values: (1) fall outside of the range of 6.0 and 9.0 pH units, or (2) when the effluent turbidity exceeds 500 NTU.
- b. Receiving water monitoring triggers do not apply to run-on if caused by a forest fire or any other natural disaster.
- c. Receiving Water Monitoring Exceedances
 - i. The discharger shall subsequently sample the receiving waters body to which the discharge was made when the discharger's effluent exceeds the receiving water monitoring triggers described above;
 - ii. The discharger shall sample for turbidity and pH (if applicable) for the duration of coverage under this General Permit upon written request by the Regional Water Board delegate;
 - iii. These receiving water monitoring requirements are limited to the site's receiving water and only for the period of time the site-location is covered by this General Permit;
 - iv. The discharger shall subsequently sample the receiving waters for turbidity and pH (if applicable) for the duration of coverage under this General Permit upon written request by the Regional Water Board delegate if: (1) the active treatment system (ATS) effluent exceeds the ATS numeric effluent limitations

in this General Permit and (2) the ATS has a direct discharge to receiving waters; and,

- v. The discharger shall obtain receiving water samples in accordance with the requirements of the Receiving Water Sampling Locations Section of this Attachment.

d. Risk Level 3 Receiving Water Sampling Locations

- i. The discharger shall obtain any required upstream or up-gradient receiving water samples from an accessible and safe location that is:

1. Representative of the discharge to the receiving water;
2. As close as possible to the effluent discharge point; and,
3. Upstream from the effluent discharge point.

- ii. The discharger shall obtain any required downstream or down-gradient receiving water samples from an accessible and safe location that is:

1. Representative of the discharge to the receiving water;
2. As close as possible to the effluent discharge point; and,
3. Downstream from the effluent discharge point.

- iii. Risk Level 3 dischargers may sample the receiving water at a single upstream location and a single downstream location that encompasses all discharge locations when two or more discharge locations discharge to the same receiving water.

13. Risk Level 3 Particle Size Analysis for Project Risk Justification

- a. Risk Level 3 dischargers justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and

clay on the site. Project slope LS factor determination must be performed by a CBPELSG⁷ licensed professional. Alternate Risk Level determination shall be certified and submitted through SMARTS and will be reviewed by Regional Water Board staff prior to approval.

14. Risk Level 3 Records

- a. Risk Level 3 dischargers shall retain all stormwater monitoring information, records, and reports copies (including Annual Reports) for a period of at least three years. Risk Level 3 dischargers shall retain all records on-site while construction is ongoing. These records include:
 - i. The date, place, time of facility inspections, sampling, visual inspections, and/or measurements, including precipitation;
 - ii. The individual(s) who performed the facility inspections, sampling, visual inspections, and or measurements;
 - iii. The date and approximate time of analyses;
 - iv. The individual(s) who performed the analyses;
 - v. A summary of all analytical results from the last three years, the method detection limits and reporting units, the analytical techniques or methods used, and all chain of custody forms;
 - vi. Quality assurance and quality control records and results;
 - vii. Non-stormwater discharge inspections, visual inspections and stormwater discharge visual inspection records (see Sections M.3 and M.10 above);
 - viii. Visual inspection and sample collection exemption records; and,
 - ix. Any corrective actions and follow-up activities that resulted from analytical results or visual inspections.

⁷ California Board of Professional Engineers, Land Surveyors, and Geologists

15. Risk Level 3 Numeric Action Level (NAL) Exceedances and Reporting⁸

- a. Risk Level 3 dischargers shall electronically certify and submit all field sampling results exceeding the pH and/or turbidity NALs through SMARTS no later than 10 days after the conclusion of the precipitation event.
- b. Risk Level 3 dischargers shall electronically certify and submit all sampling results exceeding TMDL-related NALs through SMARTS no later than 10 days after receiving the analytical laboratory results.
- c. Risk Level 3 dischargers shall prepare an NAL Exceedance Report upon written request from a Regional Water Board delegate. The Risk Level 3 discharger shall certify and submit each NAL Exceedance Report through SMARTS within 30 days of receiving the written request, in accordance with the Special Provisions of this General Permit's Order Section IV.
- d. Risk Level 3 dischargers shall certify each NAL Exceedance Report in accordance with the Special Provisions for Construction Activity in this General Permit's Order.
- e. Risk Level 3 dischargers shall retain an electronic or paper copy of each NAL Exceedance Report for a minimum of three years after the date the exceedance report is certified and submitted.
- f. Risk Level 3 dischargers shall include in the NAL Exceedance Report:
 - i. The analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as "less than the method detection limit");
 - ii. The date, place, time of sampling, visual inspections, and/or measurements, including precipitation; and,

⁸ Terms including, but not limited to, numeric action level and exceedances are defined in Appendix 2 of this General Permit.

- iii. A description of the current BMPs associated with the effluent sample that exceeded the NAL, the proposed corrective actions taken, and date of implementation.

DRAFT

Table 4 - Risk Level 3 Test Methods, Detection Limits, Reporting Units for Applicable NALs and NELs

Parameter	Test Method / Protocol	Discharge Type	Method Detection Limit	Reporting Units	Numeric Action Level (NAL)	Numeric Effluent Limitation (NEL)	Receiving Water Monitoring Trigger
pH	Field test with calibrated portable instrument using approved EPA procedures	Risk Level 3 Discharges	0.2	pH units	lower NAL = 6.5 upper NAL = 8.5	N/A	lower limit = 6.0 upper limit = 9.0
pH	Field test with calibrated portable instrument	For ATS Discharges (if applicable)	0.2	pH units	N/A	lower limit = 6.0 upper limit = 9.0	lower limit = 6.0 upper limit = 9.0
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Risk Level 3 Discharges other than ATS	1	NTU	250 NTU	N/A	500 NTU
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	For ATS Discharges	1	NTU	N/A	10 NTU for Daily Weighted Average & 20 NTU for Any Single Sample	10 NTU for Daily Weighted Average & 20 NTU for Any Single Sample

AGENDA ITEM J: UPDATE ON INTRA-DEPARTMENTAL CONTRACT (IDC) WITH THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR LANDSCAPE ARCHITECTS CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE) WRITTEN EXAMINATION DEVELOPMENT

Summary

Business and Professions Code (BPC) section 139 requires that an Occupational Analysis (OA) be conducted every five to seven years. BPC 139 also requires boards and bureaus that use a national examination in conjunction with one developed by the state to have a psychometric process review conducted along with a linkage study, which compares the knowledge tested for on the national examination with those identified by the OA. This is done to ensure that the national examination tests for knowledge relevant to license practice in California and to identify the California relevant knowledge not covered by the national examination. This latter knowledge typically forms the basis for the content of the CSE.

At the December 2, 2020 LATC meeting, OPES presented the results of the *2020 California Occupational Analysis of Landscape Architects* and the Committee voted to approve the results. The results of the OA were to be used by OPES to perform a linkage study once the Council of Landscape Architectural Registration Boards (CLARB) completed their own Job Task Analysis (JTA) of the national Landscape Architect Registration Examination (LARE) in Spring 2021.

On January 4, 2021 CLARB announced that their JTA would be postponed to Spring 2022 due to the impacts of COVID-19. In response, OPES recommended the LATC proceed with updating the contents of the CSE using the current LARE examination outline. This required an amendment to IDC #75734, which was originally executed on February 24, 2020 for a total cost of \$26,760. On January 26, 2021 the amendment was executed to incorporate a linkage workshop and evaluation with additional costs of \$4,784 and \$1,152, respectively. The total cost of the amended contract is \$32,696 (Attachment). The linkage workshop is scheduled for May 7-8 and the evaluation is to be completed before the end of May.

Once CLARB has completed their JTA for the LARE in Spring 2022, OPES will work with the LATC to complete the linkage study of the LARE and make any needed changes to the contents of the CSE.

Attachments

Intra-Agency Contract #75734A

INTRA-DEPARTMENTAL CONTRACT

CONTRACT NUMBER

IAC #75734

AMENDMENT NUMBER

A

1. This Contract is entered into between the Board/Bureau/Divisions named below
 REQUESTING BOARD/BUREAU/DIVISION'S NAME
California Architects Board/Landscape Architects Technical Committee (Committee)
 PROVIDING BOARD/BUREAU/DIVISION'S NAME
Office of Professional Examination Services (OPES)
2. The term of this Contract is: **July 1, 2020 through June 30, 2021**
3. The maximum amount of this Contract is: **\$32,696**
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:

**Landscape Architects
 California Supplemental Examination
 Written Examination Development**

Exhibit A – Scope of Work	1 Page
• Attachment I - Project Plan	1 Page
• Attachment II - Roles and Responsibilities	3 Pages
Exhibit B – Budget Detail and Payment Provision	1 Page
• Attachment I - Cost Sheet - Global Costs	2 Pages
Exhibit C – General Terms and Conditions	1 Page
Exhibit D – Special Terms and Conditions	1 Page

Amendment A incorporates addition of cost for one examination outline development workshop and to evaluate passing score. All changes have been indicated in red; all other aspects of the IAC are as originally set forth.

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS

**Department of Consumer
 Affairs
 Contracts Unit
 Use Only**

REQUESTING BOARD/BUREAU/DIVISION'S NAME

California Architects Board/Landscape Architects Technical Committee

BY (Authorized Signature)

DATE SIGNED

PRINTED NAME AND TITLE OF PERSON SIGNING

Laura Zuniga, Executive Officer

ADDRESS

2420 Del Paso Road, Suite 105 Sacramento, CA 95834

BUDGET OFFICER'S SIGNATURE

DEPARTMENT OF CONSUMER AFFAIRS

PROVIDING BOARD/BUREAU/DIVISION'S NAME

Office of Professional Examination Services

BY (Authorized Signature)

DATE SIGNED

1/25/2021

PRINTED NAME AND TITLE OF PERSON SIGNING

Heidi Lincer, Chief

ADDRESS

**2420 Del Paso Road, Suite 265
 Sacramento, CA 95834**

BUDGET OFFICER'S SIGNATURE

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

Develop new items for Landscape Architect Technical Committee California Supplemental Examination, review existing items, construct one new form of the exam and establish passing score for one form of the written examination.

2. The Landscape Architects Technical Committee (Committee) agrees to provide the following services:

See attached: I. Project Plan
II. Roles and Responsibilities

3. The project representatives during the term of this agreement will be:

Requesting Committee:

Name: Laura Zuniga
Phone: (916) 575-7222
Fax: (916) 575-7285

Office of Professional Examination Services:

Name: Heidi Lincer
Phone: (916) 575-7240
Fax: (916) 419-1697

Direct all agreement inquiries to:

**Department of Consumer Affairs
Contracts Unit:**

Address: 1625 North Market Blvd. Suite S-103
Sacramento, CA 95834
Phone: (916) 574-7277
Fax: (916) 574-8658

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75734 A

PROJECT PLAN

for

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

LANDSCAPE ARCHITECTS CALIFORNIA SUPPLEMENTAL EXAMINATION

WRITTEN EXAMINATION DEVELOPMENT

FISCAL YEAR 2020-21

Project Objectives:	<i>Develop new items for Landscape Architect Technical Committee California Supplemental Examination, review existing items, construct one new form of the examination, and establish passing score for one form of the written examination.</i>
Proposed Completion Date:	June 30, 2021
LATC Contact:	Kourtney Nation (916) 575-7237
OPES Contact:	Brian Knox (916) 575-7273

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Item Writing/Review Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post-workshop activities	June 2020 July 2020 August 28–29, 2020 August 2020	Board Board OPES OPES
2. Item Writing/Review Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post-workshop activities	June 2020 August 2020 September 18–19, 2020 September 2020	Board Board OPES OPES
3. Examination Construction Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post-workshop activities	July 2020 September 2020 October 23–24, 2020 October 2020	Board Board OPES OPES
4. Passing Score Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Analyze data	September 2020 November 2020 December 4–5, 2020 December 2020	Board Board OPES OPES
5. Examination Outline Development Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post-workshop activities	April 2021 April 2021 May 7–8, 2021 May 2021	Board Board OPES OPES
6. Evaluate Passing Score Analyze data; prepare passing score memo	May 2021	OPES
7. Publish Examination Prepare final copy for one form of examination Prepare examination for CBT	May 2021 June 2021	OPES OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75734A

ROLES AND RESPONSIBILITIES

for

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

**LANDSCAPE ARCHITECTS CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT**

FISCAL YEAR 2020-21

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through Intra-Agency Contract (IAC) agreements.

The purpose of a licensure examination is to identify individuals who have the minimum knowledge and skills to perform job tasks safely and competently. An occupational analysis (OA) of the profession is required to determine the most critical job tasks and knowledge. The OA must be conducted prior to examination development and reviewed every 5–7 years. To ensure legal defensibility, the content of the examination must be based on the results of a current OA.

The examination development process is conducted in several workshops and requires a total of 30 licensed landscape architects to serve as expert consultants known as subject matter experts (SMEs). A minimum of 6 SMEs, with a goal of 8-10 SMEs, are needed for each workshop. The SMEs in each workshop should be different to ensure objectivity of the examination development process and to ensure that all aspects of the profession are represented.

The examination development services to be provided will include: item writing and review, examination construction, and passing score processes.

ROLE OF THE LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

The primary role of the Landscape Architects Technical Committee (Committee) is to recruit a representative sample of SMEs for development of the examination. The Committee should also inform SMEs about the nature of their participation and the OPES security requirements.

The selection of SMEs critically affects the quality and defensibility of a licensure examination program. The SMEs selected to participate in an examination development workshop panel should:

- reflect the landscape architect profession in terms of geographic location, practice specialty area, ethnicity, and gender;
- be currently working in the field and have up-to-date skills; and
- maintain a license in good standing that is not retired nor inactive.

Additionally, approximately half of all SMEs in each workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained. It is essential that a Committee representative consult with OPES before beginning SME recruitment.

Due to potential conflict of interest, undue influence, security considerations, or all of the above, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure examination development or administration, pursuant to DCA Policy OPES 18-01.

In addition, the Committee has the responsibility to acquire any reference materials to be used by the SMEs in the development of examination items.

The nature of the work performed by OPES can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of the contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to develop the written examination. OPES will link the examination to the results of an occupational analysis to ensure the content validity of the examination. During the workshops, OPES will work with the SMEs to develop items, review items, construct an examination, and establish the passing score for one examinations.

Following each workshop, OPES and Committee staff will review the performance of each SME to determine those who should be invited back. The Committee agrees to recruit SMEs so as to build a competent pool of representative, productive participants.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and appropriate level of confidentiality of licensure examination programs. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- provide valid photo identification;
- allow for electronic devices to be secured in the reception area during workshops; and
- sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of licensure, criminal charges per Business and Professions Code section 123, or both.

OPES will notify the Committee of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- Committee recruits two panels of SMEs to serve as item writers/reviewers for two workshops.
- OPES works with SMEs to develop and review new items.
- Committee recruits one panel of SMEs to select items to construct new examination form for one workshop.
- OPES works with SMEs to select items to construct the new form.
- Committee recruits one panel of SMEs to serve as judges in one passing score workshop. The SMEs should be different SMEs than the examination construction participants to ensure objectivity of the passing score ratings.
- OPES works with SMEs to establish the passing scores. OPES analyzes the ratings and prepares a passing score memo.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, the Landscape Architects Technical Committee (Committee) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Committee will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

California Architects Board/Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
- C. The Committee will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the Committee does not demonstrate in good faith their roles/responsibilities as defined by Attachment II – Roles and Responsibilities.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Agreement and OPES shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Agreement shall be computed in accordance with State Administrative Manual Sections 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code of the State of California.

4. Cost

- A. Costs for this Agreement shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2005/2006 or thereafter.

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75734A

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

**LANDSCAPE ARCHITECTS CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT COSTS**

FISCAL YEAR 2020-21

1.	Item Writing/Review Workshop	\$ 4,744
2.	Item Writing/Review Workshop	\$ 4,744
3.	Examination Construction Workshop	\$ 5,320
4.	Passing Score Workshop	\$ 4,208
5.	Examination Outline Development Workshop	\$ 4,784
6.	Evaluate Passing Score	\$ 1,152
7.	Publish Examination	\$ 2,264
	Administrative Support	\$ 5,480
	TOTAL	\$ 32,696

Index/PCA/Object Code 6000/60000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75734 A

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

**LANDSCAPE ARCHITECTS CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT COSTS**

FISCAL YEAR 2020-21

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$72.00		OT @ \$102		\$67.00		\$52.00			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
1. Item Writing/Review Workshop										
Workshop preparation	8	\$ 576					2	\$ 104	\$ 680	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Perform post-workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
										\$ 4,744
2. Item Writing/Review Workshop										
Workshop preparation	8	\$ 576					2	\$ 104	\$ 680	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Perform post-workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
										\$ 4,744
3. Examination Construction Workshop										
Workshop preparation	16	\$ 1,152					2	\$ 104	\$ 1,256	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Perform post-workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
										\$ 5,320
4. Passing Score Workshop										
Workshop preparation	16	\$ 1,152					2	\$ 104	\$ 1,256	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Analyze data	16	\$ 1,152							\$ 1,152	
										\$ 4,208
5. Examination Outline Development Workshop										
Workshop preparation	16	\$ 1,152					2	\$ 104	\$ 1,256	
Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
Perform post-workshop activities	24	\$ 1,728							\$ 1,728	
										\$ 4,784
6. Evaluate Passing Score										
Analyze data; prepare passing score memo	16	\$ 1,152							\$ 1,152	
										\$ 1,152
7. Publish Examination										
Prepare final copy for one form of examination	16	\$ 1,152			8	\$ 536			\$ 1,688	
Prepare examination for CBT	8	\$ 576							\$ 576	
										\$ 2,264
Administrative Support										
Technical oversight (40 hours @ \$76/hour)									\$ 3,040	
Cost oversight (40 hours @ \$61/hour)									\$ 2,440	
										\$ 5,480
TOTAL	256	\$ 18,432	60	\$ 6,120	32	\$ 2,144	10	\$ 520	\$ 32,696	\$ 32,696

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual Section 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Mutual Cooperation**

The Office of Professional Examination Services (OPES) is entering into a partnership where mutual cooperation is the overriding principle.

2. **Evaluation**

OPES and the Landscape Architects Technical Committee (Committee) reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the agreement as necessary to ensure a high quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible, and job-related.

4. **Good Faith Agreement**

In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This agreement will remain in effect until the work is completed.

AGENDA ITEM K: DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO RESEARCH THE NEED FOR CONTINUING EDUCATION FOR LICENSEES THROUGH LATC, THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (ASLA), OR ANOTHER ORGANIZATION, TO BETTER PROTECT THE HEALTH, SAFETY, AND WELFARE OF CONSUMERS

Summary

In 2008, the California Architects Board (Board) was mandated by Senate Bill (SB) 1608 (Corbett, Chapter 549, Statutes of 2008) to require architects complete five hours of continuing education (CE) on disability access requirements prior to renewal of their license. In 2010, the Board was further mandated by Assembly Bill 1746 (Emmerson, Chapter 240, Statutes of 2010) to conduct an audit of 3% of licensees to ensure the completion of the CE requirement prior to renewal. It also required the Board to establish citation and fine criteria for those licensees found, through the audit process, to have failed to complete the CE requirements. Most recently, the Board's 2019 Sunset Bill, SB 608 (Glazer, Chapter 376, Statutes of 2019), mandates the Board to promulgate regulations by January 1, 2023, that would establish qualifications for CE courses and course providers. Additionally, the American Institute of Architects (AIA) California is sponsoring AB 1010 (Berman) to require architects to obtain five hours of CE in Zero Net Carbon Design. A presentation by AIA California on the climate action and decarbonization CE proposal was given at both the September 18, 2020 Board meeting and the Board's October 30, 2020 Professional Qualifications Committee (PQC) meeting. Upon conclusion of the presentation, the PQC expressed support of the proposal. At the Board's December 11, 2020 meeting, there was additional discussion of CE requirements in Zero Net Carbon Design for architects which concluded with the Board also in support of the AIA California's proposal.

Staff reviewed enforcement actions against California licensed landscape architects for Fiscal Years (FY) 15/16 through 19/20 and found that five citations were issued to licensees for violations of the contract requirement and rules of professional conduct. Additionally, staff reviewed enforcement cases against licensees for FY 15/16 through 19/20 in which 10 Letters of Advisement were issued to licensees for violations of rules of professional conduct, negligence, and contract requirements. Letters of Advisement are issued when the evidence of the violations are not substantial enough to warrant a citation. No actions were taken against a licensee, whether it be disciplinary or a Letter of Advisement, for incompetence in the practice of landscape architecture.

Recently, the American Society of Landscape Architects (ASLA), Sierra Chapter contacted LATC requesting that a discussion begin regarding requiring the addition of a CE requirement

for biennial renewal to ensure licensed professionals would be current with the latest code and industry updates. LATC staff researched the CE requirements of other landscape architecture registration boards and confirmed that 39 out of 52, or 75%, of registration boards require licensees to complete CE for license renewal. The biennial renewal cycle requires between 12 to 32 hours of CE and the majority of the boards define one hour as 50 minutes of instruction. All CE registration boards require a minimum number of hours in health, safety, and welfare of the public (hours vary by board) and the remaining required hours can be comprised of other topics related to the profession. Approximately half of the jurisdictions require courses, or course providers, be pre-approved, while other jurisdictions allow the licensee to determine the types of courses to complete to satisfy their CE requirements. To verify satisfactory completion of CE, jurisdictions either conduct an audit from a random sample of licensees to determine compliance or require licensees submit a log of their CE course completion and hours.

Examples of landscape architectural CE topics and activities provided in regulations from various jurisdictions include:

TOPICS

- Laws and Regulations
- Building Codes
- Accessibility
- Professional Ethics
- Construction Methods
- Determination of Proper Land Uses and Land Development
- Landscape Architectural Programming
- Storm Water Management
- Preservation
- Materials and Methods
- Site and Soils Analysis
- Site Design
- Life Safety
- Playground Safety

ACTIVITIES

- Seminars
- College/University Courses
- Teaching/Instruction
- Authoring Books/Papers
- Reading Books/Papers
- Rendering Services to the Profession and/or Public Through Appointment
- Volunteering (in landscape architectural related activities)

At the December 2, 2020 Committee meeting members expressed the need for additional research on continuing education in other landscape architecture jurisdictions. Members also expressed interest in knowing what regulations have recently changed and the fiscal and time impact CE requirements would have on staff.

Through additional research, staff found the majority of landscape architect registration boards requiring CE made the decision as a board. It appears there was a legislative mandate to require CE for seven registration boards. The New York State Board (NY State Board) for Landscape Architecture had a legislative mandate to require CE, however, the NY State Board was in agreement to require CE and supported the New York State Council of Landscape Architects to petition on the NY State Board's behalf. The New Jersey State Board of Architects required CE for landscape architects since licensure was established in 1983. All decisions to require CE of landscape architects were to ensure the health, safety, and welfare of the public.

At this time, it would be difficult to determine the fiscal and time impact CE requirements would have on staff, however, factors would include whether LATC would approve courses and/or providers, auditing licensees for compliance, and enforcement of noncompliance. In comparison to the Board, the LATC workload would continue throughout the year, whereas the Board's main workload is during the renewal years (every odd year) with less audits in non-renewal years.

Additionally, in the past five years there has only been one statutory change, Business and Professions Code (BPC) section 5616 (Landscape Architect Contract – Contents, Notice requirements) which was amended effective January 1, 2021. However, there are proposed amendments that would affect the practice of landscape architecture: BPC section 5659 (Inclusion of License Number – Requirement) and California Code of Regulations section 2671 (Public Presentments and Advertising Requirements).

Action Requested

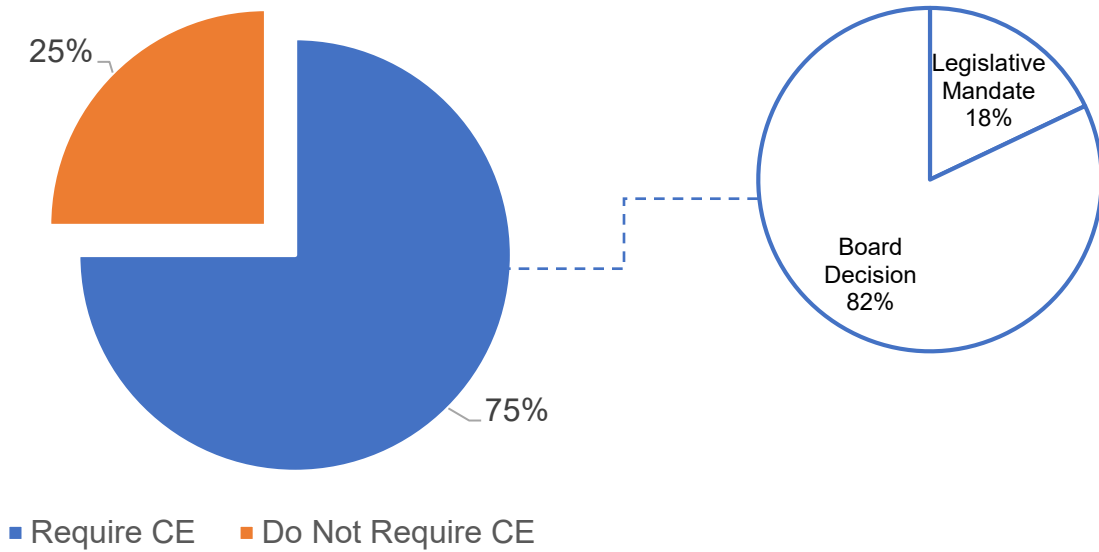
Review and discuss CE research and determine next steps.

Attachments

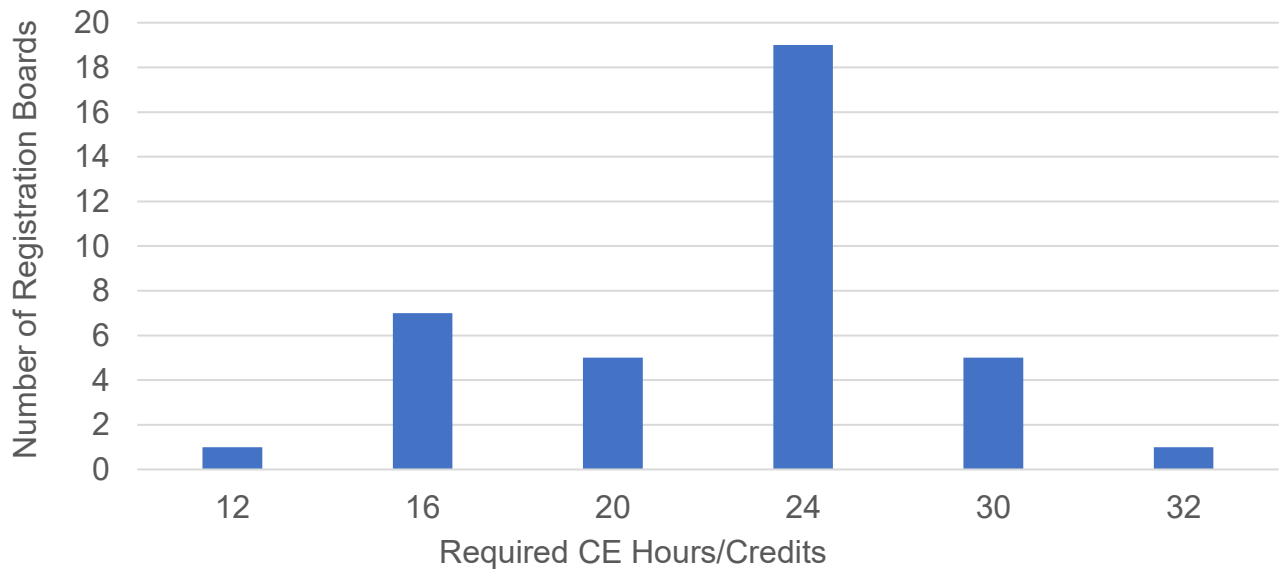
1. Continuing Education Data Charts
2. Continuing Education Findings by Jurisdiction

Continuing Education Data Charts

Landscape Architecture Licensing Boards requiring Continuing Education (CE)



Number of Required CE Hours/Credits



Continuing Education Providers

- ❖ American Society of Landscape Architects
- ❖ Urban Land Institute
- ❖ American Nursery and Landscape Association
- ❖ American Planning Association
- ❖ National Recreation and Park Association
- ❖ Construction Specifications Institute
- ❖ State or Federal Training Programs

Organization Name	CE Hours Required	CE Renewal Cycle	CE Required	Notes
Alabama State Board of Examiners of Landscape Architects	16 hours; Adopted March 1993; Revised March 2009	Annual	Yes	8 hours related to maintaining or improving the health, safety, and welfare of the general public (Ex. site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.). Allows for carryover hours. CE Providers must submit syllabus for CE events held.
Alaska Board of Registration for Architects, Engineers and Land Surveyors	24 hours	Biennial	Yes	The purpose of the CE program is to maintain a continuing level of competency and standards for professional landscape architects, in order to protect the public health, safety and welfare within this state. Registrants are encouraged to select meaningful CE activities which will be of benefit in the pursuit of their chosen fields. The definition of Course or Activity is: "...a unit of instruction or study with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of professional landscape architect."
Alberta Association of Landscape Architects	30 hours on a 3 year rolling avg		Yes	Professional development through continuing education ensures that members are well equipped to meet their professional obligations to clients, the public and the profession at large, while remaining current with contemporary technology and industry practices.
Arizona State Board of Technical Registration			No	Does not require and has no plans to implement CE requirements.
Arkansas State Board of Architects, Landscape Architects, and Interior Designers	12 hours	Annual	Yes	Structured education activities intended to increase or update the landscape architect's knowledge and competence in health, safety, and welfare subjects. All CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. Subjects must be related to the practice of landscape architecture. Ex. of courses are legal, technical, environmental, occupant comfort, materials & methods, preservation, pre-design, design, construction documents, and construction administration.

British Columbia Society of Landscape Architects	30 hours = 10 per year	Triennial	Yes	The CE Program accommodates the profession's many skills and diverse knowledge while promoting excellence in practice, skills, and knowledge. Each Member is obligated to exercise their judgment to determinewhat constitutes as landscape architecture and landscape architecture-related activities.
Colorado State Board of Landscape Architects			No	The Board has not considered requiring CE for landscape architects. The Board's duties are to enforce the laws promulgated by the Colorado legislature rather than making the laws.
Connecticut Department of Consumer Protection	24 hours	Biennial	Yes	Each Member is obligated to exercise their judgment to determine what constitutes as landscape architecture and landscape architecture-related activities.
DC Board of Architecture, Interior Design and Landscape Architecture				Does not require CE.
Delaware Board of Landscape Architects	20 hours	Biennial	Yes	CE requirements are for professional development as a condition for license renewal. CE obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to initial licensure, or develop new and relevant skills and knowledge. Each course, seminar, session, program, or self-directed activity to be recommended for approval by the Board shall have a direct relationship to the practice of landscape architecture as defined in the Delaware Code and contain elements which will assist licensees to provide for the health, safety and welfare of the citizens.
Florida Board of Landscape Architects	16 hours	Biennial	Yes	Course topics include Advance Code, Laws and Rules, or Optional. 2 hours must be regarding Florida Building Code Advanced Module.

				<p>Courses or programs offered by institutions of higher learning, specialty societies, professional organizations and government agencies will be considered acceptable provided that they are developed and conducted by qualified persons, provide the registrant with evidence of attendance or satisfactory completion, and consist of subject matter which contributes directly to the professional competence of a registrant in the practice of landscape architecture. Rendering service to the profession and/or the public through appointment, election or volunteerism on city/county/state/national commissions or boards, professional societies, councils or committees will be considered acceptable provided the positions held and activities conducted consistently relate to issues considered relative to the practice of landscape architecture. Tasks include, but are not limited to: registration examination grading and question writing; advocacy; public awareness; policy, etc.</p>
Georgia State Board of Landscape Architects	12 hours; Adopted in 1993	Biennial	Yes	
Hawaii Board of Professional Engineers, Architects, Surveyors & Landscape Architects			No	CE is not required of landscape architects and there is no discussions of such a requirement.
Idaho Board of Landscape Architects			No	No additional information available
Illinois Department of Financial & Professional Regulation	24 hours	Biennial	Yes	<p>Please note that as of January 01, 2020, the Landscape Architect Act of 1989 has been repealed. No further action is required for those Landscape Architects that currently possess a Landscape Architect registration and these registrations can no longer be renewed. The use of the title of "registered landscape architect" and other iterations will no longer require a registration issued by the Department of Financial and Professional Regulation.</p>

				At least sixteen (16) of the required twenty-four (24) hours must pertain to technical and professional topics related to the protection of the public health, safety, and welfare. "Health, safety, and welfare" means the planning and designing of buildings and structures and the spaces within and surrounding the buildings and structures that: minimize the risk of injury to persons or property and comply with applicable building and safety codes; re durable, environmentally friendly, cost effective, and conserve resources; are aesthetically appealing; function properly in all relevant respects; and enhance the public's overall sense of well-being, harmony, and community and integrate effectively with the surrounding environment. These topics include, but are not limited to, the following: Codes, statutes, and administrative regulations governing the practice of architecture or landscape architecture; Environmental and ecological resources; Professional ethics; Indiana licensing statutes and rules; Legal aspects of contracts, documents, insurance, bonds, and project administration; Construction documents and services; Materials and methods; Mechanical, plumbing, electrical, and life safety; Structural technology; Energy efficiency; Project administration; Accessibility issues; Security and safety issues; New technical and professional skills.	
Indiana Professional Licensing Agency	24 hours		Biennial	Yes	
Iowa Professional Licensing & Regulation Division	24 hours		Biennial	Yes	To maintain an active Landscape Architect license in Iowa licensees must complete 24 hours of health, safety and welfare education each biennium. They don't preapprove providers/courses.
Kansas Board of Technical Professions	30 hours Amended/Effective September 1, 2015		Biennial	Yes	The purpose of the Continuing Education requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of a technical profession and necessary to safeguard health, safety, property and welfare. There's flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. The Board does not preapprove courses.
Kentucky Board of Landscape Architects	15 hours; Adopted in 1994		Annual	Yes	There is a regulation change in the works which will reduce the annual requirement from 15 to 12. The Board accepts all "HSW" (health, safety & welfare) designated courses approved by LA CES (http://laces.asla.org/). Believe the average fee is \$20 per hour for online courses.

Louisiana Horticulture Commission	8 hours; Adopted 2006	Annual	Yes	There are various providers such as Garden/Trade Shows, ASLA, Red Vector, etc.
Maine State Board for Licensing Architects, Landscape Architects and Interior Designers			No	No CE requirements and not under consideration.
				<p>In order for an activity to be considered a qualifying activity, the activity shall meet the following criteria: Maintain and enhance professional competency of licensed landscape architects; Foster improvement, advancement, and extension of professional skills and knowledge related to the practice of landscape architecture; Offer learning experiences relevant to current landscape architectural practices as they relate to the public health, safety, and welfare; and Be presented, led or taught at a professional level by well-qualified professionals in the learning environment conducive to learning and appropriate for accomplishing learning objectives described in these regulations.</p> <p>Qualifying activities may fall into one or more of the following categories: Research, analysis, assessment, conservation, preservation, and enhancement of land use; Selection and allocation of cultural, historic, and natural resources; Laws and regulations applicable to the practice of landscape architecture in Maryland; Standards of practice or care; Professional ethics as applicable to the practice of landscape architecture; or Similar topics aimed to maintain, improve, or expand the skills and knowledge relevant to the practice of landscape architecture.</p>
Maryland Department of Licensing & Regulation	24 hours; Adopted 2015	Biennial	Yes	
Massachusetts Board of Registration of Landscape Architects			No	No additional information available
Michigan Department of Licensing & Regulatory Affairs			No	Continuing Education is not a requirement for Landscape Architects. There is not a board for this profession.
Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	24 hours	Biennial	Yes	<p>Must report a minimum of 2 professional development hours in professional ethics. The Board does not pre-approve courses or activities so the Board office does not have a listing of continuing education opportunities. Continuing education must consist of learning experiences which enhance and expand the skills, knowledge, and abilities of practicing professionals to remain current and render competent professional services to the public.</p> <p>Practitioners may pursue technical, nontechnical, regulatory, ethical, and business practice needs for a well-rounded education provided the education directly benefits the health, safety, or welfare of the public.</p>

Mississippi State Board of Architecture	24 hours	Biennial	Yes	<p>All topics must be health, safety and welfare related. Mandatory continuing education program to insure that registered landscape architects remain informed of those technical and professional subjects the Committee deems appropriate to safeguard life, health, and promote the public welfare. Examples include, but are not limited to, site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design, etc.</p>
Missouri Board for Architects, Prof. Engineers, Prof. Land Surveyors & Prof. Landscape Architects	24 hours; Adopted July 30, 2008	Biennial	Yes	<p>At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. The purpose of this requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of landscape architecture and necessary to safeguard life, health, property and promote the public welfare. The licensee is given flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. Licensees are encouraged to select meaningful activities which will be of benefit in the pursuit of their chosen field. Board does not preapprove course.</p>
Montana Board of Architects and Landscape Architects			No	<p>Currently the Board of Architects and Landscape Architects do not audit the Landscape Architects for continuing education.</p>

				<p>Through September 2021 the requirement is 15 hours per year. This will be reduced to 12 hours in 2021 to be in line with the national trend. They allow just about anything related to the profession and professional development. Nebraska does not pre-approve providers or courses.</p> <p>Only those professional development hours earned during the renewal period at collegiate level institutions, or through professional level seminars, conferences, study tours and self-paced professional development programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas, such as the following, will be acceptable: Consultations, investigation, research, planning, design, preparation of drawings, specifications, contract documents, reports, responsible construction observation or landscape management, in connection with the planning and development of land and incidental water areas where the primary purpose of the program is the preservation, conservation, enhancement or restoration of landscape systems, plant communities or aesthetic values, or the determination of proper land uses and land development. Professional personal development of leadership, creativity, communication and computer application skills as they relate to the practice of landscape architecture. Professional practice management including project management, quality assurance, supervision of technical staff and business ethics.</p>
Nebraska State Board of Landscape Architects	15 hours; Effective January 1, 1986; Reducing to 12 hours in 2021	Annual	Yes	
Nevada State Board of Landscape Architecture	8 hours; Adopted April 18, 2019	Annual	Yes	A maximum of 4 hours of self-directed educational activity. The board will review, adopt and delete activities from time-to-time.
New Hampshire Office of Professional Licensure & Certification	30 hours; Effective July 1, 2006	Biennial	Yes	CE needs to be relevant to the practice of landscape architecture. Board allows for carry-over of extra hours (maximum of 15). Board conducts a random 5% audit.
New Jersey State Board of Architects	24 hours	Biennial	Yes	Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication or design implementation (grading construction details, layout): one hour for each hour of attendance
New Mexico Board of Landscape Architects	30 hours Biennial; effective 2016	Annual	Yes	Board pre-approves activities which are defined in regulation. Board conducts a random audit to confirm compliance.

				<p>A minimum of 18 of the 36 hours of continuing education must be completed in courses of learning for landscape architects. Health, Safety and Welfare Areas: code of ethics; codes, acts, laws, and regulations governing the practice of landscape architecture; construction administration, including the administration of construction contracts; construction documents; environmental process and analysis; erosion control methods, including storm water management as is incidental and necessary to the practice of landscape architecture; design of environmental systems and use of site materials and methods of site construction; grading and natural drainage; horticulture; irrigation methods; land planning and land use analysis; landscape preservation, landscape restoration and adaptive reuse; natural hazards - impact of earthquake, hurricane, or flood related to site design; New York State Building Code as it affects landscape architecture; resource conservation and management; site accessibility, including American with Disabilities Act standards for accessible site design; site and soils analysis; site design; site security and safety; specifications writing; surveying methods and techniques as they affect landscape architecture; sustainable design, including techniques related to energy efficiency; vegetative management; wetlands; zoning as it relates to the improvement and/or protection of the health, safety and welfare of the public; other matters of law and ethics which contribute to the health, safety and welfare of the public.</p>
New York State Board for Landscape Architecture	36 hours; Adopted January 1, 2007	Triennial	Yes	
North Carolina Board of Landscape Architects	10 hours; Adopted May 1, 1990	Annual	Yes	<p>Providers of CE vary. There is National ASLA and the local chapter. Many companies do on demand lunch & learns and there are many industry conferences. Either the LA or the provider may make application for continuing education. To be acceptable for credit toward this requirement, all courses, seminars, webinars, sessions, or programs shall first be submitted to the CEAC. The CEAC shall review and recommend to the Board any course, seminar, webinar, session, or program for continuing education credit to the Board that the CEAC determines meets the criteria.</p>
North Dakota Board of Architecture				<p>Board does not require CE for license renewal.</p>
Ohio Landscape Architects Board	24 hours; Adopted 2005	Biennial	Yes	<p>16 hours must be structured health, safety, and welfare. Board provides acceptable subject matter defined in regulations. Board conducts an audit to confirm compliance.</p>

Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	24 hours (HSW only)	Biennial	Yes	Board allows for a maximum of 4 hours to be carried-over to the next renewal cycle. Board approves programs/courses. Board provides acceptable activities/content areas as defined in regulations. Licensee's must submit a CE report with license renewal and they may be subject to an audit.
Ontario Association of Landscape Architects			Yes	No additional information available
Oregon State Landscape Architect Board	12 hours	Annual	Yes	The Board does not pre-approve continuing education activities.
Pennsylvania State Board of Landscape Architects	24 hours Adopted August 25, 2000	Biennial	Yes	Only courses approved by the Board will be accepted for continuing education credit. Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. A maximum of 1/2 of the required clock hours per biennium will be accepted in courses consisting of satellite seminars, electronic presentations and correspondence courses.
Puerto Rico Board of Examiners of Architects & Landscape Architects				Does not require CE at this time.
Rhode Island Board of Examiners of Landscape Architects			No	Does not require CE and there has been no consideration of such a requirement.
South Carolina Department of Labor, Licensing and Regulation	20 hours; Adopted February 24, 2012	Biennial	Yes	15 of these hours must be in health/safety/welfare topics, and 12 hours must be in structured education settings. A maximum of 8 hours is allowed for self-directed study which includes volunteer activities, serving on public committees, authoring papers or books, business related courses (most of our licensees are sole-practitioners), reading books or papers, or non-interactive webinars or seminars. . The Board does not pre-approve courses. It is the responsibility of the licensee to take courses that assist them in their practice, and to obtain documentation of the course that includes the course name, date, description, location, instructor name, and number of hours offered for the course. Regulatory authority under Section 40-28-60(A). There were no Board discussions. The continuing education requirement was added to the law when they were making an update to move the Board from the Department of Natural Resources to the Department of Labor, Licensing and Regulation. Their State Chapter ASLA wanted to add continuing education to the bill, and petitioned the legislature to add it to the bill.
South Dakota Board of Technical Professions	30 hours; Adopted in 1999	Biennial	Yes	South Dakota Board may not pre-approve courses or providers of continuing education per Administrative Rules.

Texas Board of Architectural Examiners	12 hours	Annual	Yes	All 12 CEPH must include the study of subjects related to your profession and be pertinent to the health, safety, and welfare of the public.
Utah Division of Occupational and Professional Licensing	16 hours; Began June 1, 2012	Biennial	Yes	The activity shall have a defined objective directly related to the practice of landscape architecture and directly related to topics involving the public health, safety, and welfare of landscape architecture practice and the ethical standards of landscape architectural practice.
Vermont Landscape Architect Advisory Group				Does not require CE.
Virginia Board for Arch., Prof. Eng., Land Surveyors, Cert. Int. Designers and Landscape Architects	16 hours beginning July 1, 2010	Biennial	Yes	Board does not preapprove courses. Online courses are acceptable. Board conducts a random audit to confirm compliance.
Washington Board of Licensure for Landscape Architects	24 hours; effective in 2010	Biennial	Yes	At least 18 PDH must address public health, safety & welfare. Board does not approve providers. Board conducts a 5%-10% random audit to confirm compliance.
West Virginia Board of Landscape Architects	8 hours	Annual	Yes	A minimum of 6 PDH units obtained must be in structured education activities which directly address public health, safety, interest and welfare issues related to the practice of landscape architecture.
Wisconsin Department of Safety and Professional Services	24 hours; Effective July 1, 2010	Biennial	Yes	Continuing education shall be in the topics or subject areas of landscape architecture, building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction administration, or the Wisconsin statutes and rules regulating landscape architects. No less than 16 hours shall be in HSW topics. No less than 2 hours shall be in professional conduct and ethics. Approved providers of continuing education programs may include the following: American Society of Landscape Architects, Council of Landscape Architectural Registration Boards, Urban Land Institute, American Nursery and Landscape Association, American Planning Association, National Society of Professional Engineers, National Recreation and Park Association, American Institute of Architects, Construction Specifications Institute, State or federal training programs.
Wyoming State Board of Architects and Landscape Architects	24 hours	Biennial	Yes	Board does not approve providers and online courses are acceptable. CE must be completed in HSW subject areas which are technical and professional subjects relative to the practice. Licensee's provide evidence of CE with renewal of their license.

AGENDA ITEM L: REVIEW OF FUTURE LATC MEETING DATES

A schedule of planned meetings and events for the remainder of 2021 are provided to the Committee.

<u>Date</u>	<u>Event</u>	<u>Location</u>
June 11	Board Meeting	Teleconference
August 4	LATC Meeting	Teleconference
September 9-10	Board Meeting	Teleconference
November 5	LATC Meeting	Teleconference
December 10	Board Meeting	Teleconference