



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. VICTIM COMPENSATION BOARD**

**NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA VICTIM COMPENSATION BOARD**

NOTICE IS HEREBY GIVEN that the **California Victim Compensation Board**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on June 2, 2017, and closing on July 17, 2017. All inquiries should be directed to the contact listed below.

The **California Victim Compensation Board** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: abolishing positions no longer at the California Victim Compensation Board, transferring a position from one division to another, changes to disclosure categories, removing positions from a unit that has been restructured, removing the Government Claims Program, and other technical changes.

Information on the code amendment is available on the agency's intranet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than July 17, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than July 1, 2017.

The **California Victim Compensation Board** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Tanya Bosch, Regulations Analyst, 916-491-3851, [regulations@vcgcb.ca.gov](mailto:regulations@vcgcb.ca.gov).

**TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

**REGULATIONS REGARDING NATIONAL ORIGIN DISCRIMINATION**

The Fair Employment and Housing Council (Council) of the Department of Fair Employment and Housing (DFEH) proposes to amend sections 11027 and 11028 of and add section 11027.1 to Title 2 of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Council will hold a public hearing starting at **10:00 a.m. on July 17, 2017**, at the following location:

California Public Utilities Commission  
505 Van Ness Avenue  
Auditorium  
San Francisco, CA 94102

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The hearing room is accessible to individuals with physical disabilities. Any person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, please contact Jennifer Harlan at [Jennifer.Harlan@dfeh.ca.gov](mailto:Jennifer.Harlan@dfeh.ca.gov) or (916) 478-7245; TTY (800) 700-2320; or videophone for people who are deaf and hard of hearing at (916) 226-5285. Requests should

be made as soon as possible but at least five days prior to the scheduled meeting.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Council. The written comment period closes at **5:00 p.m. on July 17, 2017**. The Council will consider only comments received by that time. Written comments can be mailed to:

Fair Employment and Housing Council  
c/o Brian Sperber, Legislative & Regulatory  
Counsel  
Department of Fair Employment and Housing  
320 West 4th Street, 10th Floor  
Los Angeles, CA 90013  
Telephone: (213) 337-4495

Comments may also be submitted by e-mail to [FEHCouncil@dfeh.ca.gov](mailto:FEHCouncil@dfeh.ca.gov).

#### AUTHORITY AND REFERENCE

Government Code section 12935(a) authorizes the Council to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 12900 et seq. of the Government Code.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action clarifies, makes specific, and supplements existing state regulations interpreting the Fair Employment and Housing Act (“FEHA”) set forth in Government Code section 12900 et seq. As it relates to employment, the FEHA prohibits harassment and discrimination because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and/or veteran status of any person.

In compliance with the Administrative Procedure Act, the Council proposes to adopt these rules as duly noticed, vetted, and authorized regulations. The overall objective of the proposed amendments is to describe how the Fair Employment and Housing Act applies to the protected class of national origin in the employment context, primarily by centralizing and codifying existing law, clarifying terms, and making technical corrections. This action has the specific benefit of clarifying an often misunderstood area of the law, in turn reducing litigation costs and court overcrowding. Ultimately, the

proposed action furthers the mission of the DFEH by protecting Californians from employment discrimination based on national origin.

In addition to technical amendments and generally prohibiting discrimination, the proposed amendments clarify and/or articulate the following: (1) the definition of “national origin”; (2) unlawful language restrictions; (3) the standard for discrimination based on accent; (4) the standard for discrimination based on English proficiency; (5) the standard for discrimination based on foreign training and experience; (6) what constitutes retaliation; (7) unlawful immigration-related practices; (8) the nexus between national origin discrimination and human trafficking; (9) unlawful height and/or weight requirements; and (10) unlawful recruitment and job segregation practices.

The Council has determined that the proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Council has concluded that these are the only regulations that concern the employment provisions of the Fair Employment and Housing Act.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Council has made the following initial determinations:*

**Mandate on local agencies and school districts:** None.

**Cost or savings to any state agency:** No additional costs or savings beyond those imposed by existing law.

**Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630:** None.

**Other nondiscretionary cost or savings imposed on local agencies:** No additional costs or savings beyond those imposed by existing law.

**Cost or savings in federal funding to the state:** None.

**Cost impacts on a representative private person or business:** No additional costs or savings beyond those imposed by existing law. Therefore, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Results of the economic impact assessment/analysis:** The Council anticipates that the adoption of the regulations will not impact the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state. To the contrary, adoption of the proposed amendments is anticipated to benefit Cali-

fornia businesses, workers, and the state’s judiciary by clarifying and streamlining the operation of the law, making it easier for employees and employers to understand their rights and obligations, and reducing litigation costs for businesses.

**Statewide adverse economic impact directly affecting businesses and individuals:** The Council has made an initial determination that the proposed action *will not* have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Significant effect on housing costs:** None.

**Small Business Determination:** The Council anticipates that the regulations will not create additional costs or savings beyond those imposed by existing regulations. Similarly, the Council has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to clarify existing law.

**Business Report:** The Council has determined that the proposed regulations do not require a report to be made.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Council must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the Council’s attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has thus far not become aware of a better alternative and invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Brian Sperber, Legislative & Regulatory Counsel  
 Department of Fair Employment and Housing  
 320 West 4th Street, 10th Floor  
 Los Angeles, CA 90013  
 Telephone: (213) 337-4495  
 E-mail: [brian.sperber@dfeh.ca.gov](mailto:brian.sperber@dfeh.ca.gov)

The backup contact person for these inquiries is:

Holly Thomas, Deputy Director of Executive Programs  
 Department of Fair Employment and Housing  
 320 West 4th Street, 10th Floor  
 Los Angeles, CA 90013  
 Telephone: (213) 439-6799  
 E-mail: [holly.thomas@dfeh.ca.gov](mailto:holly.thomas@dfeh.ca.gov)

Please direct requests for copies of the proposed text (express terms) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, should other sources be used in the future, to Brian Sperber at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Brian Sperber at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Brian Sperber at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be available on the Council’s Web page: <http://www.dfeh.ca.gov/fehcouncil/>. Copies also may be obtained by contacting Brian Sperber at the above address.



AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations, and any modified text and the Final Statement of Reasons can be accessed through the Council's Web page at <http://www.dfeh.ca.gov/fehCouncil/>.

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: **Baldy View Regional Occupational Program Great Basin Unified Air Pollution Control District**

A written comment period has been established commencing on June 2, 2017, and closing on July 17, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than July 17, 2017. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cynthia Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cynthia Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Office of the State Treasurer

A written comment period has been established commencing on June 2, 2017, and closing on July 17, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written com-

ments must be received no later than July 17, 2017. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS  
AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cesar Cuevas, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cesar Cuevas, Fair Political

Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on February 13, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 14, 2017.

This notice is being provided to be in compliance with Government Code Section 11346.4.

**PUBLIC HEARING**

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on July 17, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.



The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

The emergency rulemaking action expanded the quarantine area for ACP in Alameda County by approximately 108 square miles and approximately 83 square miles in Contra Costa and Alameda counties. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 62,291 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are 24 retail nurseries in the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker

safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

#### ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

#### AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

#### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on February 21, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 21, 2017.

This notice is being provided to be in compliance with Government Code Section 11346.4.

#### PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the

proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on July 17, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

#### Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines.



As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

The emergency rulemaking action expanded the quarantine area for ACP in Solano County by approximately 113 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 62,404 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are four retail nurseries in the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the

grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

*Results of the Economic Impact Analysis*

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.



REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Construction, General Industry, and Ship Building, Ship Repairing and Ship Breaking Safety Orders  
New Sections 1535.1, 5205, 8359.1, and existing Section 5155**

**Occupational Exposure to Beryllium (HORCHER)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **July 20, 2017** in **Room 310** of the **County Administration Center, 1600 Pacific Highway, San Diego, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **June 2, 2017** and closes at 5:00 p.m. on **July 20, 2017**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

**INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing occupational exposure to beryllium and beryllium compounds on January 9, 2017, as 29 Code of Federal Regulations, Part 1910, Sections 1910.1000 and 1910.1024, Part 1915, Sections 1915.1000 and 1915.1024, and Part 1926, Sections 1926.55 and 1926.1124. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 82, No. 5, pages 2470–2757, January 9, 2017. The Board proposes to adopt regulations which are the same as the federal regulations except for editorial and format differences.

The recently published federal final rule is written as three standards, addressing beryllium exposure in construction, general industry, and maritime. The rule establishes new permissible exposure limits of 0.2 micrograms of beryllium per cubic meter of air ( $0.2 \mu\text{g}/\text{m}^3$ ) as an 8-hour time-weighted average and  $2.0 \mu\text{g}/\text{m}^3$  as a short-term exposure limit determined over a sampling period of 15 minutes. It also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping.

The general industry standard also includes a non-mandatory appendix, which sets forth a non-exhaustive list of control options that employers can use to comply with the rule in a number of specific beryllium operations. Compliance with each of the three standards is required by March 12, 2018, except for the requirements for change rooms and engineering controls, which are required by March 11, 2019 and March 10, 2020, respectively.

California safety orders do not include a vertical standard to specifically address employee exposure to beryllium. Sections 5155 “Airborne Contaminants” and 3203 “Injury and Illness Prevention Program” require employers to protect employees from beryllium exposure in general terms, but are more performance based than the prescriptive federal regulation.

The federal final rules for construction, general industry, and maritime, will be adopted into new Sections 1535.1, 5205, and 8359.1, respectively. Existing Sec-

tion 5155 will also be amended to include the new short-term exposure limit for beryllium.

The proposed regulations are substantially the same as those promulgated by Federal OSHA; therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard. However, the Board is still providing a comment period and will convene a public hearing. The primary purposes of the written and oral comments at the public hearing are to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard; and,
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and,
3. Solicit comments on the proposed effective dates.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

This proposed rulemaking action is not inconsistent nor incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

**DOCUMENTS RELIED UPON**

1. 82 Federal Register 2470–2757 (January 9, 2017).  
This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

**COST ESTIMATES OF PROPOSED ACTION**

This rulemaking proposal imposes no costs beyond those of the subject federal regulations with which it conforms.

According to Table VIII–4: Total Annualized Costs by Sector and Six-Digit NAICS Industry, for Entities Affected by the Final Beryllium Standard; Results Shown by Size Category (3 Percent Discount Rate, 2015 Dollars), found in the January 9, 2017, Federal

Register<sup>1</sup>, the cost impacts are expected to be as follows:

Industry	Total Cost – All Employers (2015 Dollars)	California Cost – 13.8% GDP (2015 Dollars)
General Industry	\$61,972,805	\$8,552,247
Construction	\$8,509,666	\$1,174,334
Maritime	\$3,385,759	\$467,235
<b>Total</b>	<b>\$73,868,230</b>	<b>\$10,193,816</b>

California’s share of the nation’s GDP is 13.8% (in 2015 dollars), according to [www.bea.gov](http://www.bea.gov). The total cost of the federal final rule on California industry is anticipated to be about \$10.2 million, as shown in the table above.

bursed in accordance with Government Code Sections 17500 through 17630.

**SMALL BUSINESS DETERMINATION**

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reim-

The Board has determined that the proposed amendment may affect small businesses. The table below reflects information from the January 9, 2017, Federal Register. Using 2015 dollars and GDP data for California, small businesses in California may experience a cost impact of approximately \$6.1 million.

Industry	Small Firms USA (SBA-Defined <sup>2</sup> )	CA Small Firms (13.8% GDP)	Very Small Entities (<20 Employees)	CA Very Small Firms (13.8% GDP)
General Industry	\$36,113,291	\$4,983,634	\$8,624,173	\$1,190,136
Construction	\$6,867,282	\$947,685	\$4,755,152	\$656,211
Maritime	\$1,083,721	\$149,553	\$568,896	\$78,508
<b>Total</b>	<b>\$44,064,294</b>	<b>\$6,080,873</b>	<b>\$13,948,222</b>	<b>\$1,924,855</b>

**CONTACT PERSONS**

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

**AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE**

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation, available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations without further notice even though modifications may be made to the original proposal in response to public comments or at the Board’s discretion.

<sup>1</sup> <https://www.regulations.gov/document?D=OSHA-H005C-2006-0870-2043>. Accessed April 11, 2017.

<sup>2</sup> The U.S. Small Business Administration (SBA) has established two widely used size standards — 500 employees for most manufacturing and mining industries and \$7.5 million in average annual receipts for many nonmanufacturing industries — to define “Small Firms”. However, there are a number of exceptions. Please see <https://www.sba.gov/> for more information.

**TITLE 10. CALIFORNIA ACHIEVING  
A BETTER LIFE EXPERIENCE  
ACT BOARD**

**ADOPTION TO CALIFORNIA CODE OF  
REGULATIONS, TITLE 10, CHAPTER 14,  
REGARDING THE CALIFORNIA ACHIEVING A  
BETTER LIFE EXPERIENCE (ABLE)  
PROGRAM TRUST**

NOTICE IS HEREBY GIVEN that the California ABLE Act Board proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 18, 2017, as follows:

State Treasurer's Office  
915 Capitol Mall, Room 587  
Sacramento, CA 95814

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Board will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Agency Contact Person identified in this Notice at least two weeks prior to the hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Carrie Fisher Stone, Deputy Executive Director  
California ABLE Act Board  
915 Capitol Mall, Room 101  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 589-2860 or by e-mail to [carrie.fisherstone@treasurer.ca.gov](mailto:carrie.fisherstone@treasurer.ca.gov).

Comments must be received by the Deputy Executive Director by 5:00 p.m. on July 17, 2017. All written com-

ments received by the California ABLE Act Board staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the California ABLE Act Board may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Deputy Executive Director and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

**AUTHORITY AND REFERENCE**

Authority: Section 4882, Welfare and Institutions Code.

Reference: Sections 4875, 4877, 4878, 4879, 4880, 4881, and 4882, Welfare and Institutions Code; Section 529A, Internal Revenue Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Legislature enacted and the Governor signed Senate Bill (SB) 324 (Chapter 796, Statutes of 2015) and Assembly Bill (AB) 449 (Chapter 774, Statutes of 2015), which authorized the California ABLE Act Board to develop and implement the California ABLE Program Trust ("Trust" or "Program"), which is a financial savings tool for qualified people with disabilities as defined in Section 529A of the Internal Revenue Code.

The California ABLE Act Board is authorized under Welfare and Institutions Code section 4882 to adopt regulations as it deems necessary to implement the Program consistent with Section 529A of the Internal Revenue Code and regulations issued pursuant to that code to ensure that the Program meets all criteria for federal tax-exempt benefits.

These regulations provide the framework to allow eligible individuals to save and maintain their funds in the Trust while continuing to receive public means-tested benefits. Prior to the California ABLE Act, eligible individuals were subject to asset limits in order to continue receiving public means-tested benefits. Eligible individuals could only have \$2,000 in assets before their Social Security Income was impacted. With the ABLE



Act, they can now contribute up to \$14,000 per year and have up to \$100,000 in their ABLE accounts and still maintain eligibility for public means-tested benefits such as Social Security Income and Medi-Cal.

The following are included in the proposed regulations: relevant definitions; account enrollment; limitations on contributions; change of designated beneficiary; qualified and rollover distributions; account information and reports; and other provisions related to the administration of the Program.

The California ABLE Act Board anticipates the regulations will benefit qualified people with disabilities through the implementation and administration of the Trust. The regulations are compatible and consistent with the intent of the Legislature in adopting Welfare and Institutions Code section 4875 et seq.

The California ABLE Act Board evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations and has found that these are the only regulations concerning the Program. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Nondiscretionary costs/savings to local agencies: None.
- Programs mandated on local agencies or school districts: None.
- Costs imposed on any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code: None.
- Effect on housing costs: None.
- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses, to compete with businesses in other states: The Board has determined that the proposed regulations will not have such an impact.
- Cost impacts on a representative private person or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- Impact on jobs/new businesses: The Board has determined that this regulatory proposal will not have significant impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State.
- Effect on small businesses: The proposed regulations will not have an effect on any small business because these regulations are specific to and affect only people with disabilities and will have no impact on the private sector.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

This regulatory action is required by Welfare and Institutions Code section 4882, as added by AB 449 (Chapter 774, Statutes of 2015), effective January 1, 2016, which permitted the California ABLE Act Board to implement the California ABLE Program Trust.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

These regulations will directly impact the health and welfare of California residents, specifically people with disabilities, allowing them to use their ABLE account monies for expenses that help improve and maintain their quality of life.

#### CONSIDERATION OF ALTERNATIVES

The California ABLE Act Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the California ABLE Act Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The California ABLE Act Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Carrie Fisher Stone, Deputy Executive Director  
California ABLE Act Board  
915 Capitol Mall, Room 101  
Sacramento, CA 95814  
Telephone: (916) 653-0665  
E-mail: [carrie.fisherstone@treasurer.ca.gov](mailto:carrie.fisherstone@treasurer.ca.gov)

Inquiries concerning the regulatory process may be directed to the Program Analyst, Rajeshwari “Raji” Prasad at (916) 651-3257.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The California ABLE Act Board has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Deputy Executive Director. These documents may also be viewed and downloaded from the California ABLE Act Board’s website at [www.treasurer.ca.gov/able](http://www.treasurer.ca.gov/able).

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Deputy Executive Director at the address, email address or phone number listed above.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Deputy Executive Director at the above address.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Carrie Fisher Stone, Deputy Executive Director, California ABLE Act Board, 915

Capitol Mall, Room 101, Sacramento, CA, 95814; telephone, (916) 653-0665. It is recommended that assistance be requested at least two weeks prior to the hearing.

### TITLE 22. HEALTH AND HUMAN SERVICES AGENCY

#### NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY

NOTICE IS HEREBY GIVEN that the California Health and Human Services Agency (the “Agency”), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code (Code). A comment period has been established commencing on June 2, 2017, and closing on July 17, 2017. All inquiries should be directed to the contact listed below.

Due to the reorganization and realignment changes that have been made throughout the Agency to meet current business needs, the Agency has determined that updates to the Code are needed to address the Agency’s current organizational structure. The Agency proposes to amend its Code in its entirety to include positions that involve the making or participating in the making of governmental decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code, and to remove positions that do not perform duties meeting this standard. This proposed amendment also modifies the disclosure categories to reflect current duties of filing positions and makes other technical changes. This proposed amendment carries out the purposes of the law, and no other alternative would do so and be less burdensome to affected persons.

Authority: Government Code section 87306.

Reference: Government Code sections 87300-87302 and 87306.

Copies of the proposed Code amendment are available and may be requested from the contact listed below.

Any interested person may submit written statements, arguments, or comments relating to the proposed Code amendment by submitting them in writing no later than July 17, 2017, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact set forth below.

At this time, no public hearing has been scheduled concerning the proposed Code amendment. Any interested person or the person’s representative may request a public hearing no later than 15 days prior to the end of

the public comment period. A public hearing request may be directed to the contact set forth below.

The Agency has determined that adoption of the proposed Code amendment:

1. Will not impose a cost or savings on any state agency.
2. Will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
3. Will not result in any nondiscretionary costs or savings to local agencies.
4. Will not result in any costs or savings in federal funding to the state.
5. Will not impose a mandate on local agencies or school districts.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed Code amendment and any communication required by this notice should be directed to:

Ashley DeFranco  
 Attorney  
 Office of Systems Integration  
 2525 Natomas Park Drive, Suite 200  
 Sacramento, CA 95833  
 (916) 263-4035  
[Ashley.DeFranco@osi.ca.gov](mailto:Ashley.DeFranco@osi.ca.gov)

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**HABITAT RESTORATION AND ENHANCEMENT ACT  
 CONSISTENCY DETERMINATION NO.  
 1653-2017-004-001-R1**

**Project:** Baker Creek Ground Water Recharge Project  
**Location:** Humboldt  
**Applicant:** Sanctuary Forest Inc.  
**Notifier:** Tasha McKee

**Background**

Project Location: The Baker Creek Ground Water Recharge Project (Project) is located at 17655 Briceland-Thorne Road, Whitehorn, California, 95589, at a property owned by the Bureau of Land Management (BLM), Assessor Parcel Number (APN), 215-231-12, and Sanctuary Forest Inc., APNs 215-202-34, 215-300-04, 51-270-05, and 51-270-03. Baker Creek is a tributary to the Mattole River, in the County of Humboldt; Latitude 40.0083, Longitude -123.9222 of the Briceland 7.5 Minute U.S. Geological Survey (USGS) Quadrangle map. Baker Creek supports populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*).

Project Description: Sanctuary Forest Inc. (Applicant) proposes to enhance or restore habitat within Baker Creek to provide a net conservation benefit for coho salmon and other salmonid species. The Project objectives include improved groundwater storage and summer streamflow along with increased riparian vegetation and associated fish and wildlife benefits. The proposed upland restoration aims to increase groundwater storage by approximately 10 million gallons, resulting in streamflow benefits sufficient to maintain pool habitat in Baker Creek. The implementation plan includes completion of 5-6 off-channel ponds. The design for the ponds includes directing the overflow from each pond so that it helps fill the next pond downstream. A spillway for each pond will be engineered for 100-year storm events and armored with rock cobble or other non-erodible materials.

The Project is being completed with funding from a Wildlife Conservation Board Grant with cost share from BLM, Bella Vista Foundation, California Conservation Corps, and the Applicant. The California Department of Fish and Wildlife (CDFW), North Coast Regional Water Quality Control Board (Regional Water Board), and BLM consulted with the Applicant in the development of the Project, including discussion of proposed work and species protection measures. Site photos and maps are on file with CDFW's Habitat Conservation Planning Branch.

Project Size: The total area of ground disturbance associated with the Project is approximately 4.74 acres including impacts to approximately 20 linear-feet of stream. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: 1) local sediment, 2) culvert, 3) rice straw, 4) rock/cobble.

Project

Timeframes: Start date: June 1, 2017  
 Completion date: June 1, 2020  
 Work window: June 15–  
 October 15

Water Quality Certification Background: Because the Project’s primary purpose is to improve groundwater storage and summer streamflow along with increased riparian vegetation and associated fish and wildlife benefits habitat within Baker Creek, the Regional Water Board issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B16263WNHU, Electronic Content Management Identification (ECM PIN) No. CW–823636) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to coho salmon and other fish and wildlife resources.

Receiving Water: Baker Creek, tributary to the Mattole River.

Filled or

Excavated Area: Permanent area impacted: None  
 Temporary area impacted:  
 4.74 acres  
 Length temporarily impacted:  
 20 linear feet  
 Length permanently impacted:  
 0 linear feet

Dredge Volume: None.

Project Size: 4.74 acres

Project Location: Latitude 40.0083 North/  
 Longitude –123.9416 West,  
 (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI), complies with

the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On April 18, 2017, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on April 20, 2017, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2017–0420–01) on May 5, 2017. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a nonhabitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401. General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

Avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, and contains the following categories: 1) Project Location, 2) Project Description, and 3) Measures to Protect Fish and Wildlife Resources. Subcategories of the document include: 1) Cultural Resources, 2) Geology and Soils, 3) Hazardous Materials, 4) Hydrology and Water Quality, and 5) Invasive Bullfrog Minimization (Exhibit A). The specific avoidance and minimization requirements are found in an attachment to the NOI, *Baker Creek Supplemental Avoidance*.

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. Specific requirements of the plan are found in an attachment to the NOI, *Baker Creek Supplemental Avoidance*.



Quantitative Monitoring:

Pre-Project:

1. Groundwater monitoring and subsurface investigations: Installation of 6–10 groundwater wells along with subsurface investigations including depth to bedrock and documentation of soil type layers. Monitoring of groundwater wells will occur twice monthly for one year.
2. Seasonal streamflow monitoring twice monthly for three years at two established monitoring sites that bracket the project.

**DEPARTMENT OF FISH AND WILDLIFE**

CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Oroville Wildlife Area Flood Stage Reduction  
2080–2017–005–02  
Butte County

California Department of Fish and Wildlife (CDFW) received a notice May 15, 2017, that the Sutter Butte Flood Control Agency proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves vegetation management and restoration, hydraulic improvements, and recreation enhancement. Proposed activities will include, but are not limited to, mechanical and hand removal of invasive plants, planting of native vegetation, construction of a new inflow weir, construction of a new notch connection to the Feather River, construction of a fish barrier berm, replacing or removing existing culverts, installation of a concrete road crossing, regrading existing parking areas, pouring a new concrete pad, constructing an emergency vehicle/footbridge channel crossing and two footbridge channel crossings, and grading two river access areas. The proposed project will occur within the Oroville Wildlife Area, in the D-Unit, which covers about 1,500 acres and is just west of State Route 70 and across the river from the Thermalito Afterbay outlet in Butte County, California.

The Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. 08ESMF00–2017–F–1766) (BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on April 28, 2017, which considered the effects of the proposed project on the state threatened and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, the Sutter Butte Flood Control Agency is requesting a determination that the BO and associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and associated ITS are consistent with CESA for the proposed project, the Sutter Butte Flood Control Agency will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF FISH AND WILDLIFE**

**Project:** Pennington Creek  
Removal Project  
**Location:** San Luis Obispo County  
**Applicant:** Trout Unlimited, Inc.  
**Notifier:** Matt Clifford

**Background**

Project Location: The Pennington Creek Steelhead Barrier Removal Project (Project) is located on Pennington Creek Road approximately 0.9 mile upstream and northeast of State Highway 1 in an unincorporated area of San Luis Obispo County, California. The property is owned by the San Luis Obispo County Office of Education (Assessor Parcel Number (APN) 073–221–021). Pennington Creek is a tributary to Chorro Creek. Pennington Creek supports populations of federally threatened South-Central California Coast steelhead (*Oncorhynchus mykiss irideus*).

Project Description: Trout Unlimited, Inc. (Applicant) proposes to enhance or restore habitat within Pennington Creek to provide a net conservation benefit for South-Central California Coast steelhead. The conservation benefits from the proposed project will improve adult and juvenile steelhead access to 2.3 miles of upstream habitat within Pennington Creek. Passage improvement will be made by replacing an existing concrete diversion and an inoperable fish ladder that is a barrier to steelhead with a passive fish screening system and an adjacent concrete diversion structure.

The Project includes reconstruction of approximately 160 linear-feet of channel with bioengineered streambed material constructed in a chute and pool sequence with a riffle slope. A diversion-dewatering system will be in place during Project implementation. Following Project construction, the site will be revegetated. The full project description is found in the NOI and *100% Design Submittal*.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.12 acres and 160 linear-feet. The Applicant has included project size calculations that were used to determine the Pro-

ject’s total size of the Project. The Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

**Project Associated Discharge:** Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) Native vegetation; (2) Erosion control materials; and (3) Engineered streambed material (rocks and boulders).

**Project**

**Timeframes:** Start date: July 2017  
 Completion date: October 2017  
 Work window: July 1–October 31

**Water Quality Certification Background:** Because the Projects primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to 2.3 miles of spawning and rearing habitat, the Central Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 34017WQ04, Electronic Content Management Identification (ECM PIN) No. CW–832098) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to South–Central California Coast steelhead.

**Receiving Water:** Pennington Creek, tributary to Chorro Creek.

**Filled or**

**Excavated Area:** Permanent area impacted: 0.03 acres  
 Temporary area impacted: 0.09 acres  
 Length temporarily impacted: 160 linear–feet  
 Length permanently impacted: 0 linear–feet

**Dredge Volume:** None.

**Discharge Volume:** Approximately 260 cubic–yards of boulders and rock, and erosion control materials consisting of straw mulch and fiber rolls.

**Project Location:** Latitude 35.3436 North/Longitude –120.7328 West, (NAD 83)

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as

described in the Notice of Intent (NOI), complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On April 18, 2017, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on April 20, 2017, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice Register, No. Z–2017–0420–02) on May 5, 2017. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures for this Project are consistent with HREA and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a nonhabitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order, and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

Avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in the NOI, the 100% Design Submittal and the Fish Removal and Relocation Plan. Full details of the avoidance and minimization requirements are found in Section 6.0 of the *Biological Report*.

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the Monitoring and Reporting Plan. The Applicant’s Monitoring and Reporting Plan provides a comprehensive restoration work plan, performance criteria, and monitoring requirements for revegetation as mitigation for impacted riparian habitat. Full details of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan*.

**Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order

for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes as a minimum:

- photographs with a descriptive title;
- date photographs were taken;
- name of the photographic sites;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the Applicant’s NOI. The Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: [R4LSA@wildlife.ca.gov](mailto:R4LSA@wildlife.ca.gov).

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by CDFW, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Regional Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

NOTICE OF PUBLIC COMMENT PERIOD  
June 2, 2017 to July 2, 2017

LIEN SETTLEMENT AGREEMENT  
Former Gordon Research Company Site  
1085 South Union Road, Manteca, California 95337

WHAT IS BEING PROPOSED? — The Department of Toxic Substances Control (DTSC) invites the public

to review and comment on a Lien Settlement Agreement with the Nur Al-Huda Academy (the “Academy”) regarding the former Gordon Research Company site located at 1085 South Union Road, Manteca, CA 95337 (the “Site”). Historic chemical reformulation operations on the Site impacted on-Site soils with elevated levels of heavy metals, polychlorinated biphenyls (“PCBs”), dioxins, and other toxins. Under the proposed Lien Settlement Agreement, the Academy will implement a removal action workplan to clean up remaining contamination at the Site and pay certain costs, in consideration for a covenant not to sue and contribution protection from DTSC and removal of DTSC’s statutory lien on the property.

HOW CAN I GET INVOLVED? — DTSC will consider all public comments on the Lien Settlement Agreement that are received by or postmarked on July 2, 2017. DTSC may decline to finalize the Lien Settlement Agreement if such comments disclose facts or considerations that indicate the Lien Settlement Agreement is inappropriate, improper, or inadequate. Comments should be addressed to:

Mr. Charlie Ridenour  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826  
(916) 255-6442  
[Charlie.Ridenour@dtsc.ca.gov](mailto:Charlie.Ridenour@dtsc.ca.gov)

WHERE DO I GET INFORMATION?

Copies of these documents, key technical reports, and other site-related information are available:

**In Person** (By Appointment only):

DTSC Regional Records Office File Room  
8800 Cal Center Drive  
Sacramento, CA 95826

**On the Internet:**

**DTSC Envirostor Website**

[http://www.envirostor.drsc.ca.gov/public/profile\\_report.asp?global\\_id=60000746](http://www.envirostor.drsc.ca.gov/public/profile_report.asp?global_id=60000746)

**By Mail** (Per your request):

Mr. Charlie Ridenour  
DTSC  
8800 Cal Center Drive  
Sacramento, CA 95826  
(916) 255-6442  
[Charlie.Ridenour@dtsc.ca.gov](mailto:Charlie.Ridenour@dtsc.ca.gov)

**ENVIRONMENTAL PROTECTION  
AGENCY**

**Final Publication**

**Unified Program State Surcharge to Include:**

- **Assessment for Refinery Safety**
- **Oversight surcharge increase**
- **Underground Storage Tank Program surcharge increase**

**NOTICE IS HEREBY GIVEN** that the Secretary for the California Environmental Protection Agency (CalEPA) is adjusting the Unified Program state surcharge according to the California Health and Safety Code, Division 20, Chapter 6.11, section 25404.5(b), and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The Unified Program state surcharge is a yearly assessment on each entity regulated under the Unified Program and is used to fund the necessary and reasonable costs of all state agencies responsible for program implementation, ongoing maintenance and oversight of the Unified Program.

The Unified Program state surcharge now includes:

- an assessment applicable to refineries that is based on a tiered structure dependent upon daily barrel production,

- a \$14 per facility increase to the existing Oversight state surcharge,
- a \$5 per tank increase to the existing Underground Storage Tank Program surcharge.

The California Accidental Release Prevention Program and Aboveground Petroleum Storage Act Program portions of the Unified Program state surcharge remain unchanged.

On March 24, 2017, the Refinery Safety surcharge and increases to the Oversight and Underground Storage Tank Program surcharges were publicly noticed in the California Regulatory Notice Register for a 30-day comment period. CalEPA considered all applicable comments received from the California Independent Oil Marketers Association, the California Biodiesel Alliance and the Western States Petroleum Association and is proceeding with the proposed state surcharges.

The revised state surcharges are considered effective immediately upon final publication in the California Regulatory Notice Register.

Certified Unified Program Agencies (CUPAs) are required to begin assessing the revised Unified Program state surcharge amounts no later than 60 days after the effective date. The majority of regulated businesses will be subject to the revised surcharge during the normal CUPA billing cycle for fiscal year 2017/2018.

The revised Unified Program state surcharge is shown below.

UNIFIED PROGRAM STATE SURCHARGE					
Unified Program Element	Authorizing Agency	Applicable To	Current Rate	Increase Amount	New Rate Effective Fiscal Year 2017/2018
Oversight	CalEPA	each facility	\$35.00	\$14.00 per each facility	\$49.00
Underground Storage Tank	State Water Resources Control Board	each tank	\$15.00	\$5.00 per each tank	\$20.00
California Accidental Release Prevention Program	California Office of Emergency Services	each stationary source	\$270.00	No Change	
Aboveground Petroleum Storage Act	Office of the State Fire Marshal	each tank facility	\$26.00	No Change	
Refinery Safety	CalEPA	each refinery facility	N/A	Tier 1 = \$45,000 Tier 2 = \$27,500 Tier 3 = \$13,750 Tier 4 = \$3,500	



**DECISION NOT TO PROCEED**

**ACUPUNCTURE BOARD**

**Re: Notice of Proposed Rulemaking Concerning Uniform Standards Related to Substance Abusing Licensees and Disciplinary Guidelines**

Pursuant to Government Code Section 11347, the California Acupuncture Board hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on April 15, 2016, Register 2016, No. 16–Z. The proposed rulemaking concerned Uniform Standards Related to Substance Abusing Licensees and Disciplinary Guidelines. (OAL Notice Z–2016–0404–03)

Any interested person with questions concerning this rulemaking should contact Marc Johnson, Policy Coordinator, at 916–515–5200 or [marc.johnson@dca.ca.gov](mailto:marc.johnson@dca.ca.gov).

The Board will also post this Notice of Decision Not to Proceed on its website.

Title 16  
 AMEND: 1399.434, 1399.437 REPEAL: 1399.436  
 Filed 05/24/2017  
 Effective 05/24/2017  
 Agency Contact: Marc Johnson (916) 515–5216

File# 2017–0411–06  
 AGRICULTURAL LABOR RELATIONS BOARD  
 ALRB Electronic Filing Regulations

In this rulemaking action, the Agricultural Labor Relations Board (Board) adopts one new section and amends numerous existing sections of Title 8 of the California Code of Regulations to permit, and to establish the requirements for, electronic filing and service of documents generated by and for parties who appear before the Board in the litigation of disputed matters.

Title 8  
 ADOPT: 20169 AMEND: 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 20400, 20401, 20402, 20407, 20408  
 Filed 05/23/2017  
 Effective 05/23/2017  
 Agency Contact: Laura Heyck (916) 651–7623

File# 2017–0411–04  
 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
 Amend Definition, Standards, and Requirements for Jail Deputies (JDEP)

This action by the Commission on Peace Officer Standards and Training amends regulations relating to custodial peace officers (“jail deputies”) in accordance with Penal Code section 832.3, as amended by Assembly Bill 1168 (Stats. 2015, ch. 207, § 1). The amendments define the jail deputy classification, establish entry–level and continuing professional training requirements, and specify requalification exemption requirements.

Title 11  
 AMEND: 1001, 1005, 1008  
 Filed 05/23/2017  
 Effective 07/01/2017  
 Agency Contact: Christy Correa (916) 227–4847

File# 2017–0413–01  
 DENTAL BOARD OF CALIFORNIA  
 Defining of “Discovery” and “Filing Date”

In this rulemaking action, the Board adopts sections 1001.1 and 1001.2 of Title 16 of the California Code of Regulations to define the terms “discovers,” “complaint,” “report,” and “filed.” These terms are found in Business and Professions Code sections 1670.2 and 2230.5. The regulations interpret and make specific these terms in order to facilitate the implementation of the statute.

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2017–0412–02  
 ACUPUNCTURE BOARD  
 Implementation of SB 1246

This rulemaking action by the California Acupuncture Board (Board) amends existing training and curriculum requirements in title 16 of the California Code of Regulations to be consistent with underlying statutory changes made by Senate Bill 1246 (Stats 2014, ch. 397).

Title 16  
 ADOPT: 1001.1, 1001.2  
 Filed 05/24/2017  
 Effective 07/01/2017  
 Agency Contact: Sarah Wallace (916) 263-2187

File# 2017-0511-01  
 DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 Supervision of Parolees

This emergency rulemaking action by the Department of Corrections and Rehabilitation is a readopt of OAL File No. 2016-0921-04EON. This action adopts four sections and amends thirteen sections in title 15 of the California Code of Regulations regarding parole supervision and residence restrictions imposed on sex offenders as a condition of parole. This action was certified as an operational necessity by the Undersecretary on September 20, 2016.

Title 15  
 ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3  
 Filed 05/23/2017  
 Effective 05/23/2017  
 Agency Contact: Sarah Pollock (916) 445-2308

File# 2017-0424-08  
 DEPARTMENT OF JUSTICE  
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Bond of Insurance Broker" pursuant to Government Code section 11343.8.

Title 11  
 AMEND: 50.12  
 Filed 05/18/2017  
 Effective 05/18/2017  
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-09  
 DEPARTMENT OF JUSTICE  
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Bond of Surplus Line Broker" pursuant to Government Code section 11343.8.

Title 11  
 AMEND: 50.14  
 Filed 05/18/2017  
 Effective 05/18/2017  
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-15  
 DEPARTMENT OF JUSTICE  
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Bond Required of Organizers of Fraternal Benefit Society" pursuant to Government Code section 11343.8.

Title 11  
 AMEND: 50.19  
 Filed 05/23/2017  
 Effective 05/23/2017  
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-16  
 DEPARTMENT OF JUSTICE  
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Instructions for Execution of Surety Bonds by Certain Holders of or Applicants for Various Licenses" pursuant to Government Code section 11343.8.

Title 11  
 AMEND: 50.20  
 Filed 05/23/2017  
 Effective 05/23/2017  
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-20  
 DEPARTMENT OF JUSTICE  
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the amended surety bond form of the Department of Insurance, "Bond of Cargo Shipper's Agent" pursuant to Government Code section 11343.8.

Title 11  
 AMEND: 50.23  
 Filed 05/18/2017  
 Effective 05/18/2017  
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0420-01  
 FRANCHISE TAX BOARD  
 Procedures and Standards on Requests for Release

In this rulemaking action, the Franchise Tax Board (FTB) makes permanent two emergency regulations in

Title 18 of the California Code of Regulations concerning taxpayers who are listed on the FTB's certified list of the 500 largest tax delinquents. Pursuant to Revenue and Taxation Code section 19195, these taxpayers are subject to state agency license suspensions, denials, non-renewals, or the like, specified in Business and Professions Code section 494.5. One section specifies the procedures under which a taxpayer will be provided an administrative hearing before an FTB hearing officer, as well as a procedure for the reconsideration or overrule of the administrative hearing decision, concerning whether the FTB must provide a release to a state licensing agency which would result in the issuance, renewal, or continued valid status of a state-issued license. The other section provides standards for the FTB hearing officer to use in determining whether a taxpayer has a current financial hardship, pursuant to Business and Professions Code section 494.5(h)(3), that would enable the taxpayer to obtain an FTB-issued release as described above.

Title 18  
 ADOPT: 19195-1, 19195-2  
 Filed 05/24/2017  
 Effective 05/24/2017  
 Agency Contact: Christy Keith (916) 845-6080

File# 2017-0417-01  
**RESPIRATORY CARE BOARD**  
 Fee Increase July 2017

This action by the Respiratory Care Board increases licensing fees for respiratory care practitioners for biennial license renewal, delinquencies, and inactive licenses.

Title 16  
 AMEND: 1399.395  
 Filed 05/24/2017  
 Effective 07/01/2017  
 Agency Contact: Christine Molina (916) 999-2212

File# 2017-0411-02  
**STATE WATER RESOURCES CONTROL BOARD**  
 Regional Water Quality Control Board R4 Calleguas Creek TMDL Revision

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to section 3919.23 in title 23 of the California Code of Regulations regarding amendments to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The Basin Plan amendment was adopted by the Los Angeles Regional Water Quality Control Board on October 13, 2016 in Resolution No. R16-007. The State Water Board approved the Basin Plan amendment on February 22,

2017 in Resolution No. 2017-0007. The Basin Plan amendment revises the Total Maximum Daily Load (TMDL) for metals and Selenium in Calleguas Creek, its Tributaries, and Mugu Lagoon.

Title 23  
 AMEND: 3939.23  
 Filed 05/18/2017  
 Effective 05/18/2017  
 Agency Contact:  
 Thanhloan Nguyen (213) 576-6689

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN December 21, 2016 TO  
 May 24, 2017**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 2**
- 04/10/17 ADOPT: 552.1
  - 03/27/17 ADOPT: 11017.1 AMEND: 11017
  - 03/22/17 AMEND: 58000
  - 03/21/17 ADOPT: 2299.01, 2299.02, 2299.03, 2299.04, 2299.05, 2299.06, 2299.07, 2299.08, 2299.09
  - 03/03/17 ADOPT: 599.829.1
  - 02/28/17 AMEND: 2270, 2271
  - 02/16/17 ADOPT: 59820
  - 01/31/17 ADOPT: 547.60.1 AMEND: 547.60
  - 01/30/17 AMEND: 58600
  - 01/23/17 ADOPT: 1896.15, 1896.17 AMEND: 1896, 1896.2, 1896.4, 1896.6, 1896.8, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20, 1896.22, 1896.62, 1896.71, 1896.73, 1896.80, 1896.82 REPEAL: 1896.83
  - 01/11/17 ADOPT: 59810
  - 01/11/17 ADOPT: 11140, 11141, 11142, 11143, 11144, 11145, 11146, 11147, 11148, 11149, 11150, 11151, 11153, 11154, 11155, 11157, 11158, 11159, 11161, 11162, 11165, 11166, 11167, 11168, 11170, 11171, 11172, 11173, 11174, 11175, 11176, 11177, 11178, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11180, 11181, 11182, 11183, 11184,

11187, 11188, 11189, 11190, 11191,  
11192, 11193, 11194, 11195, 11196,  
11197, 11198, 11199, 11200

**Title 3**

05/15/17 AMEND: 3435(b)  
05/15/17 AMEND: 3435(b)  
05/09/17 AMEND: 3435(b)  
05/08/17 AMEND: 1402.7, 1402.8  
05/08/17 AMEND: 3439(b)  
05/04/17 AMEND: 3435(b)  
05/04/17 AMEND: 3435(b)  
05/04/17 AMEND: 3591.15  
04/24/17 AMEND: 3435(b)  
04/24/17 AMEND: 3435(b)  
04/20/17 AMEND: 3435(b)  
04/18/17 AMEND: 3435(b)  
04/17/17 AMEND: 3435(b)  
04/17/17 AMEND: 3435(b)  
04/07/17 AMEND: 3435(b)  
04/04/17 AMEND: 3435(b)  
03/30/17 AMEND: 3435(b)  
03/30/17 AMEND: 3435(b)  
03/28/17 AMEND: 3435(b)  
03/28/17 AMEND: 3406(c), 3591.5(b)  
03/24/17 AMEND: 3435(b)  
03/14/17 AMEND: 3061  
03/13/17 ADOPT: 2852.5 AMEND: 2850, 2851,  
2852, 2853, 2854, 2855, 2856  
03/07/17 AMEND: 3435(b)  
03/02/17 AMEND: 3435(b)  
02/28/17 ADOPT: 3070  
02/27/17 ADOPT: 751, 751.1, 754.3, 754.4, 820.1,  
830, 830.1, 830.2, 830.3, 830.4, 831,  
831.1, 831.2, 831.3, 831.4, 831.5, 837,  
838, 1302, 1302.1, 1302.2, 1302.3,  
1302.4 AMEND: 752, 752.1, 752.2,  
752.3, 752.4, 752.5, 752.6, 753, 753.1,  
753.2, 754, 754.1, 754.2, 755, 755.1,  
755.4, 756, 756.1, 758, 820, 820.3, 820.4,  
820.5, 820.55, 820.6, 820.7 REPEAL:  
753.3, 755.2, 755.3, 756.2, 756.3, 757,  
758.1, 820.1, 820.2  
02/24/17 AMEND: 3435(b)  
02/21/17 AMEND: 3435(b)  
02/16/17 AMEND: 3435(b)  
02/13/17 AMEND: 3435(b)  
02/13/17 AMEND: 3435(b)  
02/06/17 AMEND: 3435(b)  
02/02/17 AMEND: 3435(b)  
01/31/17 AMEND: 3435(b)  
01/30/17 AMEND: 3435(b)  
01/19/17 AMEND: 3439(b)  
01/12/17 AMEND: 3435(b)  
01/10/17 AMEND: 3435(b)

01/10/17 AMEND: 3435(b)  
01/10/17 AMEND: 3435(b)  
01/09/17 AMEND: 3591.12  
01/05/17 AMEND: 6625  
01/04/17 AMEND: 3435(b)  
01/03/17 AMEND: 3435(b)  
01/03/17 AMEND: 3435(b)  
01/03/17 AMEND: 3435(b)  
12/28/16 AMEND: 1380.19, 1408.2, 1408.9,  
1408.13 REPEAL: 1408.10, 1408.11,  
1408.14, 1408.16, 1408.17  
12/22/16 AMEND: 3435(b)  
12/21/16 AMEND: 3435(d)

**Title 4**

05/08/17 ADOPT: 8078.8, 8078.9, 8078.10,  
8078.11, 8078.12, 8078.13, 8078.14  
05/04/17 AMEND: 10031, 10032, 10033, 10035,  
10036  
05/02/17 ADOPT: 10325.5 AMEND: 10337  
04/20/17 AMEND: 1581, 1843  
04/10/17 AMEND: 10170.3, 10170.8, 10170.9,  
10170.10, 10170.14  
03/14/17 ADOPT: 299 AMEND: 297, 300  
02/28/17 ADOPT: 6000, 6010, 6011, 6012, 6013,  
6014, 6020, 6021, 6022, 6023, 6024,  
6030, 6040, 6041, 6042, 6043, 6050,  
6051, 6052, 6053, 6060, 6061, 6062  
02/15/17 ADOPT: 8078.8, 8078.9, 8078.10,  
8078.11, 8078.12, 8078.13, 8078.14  
02/09/17 AMEND: 10302, 10315, 10317, 10320,  
10322, 10325, 10326, 10327, 10330,  
10335, 10337  
02/07/17 AMEND: 10031, 10032, 10033, 10035,  
10036  
01/23/17 AMEND: 1581, 1843  
01/09/17 AMEND: 8034, 8035  
01/05/17 ADOPT: 610  
12/22/16 ADOPT: 8078.15, 8078.16, 8078.17,  
8078.18, 8078.19, 8078.20, 8078.21

**Title 5**

04/05/17 ADOPT: 75300 AMEND: 75200, 75210  
03/14/17 AMEND: 15495 REPEAL: 15497.5  
02/06/17 AMEND: 22000  
02/02/17 AMEND: 851, 853.5, 853.7, 855, 856  
01/19/17 AMEND: 19810  
01/12/17 AMEND: 9517.3

**Title 8**

05/23/17 ADOPT: 20169 AMEND: 20170, 20234,  
20240, 20241, 20242, 20282, 20286,  
20363, 20393, 20400, 20401, 20402,  
20407, 20408  
05/16/17 AMEND: 20335(c)  
04/14/17 AMEND: 15203.2(d)



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04/04/17	AMEND: 5155	01/27/17	AMEND: 1001, 1005, 1007, 1008, 1009, 1018, 1080, 1083
03/27/17	AMEND: 9701, 9702	01/18/17	ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132
03/20/17	AMEND: 4306		
03/14/17	AMEND: 17304		
02/24/17	ADOPT: 10770.7 AMEND: 10770		
02/02/17	AMEND: 10134		
01/30/17	AMEND: 344.30		
01/19/17	AMEND: 9789.25		
01/06/17	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4		
<b>Title 9</b>		<b>Title 12</b>	
03/15/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	01/09/17	ADOPT: 509
02/13/17	ADOPT: 4600, 4601, 4602	<b>Title 13</b>	
<b>Title 10</b>		05/15/17	AMEND: 16.06
04/17/17	ADOPT: 6520, 6522, 6528	04/19/17	AMEND: 26.01, 26.02
03/22/17	ADOPT: 8300, 8310, 8320, 8330, 8340, 8350, 8360, 8370, 8380	04/17/17	AMEND: 2222
03/22/17	AMEND: 2218.30	04/06/17	AMEND: 1157.21
03/09/17	AMEND: 2911, 2912	02/22/17	AMEND: 1153
02/28/17	ADOPT: 8200, 8210, 8220, 8230	02/21/17	ADOPT: 26.01, 26.02
02/21/17	AMEND: 2498.6	02/21/17	AMEND: 553.70
02/21/17	AMEND: 2498.6	02/16/17	ADOPT: 15.01 AMEND: 15.00
02/21/17	ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007	02/02/17	AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8, 2467.9
02/16/17	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622	01/19/17	AMEND: Article 3.6 Ch. 1 Div. 1 — Heading
02/15/17	AMEND: 2498.4.9	01/19/17	AMEND: 170.12
02/09/17	AMEND: 2498.4.9	01/18/17	AMEND: 1159
01/02/17	AMEND: 2594, 2594.1, 2594.2, 2594.3, 2594.4	12/21/16	AMEND: 330.42
<b>Title 11</b>		<b>Title 14</b>	
05/23/17	AMEND: 1001, 1005, 1008	05/08/17	ADOPT: 18651.10, 18657.0, 18657.1 AMEND: 18600, 18601, 18611, 18612, 18613, 18614, 18614.1, 18616, 18619.1, 18619.2, 18619.3, 18619.4, 18619.5, 18620, 18621, 18622, 18623, 18624, 18625, 18626, 18627, 18631, 18632, 18633, 18634, 18641, 18642, 18643.0, 18643.2, 18643.3, 18643.4, 18643.5, 18643.6, 18643.7, 18650.1, 18650.2, 18650.3, 18650.4, 18650.5, 18650.6, 18650.61, 18650.7, 18650.8, 18650.9, 18651.0, 18651.1, 18651.2, 18651.3, 18651.4, 18651.5, 18651.6, 18651.7, 18651.8, 18651.9, 18653.0, 18653.1, 18653.2, 18653.3, 18653.4, 18653.5, 18653.6, 18655.1, 18655.2, 18655.3, 18655.5, 18655.51, 18655.6, 18655.7, 18655.8, 18656.0 REPEAL: 18615, 18643.1, 18655.4, 18655.9, 18658.0, 18658.1, 18658.2, 18658.3, 18659.0, 18659.1, 18659.2, 18659.3, 18659.4, 18659.5
05/23/17	AMEND: 50.19	05/03/17	ADOPT: 1265.00, 1265.01, 1265.02, 1265.03
05/23/17	AMEND: 50.20	05/01/17	AMEND: 27.80
05/18/17	AMEND: 50.23	05/01/17	AMEND: 28.20
05/18/17	AMEND: 50.12		
05/18/17	AMEND: 50.14		
05/16/17	AMEND: 50.8		
05/16/17	AMEND: 50.15		
05/16/17	AMEND: 50.21		
05/16/17	REPEAL: 50.22		
05/16/17	ADOPT: 50.22		
05/15/17	AMEND: 50.5		
05/15/17	REPEAL: 50.7		
05/15/17	AMEND: 50.6		
05/15/17	AMEND: 50.16		
05/15/17	AMEND: 50.17		
02/21/17	AMEND: 1084		
02/01/17	AMEND: 1005, 1007, 1008		

04/18/17 AMEND: 1038  
 04/13/17 ADOPT: 3805.1  
 04/12/17 ADOPT: 111  
 04/03/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0  
 03/27/17 AMEND: 27.80  
 03/17/17 AMEND: 550, 550.5, 551, 552, 630, 702, 703  
 03/16/17 ADOPT: 18660.47, 18660.48, 18660.49, 18660.50, 18660.51 AMEND: 18660.5, 18660.20  
 03/14/17 REPEAL: 8600  
 03/07/17 ADOPT: 749.9  
 03/03/17 ADOPT: 16500  
 03/02/17 ADOPT: 748.6  
 03/02/17 ADOPT: 54.00, 54.01, 54.02, 54.03, 122.1, 122.2 AMEND: 29.80, 29.90, 121, 121.5, 122, 705  
 02/28/17 AMEND: 1.74, 5.05, 5.20, 5.35, 5.40, 5.60, 7.00, 7.50, 29.45, 43, 671  
 02/27/17 ADOPT: 715 AMEND: 702  
 02/17/17 AMEND: 895, 895.1, 898.2, 912.5, 913.4, 914.1, 915.3, 916.2, 916.5, 916.8, 916.9, 916.11, 919.2, 919.3, 919.5, 919.9, 919.11, 919.12, 921.1, 921.6, 926.3, 927.12, 953.9, 959.15, 961.1, 1020, 1024.5, 1036.1, 1037.3, 1037.5, 1051, 1051.1, 1051.4, 1051.5, 1052.3, 1052.4, 1052.5, 1054.3, 1055, 1055.2, 1056, 1056.1, 1056.2, 1056.3, 1090.5, 1090.10, 1090.17, 1092.16, 1092.18, 1092.27, 1100, 1153 REPEAL: 926.21  
 02/17/17 AMEND: 632  
 02/07/17 ADOPT: 28.47 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.49, 28.55  
 01/23/17 AMEND: 870.15, 870.17, 870.19, 870.21  
 01/03/17 AMEND: 1724.9  
 12/27/16 AMEND: 29.15  
 12/22/16 AMEND: 472  
 12/21/16 AMEND: 782

**Title 15**

05/23/17 ADOPT: 3570, 3572, 3573, 3580  
 AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3  
 05/11/17 ADOPT: 3999.23  
 04/17/17 AMEND: 3000, 3030, 3190, 3269  
 04/13/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493  
 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8),

3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7  
 04/03/17 ADOPT: 3999.22  
 03/22/17 AMEND: 8006  
 03/21/17 ADOPT: 8900 AMEND: 8901  
 03/14/17 AMEND: 8004, 8004.3  
 03/07/17 AMEND: 3332, 3343  
 02/22/17 AMEND: 3173.2  
 02/09/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379  
 01/26/17 ADOPT: 1027.5, 1030, 1058.5, 1122.5, 1208.5 AMEND: 1006, 1010, 1024, 1027, 1029, 1046, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1061, 1063, 1070, 1081, 1082, 1083, 1125, 1204, 1205, 1206, 1206.5, 1207, 1209, 1210, 1217, 1241, 1243, 1247, 1270, 1271 REPEAL: 1219  
 01/03/17 AMEND: 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, 3054.5  
 01/03/17 AMEND: 3076.5  
 12/29/16 ADOPT: 3359.8  
 12/29/16 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4  
 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1788, 1790, 1792  
 12/22/16 AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6

**Title 16**

05/24/17 AMEND: 1399.434, 1399.437 REPEAL: 1399.436  
 05/24/17 AMEND: 1399.395  
 05/24/17 ADOPT: 1001.1, 1001.2  
 05/10/17 AMEND: 426.10, 426.14, 426.50  
 05/08/17 ADOPT: 1398.26.3 AMEND: 1398.25  
 05/04/17 AMEND: 4130  
 03/27/17 AMEND: 1105.2  
 03/21/17 AMEND: 1803, 1812, 1813, 1814, 1816.1, 1816.2, 1822.50, 1822.51, 1822.52, 1829.1, 1829.2, 1829.3, 1846, 1850.6, 1850.7, 1854, 1856, 1877.2, 1877.3, 1886, 1886.10, 1886.20, 1886.30, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0  
 REPEAL: 1816.8, 1819.1, 1829, 1877, 1887, 1887.2, 1887.3, 1887.6, 1887.13, 1887.14  
 03/20/17 AMEND: 1732.05, 1732.2, 1732.5

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- 03/20/17 AMEND: 1751, 1751.4  
 03/14/17 ADOPT: 3063.4 AMEND: 472, 472.1, 472.2, 472.3, 472.4, 473, 473.1, 473.2, 473.3, 473.4, 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3 (renumbered as 3063.2), 3063.4 (renumbered as 3063.3).  
 03/02/17 AMEND: 1707.5  
 02/23/17 AMEND: 1399.672  
 02/09/17 AMEND: 9.1  
 01/31/17 AMEND: 1744  
 01/11/17 AMEND: 4172  
 01/05/17 AMEND: 1361  
 01/04/17 AMEND: 1508.1  
 12/21/16 AMEND: 464
- Title 17**  
 05/10/17 ADOPT: 51000, 51001, 51002  
 05/10/17 ADOPT: 51000, 51001, 51002  
 05/09/17 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072  
 04/24/17 ADOPT: 51000, 51001, 51002  
 04/17/17 AMEND: 60201  
 04/17/17 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78 AMEND: 6500.35, 6500.39, 6500.45, 6500.50, 6501, 6501.5, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67  
 04/13/17 ADOPT: 95364.1 AMEND: 95362, 95366, 95367, 95369  
 03/23/17 AMEND: 95000  
 03/20/17 ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022  
 01/26/17 AMEND: 1215.1, 1216, 1216.1, 1218, 1219, 1219.1, 1219.2, 1220, 1220.1, 1220.2, 1220.3, 1220.4, 1221, 1221.1, 1221.4, 1221.5, 1222, 1222.1. REPEAL: 1215, 1217, 1217.1, 1217.2, 1217.3, 1217.4, 1217.5, 1217.6, 1217.7, 1217.8, 1218.1, 1218.2, 1219.3, 1221.2, 1221.3, 1222.2  
 01/23/17 ADOPT: 51000, 51001, 51002
- Title 18**  
 05/24/17 ADOPT: 19195-1, 19195-2  
 05/15/17 AMEND: 263  
 05/15/17 AMEND: 1051  
 05/03/17 ADOPT: 4001
- 03/17/17 AMEND: 1703  
 03/09/17 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598  
 01/11/17 ADOPT: 2460, 2461, 2462  
 12/22/16 AMEND: 1702.5
- Title 19**  
 05/01/17 AMEND: 2020, 2021  
 03/24/17 ADOPT: 920, 921, 922, 923, 924, 924.1, 924.2, 924.3, 924.4, 924.5, 924.6, 924.7, 924.8, 924.9, 924.10, 924.11, 924.12, 925, 925.1, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 946.1, 947, 948  
 02/09/17 ADOPT: 2020, 2021, 2030 AMEND: 2000
- Title 20**  
 03/27/17 AMEND: 2909  
 03/27/17 AMEND: 1602, 1606  
 03/27/17 AMEND: 1606, 1607  
 01/05/17 AMEND: 2401, 2402
- Title 21**  
 01/19/17 ADOPT: 1413, 1413.1, 1413.2, 1413.3, 1413.4
- Title 22**  
 05/11/17 ADOPT: 100057.1, 100057.2 AMEND: 100057, 100059, 100059.1, 100059.2, 100061, 100062, 100063, 100064, 100069, 100070, 100072, 100073, 100074, 100075, 100079, 100080, 100081, 100083  
 04/19/17 ADOPT: 69511, 69511.1  
 04/18/17 REPEAL: 97770, 97771, 97772  
 04/10/17 ADOPT: 64300, 64305, 64310, 64315  
 03/27/17 AMEND: 51121  
 03/16/17 AMEND: 20100.5  
 03/09/17 AMEND: 64806  
 01/11/17 REPEAL: 98000, 98001, 98002, 98003, 98004, 98005, 98006, 98007, 98008, 98009, 98010, 98020, 98100, 98101, 98102, 98110, 98111, 98200, 98210, 98211, 98220, 98221, 98222, 98223, 98230, 98231, 98232, 98233, 98234, 98235, 98236, 98237, 98238, 98240, 98241, 98242, 98243, 98244, 98250, 98251, 98252, 98253, 98254, 98255, 98256, 98257, 98258, 98259, 98260, 98261, 98262, 98263  
 01/10/17 AMEND: 2706-2, 2706-7, 2708(b)-1, 3302-1, 3302-2  
 12/28/16 AMEND: 66262.34
- Title 22, MPP**  
 05/09/17 AMEND: 87163, 87217, 87775

05/02/17 AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211

04/27/17 AMEND: 101216.4, 101417

02/09/17 ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964, 89965, 89968.1, 89968.2, 89970, 89987, 89990  
AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2

01/18/17 AMEND: 87101, 87464, 87507, 87706

**Title 23**

05/18/17 AMEND: 3939.23

05/16/17 ADOPT: 3939.51

03/16/17 ADOPT: 3929.15

03/08/17 ADOPT: 3949.12

03/07/17 ADOPT: 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015

02/27/17 ADOPT: 863, 864, 864.5, 865, 866

01/30/17 AMEND: 3969.1

01/03/17 ADOPT: 1066.5

**Title 25**

01/23/17 ADOPT: 5535, 5535.5, 5536, 5536.5

**Title 27**

05/11/17 REPEAL: 25607.30, 25607.31

05/04/17 AMEND: 25705

05/03/17 AMEND: 25805

04/04/17 AMEND: 25805

03/21/17 AMEND: 27000

02/08/17 AMEND: 27001

01/27/17 AMEND: 25204(f)

01/09/17 AMEND: 25600, 25600.2, 25602, 25603, 25605, 25606, 25607.2, 25607.4, 25607.6, 25607.9, 25607.10, 25607.11, 25607.13, 25607.15, 25607.16, 25607.17, 25607.19, 25607.21, 25607.22, 25607.23, 25607.25, 25607.27, 25607.29

**Title 28**

03/21/17 AMEND: 1300.67.241

**Title MPP**

05/01/17 AMEND: 44-211

04/25/17 AMEND: 44-211

04/04/17 AMEND: 40-105, 40-131, 40-161

01/20/17 AMEND: 42-711, 82-812

01/06/17 AMEND: 47-201, 47-230, 47-240, 47-401, 47-420