



California Regulatory Notice Register

REGISTER 2017, NO. 39-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

SEPTEMBER 29, 2017

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z32017-0919-07 1443
Adoption

Multi-County: CUYAMA Basin Water District
 San Joaquin Valley Water Infrastructure Authority

TITLE 2. STATE LANDS COMMISSION

Repeal of Legislative Jurisdiction Hearing Regulations — Notice File No. Z2017-0915-03 1444

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Huanglongbing Interior Quarantine — Anaheim Area of Orange County — Notice File
 No. Z2017-0906-02* 1446

TITLE 5. BOARD OF EDUCATION

California High School Proficiency Examination — Notice File No. Z2017-0915-01 1448

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

High School Equivalency Test — Notice File No. Z2017-0915-02 1451

TITLE 13./TITLE 17. AIR RESOURCES BOARD

*Portable Engine Equipment Registration and Airborne Toxic Control Measure (ATCM) — Notice File No.
 Z2017-0912-03* 1454

TITLE 14. FISH AND GAME COMMISSION

Abalone Regulations — Notice File No. Z2017-0920-04 1467

TITLE 14. STATE MINING AND GEOLOGY BOARD

Fees Calculation and Schedule — Notice File No. Z2017-0919-09 1470

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

*Dental Care for Patients in California Department of Corrections and Rehabilitation (CDCR)
 Institutions — Notice File No. Z2017-0919-11* 1474

(Continued on next page)

***Time-
 Dated
 Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF BUSINESS OVERSIGHT
Notice of Extension of Written Comment Period (Previously Published in Notice Register 2017, No. 36–Z) 1476

DEPARTMENT OF FISH AND WILDLIFE
California Endangered Species Act (CESA) Consistency Determination Request for Laguna County Sanitation District Facilities Construction, Operation, and Maintenance Project 2080–2017–008–05 Santa Barbara County 1477

DEPARTMENT OF FISH AND WILDLIFE
Department of Water Resources 2017 Storm Damage Emergency Rehabilitation — Critical Levee Repair, Consistency Determination No. 2080–2017–007–02 1477

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for Climate Ready Rangeland Project (Tracking Number: 1653–2017–008–001–R4) San Luis Obispo County 1479

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for Furlong Culvert Repair Project (Tracking Number: 1653–2017–007–001–R3) Sonoma County 1480

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Public Meeting and Business Meeting 1480

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1481

Sections Filed, April 18, 2017 to September 20, 2017 1483

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**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

ADOPTION

MULTI-COUNTY: CUYAMA BASIN WATER
DISTRICT
SAN JOAQUIN VALLEY
WATER
INFRASTRUCTURE
AUTHORITY

AMENDMENT

STATE AGENCY: DEPARTMENT OF WATER
RESOURCES

A written comment period has been established commencing on September 29, 2017, and closing on November 13, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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 Sec-

tion 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 November 13, 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, 1102 Q Street, Suite 3000, Sacramento, California 95811, 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, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. STATE LANDS COMMISSION

The State Lands Commission (Commission) staff proposes to repeal Articles 7 and 8 of Title 2 of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARINGS

Commission staff has not scheduled a public hearing on this proposed action. However, Commission staff will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before 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 regulatory action to the Commission. The written comment period closes at 5:00 p.m. on November 13, 2017. The Commission must receive all written comments by that time. Please address all comments to Patrick Huber. Submit written comments to:

By mail to:
Patrick Huber
California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825

Or by facsimile to (916) 574-1855
Or by email to Patrick.Huber@slc.ca.gov.
Please include "Articles 7 and 8 Comments" in the subject line of the email.

AUTHORITY AND REFERENCE

Public Resources Code section 6108 authorizes the Commission to repeal these regulations. The proposed repeal would implement Government Code sections 113 and 126.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed repeal of Articles 7 and 8 would repeal regulations pertinent to hearings for cessions and retrocessions of legislative jurisdiction pursuant to Government Code sections 126 and 113. Sections 126 and 113 grant the Commission authority to cede concurrent criminal legislative jurisdiction to the United States and accept retrocessions of legislative jurisdiction from the United States. Before 2016, sections 126 and 113 required the Commission to hold a hearing before ceding or accepting a retrocession of legislative jurisdiction. To implement this hearing requirement, the Commission adopted regulations specifying additional requirements associated with the hearings. The United States is required to cover any costs of cessions and retrocessions. The Legislature amended sections 113 and 126, effective 2015, and eliminated the hearing requirements.

The proposed repeal would delete the hearing requirements and specifications from the California Code of Regulations.

Benefits of the Proposed Repeal:

The benefit of the proposed repeal would be elimination of unnecessary costs billed to the United States. The proposed repeal will also bring the Commission's regulations into conformance with statutory law.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

Commission staff has determined that the proposed repeal will not be inconsistent or incompatible with existing state regulations. After conducting a search for regulations relevant to legislative jurisdiction, Commission staff has determined that there are no other regulations pertinent to legislative jurisdiction. Thus, the proposed repeal cannot be inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Commission staff has made the following initial determinations:

- Mandate on local agencies and 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.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Statewide adverse economic impact directly affecting businesses and individuals: None.
- Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Commission has determined that the proposed repeal would not affect the:

- Creation of jobs within California
- Elimination of jobs within California
- Creation of new businesses within California
- Elimination of existing businesses within California
- Expansion of businesses currently doing business within the state
- Health and welfare of California residents, worker safety, or the state's environment

SMALL BUSINESS DETERMINATION

The adoption of this proposed repeal would not have a significant adverse economic impact on small businesses because the proposed repeal would not affect or change regulations applicable to small businesses.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESSES

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.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission:

- would be more effective in carrying out the purpose for which this regulatory 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.

Commission staff invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Direct inquiries concerning proposed regulatory action to:

Patrick Huber
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-0728
Facsimile: (916) 574-1855
Email: Patrick.Huber@slc.ca.gov

or

James Frey
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-1829
Facsimile: (916) 574-1855
Email: Jim.Frey@slc.ca.gov

Requests for copies of the proposed text 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 be directed to:

Patrick Huber
California State Lands Commission
100 Howe Avenue, Suite 100
South Sacramento, CA 95825-8202
Telephone: (916) 574-0728
Facsimile: (916) 574-1855
Email: Patrick.Huber@slc.ca.gov

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

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento office listed above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the repeal, the initial statement of

reasons, the economic impact assessment, and information upon which the proposed action is based. Interested parties may obtain copies of any of the aforementioned files by contacting Patrick Huber as listed above or by visiting the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT OF ORIGINALLY PROPOSED REGULATIONS

After considering all timely and relevant comments, the Commission may adopt the proposed repeal of the regulations substantially as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be available to the public for at least fifteen days prior to the date that the Commission considers adopting the proposed repeal. Interested parties shall send requests for copies of any modified regulations to the attention of Patrick Huber at the address indicated above. The Commission will accept written comments on the modified regulations for fifteen days after the date that they are available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Patrick Huber at the mailing address, telephone number, or email address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of the repeal of the regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed repeal can be accessed through the Commission's website at: <http://www.slc.ca.gov/>

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on May 30, 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 November 27, 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 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 13, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, 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 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 (Food and Agricultural Code [FAC] Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

Anticipated Benefits from This Regulatory Action

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not gener-

ally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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 specific anticipated benefits of the amendment of this regulation are:

The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB-infested host material from the environment. By removing the sources of HLB inocula it is biologically feasible to confine HLB's devastating impacts to the smallest area possible.

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 adoption of this regulation is one step to mitigate the spread of HLB through its vector, the Asian citrus psyllid (ACP). This prevents the ACP from naturally spreading and increasing the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants (*Murraya spp.*), any other host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible: Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices.

The Department considered any other possible related regulations in this area; 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 consistent and compatible with existing state regulations. There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the Anaheim area of Orange County by approximately 71 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 402 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and 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 other nondiscretionary costs or savings to local agencies or school districts.

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: 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.

Significant effect on housing costs: None.

Small Business Determination

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

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 that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

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 nor 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 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code.

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: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: Dean.Kelch@cdfa.ca.gov. In his absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, 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 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING CALIFORNIA HIGH SCHOOL PROFICIENCY EXAMINATION (CHSPE)

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objec-

tions, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9 a.m. on November 13, at 1430 N Street, Room 4102, Sacramento, California. The room is wheelchair accessible. 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 SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Patricia Alverson, Regulations Coordinator
Administrative Support and Regulations Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on November 13, 2017. All written comments received by CDE 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 SBE 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 Regulations Coordinator 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: Sections 33031, 48410 and 48412, Education Code.

References: Sections 48410 and 48412, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code Section 48412 authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the CDE. The law requires the SBE to award a Certificate of Proficiency to persons who demonstrate that proficiency. The law further requires the CDE to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the CDE to verify competency. The law authorizes the CDE to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

Assembly Bill (AB) 2656 (O'Donnell) signed by the Governor on September 27, 2016, prohibits the CDE from charging the fee to a foster child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. AB 2656 authorizes a services provider, as defined, that has knowledge of the examinee's foster youth status to verify the examinee's status for purposes of these provisions. AB 2656 provides that no additional state funds shall be appropriated for purposes of implementing the above provisions.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will serve to implement the changes to law required under AB 2656 by providing direction to foster youth, service providers, and the testing contractor about what documentation, including the certification processes that will be required, for foster youth to obtain the fee waiver for the CHSPE. The proposed regulations further clarify which fees will be waived, which fees will not be waived, how long certification and fee waivers will be valid, and documentation that must be maintained by the testing contractor. Implementation of the proposed regulations would provide foster youth who do not have the financial resources to pay the CHSPE registration fee an opportunity to take the CHSPE at no personal cost and potentially earn a Certificate of Proficiency. The proposed regulations would also ensure that only those eligible youth who are verified to be foster youth are afforded this opportunity.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the CHSPE and found that none exist that are inconsistent or incompatible with these regulations regarding a fee waiver for foster youth to take the CHSPE.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: service providers may be required to make certification records available to the CDE upon request.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies: Service providers may be required to make certification records available to the CDE upon request. This may result in minimal costs to agencies.

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because registration fees for the CHSPE are paid by individuals.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these regulations will: (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.

Benefits of the Proposed Action: The proposed regulations will benefit foster youth who may demonstrate proficiency in the skills necessary to earn a Certificate of Proficiency but do not have the funds required to register to take the CHSPE. Those who earn the Certificate may be able to pursue other educational or career opportunities that they would not have without the Certificate. Additionally, these individuals will be provided the same opportunity afforded to others who have the financial means to take the test.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE 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 content of this regulation should be directed to:

Jim Shields, Education Programs Consultant
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Room 4409
Sacramento, CA 95814
Telephone: 916-323-6860
jshields@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE Proposed Rulemaking and Regulations Web page at <http://www.cde.ca.gov/re/lr/rr/>.

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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

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 the Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814; telephone 916-319-0751. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 5. SUPERINTENDENT OF
PUBLIC INSTRUCTION**

AMENDMENT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5, REGARDING THE
HIGH SCHOOL EQUIVALENCY (HSE) TEST

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 1:30 p.m. on November 13, 2017, at 1430 N Street, Room 4102, Sacramento, California. The room is wheelchair accessible. 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 SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Patricia Alverson, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on November 13, 2017. All written comments received by CDE 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 SSPI 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 all modified regulations will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to the regulations, 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: Sections 51421.5 and 51426, Education Code.

References: Sections 51420, 51421, 51421.5, and 51425, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 51420 states that the SSPI shall issue a California High School Equivalency Certificate and/or an official score report, to persons who have not completed high school and who meet specified requirements. These requirements include having taken all or a portion of a general educational development test that has been approved by the State Board of Education (SBE) and administered by a testing center approved by the CDE, with a score determined by the SBE to be equal to the standard of performance expected from high school graduates. Education Code section 51421 authorizes the SSPI to charge a one-time fee established by the SBE to cover state administrative costs for the High School Equivalency (HSE) test. The amount of this fee shall not exceed \$20. In March 2014, the SBE authorized three test contractors to provide the HSE test: General Educational Development Testing Service that provides the General Educational Development Test (GED Test); Educational Testing Service that provides the High School Equivalency Test (HiSET Test); and Data Recognition Corporation that provides the Test Assessing Secondary Completion (TASC). Vendors and test centers are allowed to determine their fee to examinees. On average, current total state, contractor, and test center fees for the HSE test are \$140.

Assembly Bill (AB) 2656 (O'Donnell) prohibits contractors and test centers from charging fees to examinees who are under 25 years of age who can verify his or her status as a foster youth. The SSPI is authorized until July 1, 2019, to use surplus funds as defined in the Special Deposit Fund Account to reimburse contractors for the loss of fees from approved foster youth. Memorandums of Understanding with contractors will include a provision that if funds in the Special Deposit Fund Account are depleted, the ongoing cost of fee waivers shall be absorbed by the contractor. Implementation of the proposed regulations would provide foster youth who do not have the financial resources to pay the HSE test registration fee an opportunity to take the HSE test at no personal cost and potentially earn a High School Equivalency Certificate.

AB 2656 requires the CDE, on or before December 1, 2018, to submit reports to the appropriate policy and fiscal committees of the Legislature regarding the efficacy of the HSE test fee waivers. These reports will include, among other data, the number of foster youth who took a HSE test in 2016, 2017, and 2018 and the impact of the

opportunity to take a HSE test at no cost. The fee waiver and reporting requirements become inoperative July 1, 2019. The bill authorizes the SSPI to adopt emergency regulations for the purposes of these provisions.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will serve to implement the changes to law required under AB 2656 by providing direction to foster youth, service providers, HSE test contractors and testing centers about what documentation and certification processes will be required for foster youth to obtain the fee waiver for the HSE test. The proposed regulations further clarify which fees will be waived, which fees will not be waived, how long fee waivers will be valid, and documentation that must be maintained by service providers and the contractors. Implementation of the proposed regulations would provide foster youth who do not have the financial resources to pay the HSE test registration fee an opportunity to take the HSE test at no personal cost and potentially earn a High School Equivalency Certificate. The proposed regulations would also ensure that only those eligible youth who are verified to be foster youth are afforded this opportunity.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the HSE test and found that none exist that are inconsistent or incompatible with these proposed regulations regarding a fee waiver for foster youth to take the HSE test.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SSPI has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies (LEAs): There is the possibility of minor cost for copying forms.

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The cost of implementing these proposed regulations will initially be absorbed with available state funds. If these state funds are depleted, HSE test contractors will absorb the costs of the fee waivers. After the impact of the volume of homeless and foster youth utilizing the fee waiver is known, the testing contractors may offset those costs through moderate fee increases to other examinees. The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they affect only the HSE test providers, foster youth, and the CDE.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SSPI concludes that it is unlikely that these proposed regulations will: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) effect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit foster youth who may demonstrate proficiency in the skills necessary to earn a High School Equivalency Certificate but do not have the funds required to register for the HSE test. Those who earn the Certificate may be able to pursue other educational or career opportunities that they would not have without the Certificate. Additionally, these individuals will be provided the same opportunity afforded to others who have the financial means to take the tests.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SSPI; 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 SSPI 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 content of these proposed regulations should be directed to:

Jim Shields, Consultant
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
Telephone: 916-323-6860
E-mail: jshields@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI 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 REGULATION 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 Regulations Coordinator. These documents may also be viewed and downloaded from the CDE Proposed Rulemaking & Regulations Web page at: <http://www.cde.ca.gov/re/lr/rr/>.

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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

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 Jim Shields, Assessment Development and Administration Division, 1430 N Street, Room 4309, Sacramento, CA, 95814; telephone 916-323-6860. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 13./TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE AIRBORNE TOXIC CONTROL MEASURE FOR DIESEL PARTICULATE MATTER FROM PORTABLE ENGINES RATED AT 50 HORSEPOWER AND GREATER — AND TO THE STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM REGULATION

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to the “Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater” (Portable Engine ATCM) (California Code of Regulations, title 17, sections 93116–93116.5) and to the “Portable Engine and Equipment Registration” program (collectively, the PERP Regulation) (California Code of Regulations, title 13, chapter 9, article 5, sections 2450–2465).

DATE: November 16, 2017
 TIME: 9:00 a.m.
 LOCATION: California Environmental Protection Agency
 California Air Resources Board
 Byron Sher Auditorium
 1001 I Street
 Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., November 16, 2017, and may continue at 8:30 a.m. on November 17, 2017. Please consult the agenda for the hearing, which will be available at least ten days before November 16, 2017, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may pro-

vide comments by mail or by electronic submittal before the hearing.

The public comment period for this regulatory action will begin on September 29, 2017. Written comments not physically submitted at the hearing must be submitted on or after September 29, 2017, and received **no later than 5:00 p.m. on** November 13, 2017. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:
 Clerk of the Board, Air Resources Board
 1001 I Street, Sacramento, California 95814

Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests, but does not require, that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, 39650, 39658, 39659, 39666, 41752, 41753, 41754, 41755, 43013, and 43018. This action is proposed to implement, interpret, and make specific sections 39650, 39666, 41750, 41751, 41752, 41753, 41754, and 41755.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))

Sections Affected:

Proposed amendments to California Code of Regulations, title 17, sections 93116, 93116.1, 93116.2, 93116.3, 93116.4, and 93116.5 which are the Portable Engine ATCM. Proposed amendments to California Code of Regulations, title 13, chapter 9, article 5, sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457,

2458, 2459, 2460, 2461, 2462, 2463, 2464, and 2465 which are the PERP Regulation.

Background and Effect of the Proposed Regulatory Action:

Since 1995, existing State law (California Health and Safety Code (HSC) §§ 41750 through 41755) has required CARB to administer a uniform statewide program for the voluntary registration and regulation of portable engines and equipment units in California, and provided the CARB authority to collect fees to cover administration and enforcement of the program (HSC § 47152). In 1997, CARB adopted the PERP Regulation, which defined the equipment allowed to register in PERP, set operational limits for registered equipment, established registration procedures, and set registration fees.

Absent this uniform statewide program, portable equipment owners would be subject to requirements to obtain permits from each air district in which the engine or equipment unit was to operate, potentially leading to multiple permits for one piece of equipment. The existing PERP regulation provides an alternative to district permits for owners that operate in multiple air districts. Under PERP, only engines meeting the most current federal tier of emission standards for new off-road engines are eligible for initial engine registration, with certain exceptions. The existing PERP Regulation defines the equipment eligible to register in PERP, sets operational limits for registered equipment, and establishes registration procedures. Because local air pollution control and air quality management districts (districts or local air districts) enforce PERP registration requirements, portions of the fees are distributed to the local air districts for these enforcement activities.

CARB adopted the Portable Engine ATCM in 2004 as part of a broad initiative, called the Diesel Risk Reduction Plan, to control diesel particulate emissions from many diesel engines and equipment to protect public health. The existing ATCM prohibits operating older portable engines that emit higher levels of air pollutants than newer engines, sets strict engine eligibility for portable engines registering in PERP, limits districts to permitting only engines certified to meet federal emission standards and requires all fleets to meet prescriptive emission standards.

Because PERP was in place when the Portable Engine ATCM was adopted, the ATCM was implemented by CARB through PERP for engines registered in the program. The local air districts implement the ATCM requirements for engines subject to district permits. Changes proposed to the ATCM will be reflected in the PERP Regulation, where applicable, to maintain consistency in the two regulations. As a result, all regulated portable engines are affected by the changes proposed

here regardless whether they are registered in PERP or permitted by the air districts.

The Portable Engine ATCM is technology forcing, and during development in 2004, staff assumed fleets would naturally purchase new engines on a regular replacement schedule that would enable the fleets to meet progressively more stringent average emission rates, and any remaining non-compliant engines could be retrofitted with Verified Diesel Emission Control Strategies (VDECS) to meet the emission requirements.

The amendments have become necessary because not all of the assumptions staff made when the regulations were originally adopted were borne out over time. VDECS have not become available for most portable applications, engines meeting the most current federal standards for new engines, referred to as Tier 4, became available much later and at a much higher cost than anticipated, and the federal engine performance standard for Tier 4 engines allows more emissions than previously anticipated. As a result, the current regulation is becoming financially and technologically infeasible for many operators as it becomes more stringent, and the benefits it was intended to produce are not being captured. The amendments are intended to remedy this situation by introducing needed flexibilities in order to ensure that the regulation ultimately can capture the emission reductions previously projected, while accounting for industry conditions.

CARB may also consider other changes to the sections affected, as listed on page two of this notice, during the course of this rulemaking process. Interested persons should be aware that any of the provisions of the amendments under consideration could be substantively changed as a result of public comment, staff recommendations, or discussions at the Board hearing. If the Board makes substantive changes to the proposed amendments that a reasonable person could have anticipated could be made as within the scope of this notice, it will make the full text of the modified amendments available to the public at least 15 days before adoption, as required by Government Code 11346.8.

Objectives and Benefits of the Proposed Regulatory Action:

The proposed amendments to the Portable Engine ATCM would restructure the current rule to improve implementation and enforcement of the regulatory requirements. They provide a realistic path to achieve emission reductions equivalent to those previously expected, in light of the pace of technological development. The amendments to the PERP Regulation are also necessary to support the changes to the Portable Engine ATCM, maintain consistency between regulatory requirements and registration practices, and to improve

program implementation. Overall, the amendments ensure the emissions reductions envisioned by the ATCM will be achieved, both by giving fleets time to make the necessary investments, and by increasing the enforceability of the emission reduction requirements. The amendments to both regulations are summarized below. The amendments are detailed in Chapter II of the Initial Statement of Reasons (ISOR).

Portable Engine ATCM

The existing Portable Engine ATCM is applicable to all portable engines in California, with certain specific exemptions. It contains requirements related to emissions of fleets of engines under common ownership, permit and registration eligibility, and administrative functions, all of which are designed to work together to reduce emissions of diesel PM throughout the State. Staff worked with stakeholders and local air districts to develop the proposed amendments to these existing requirements in order to improve implementation and enforceability, and therefore ensure the expected emission reductions are achieved.

Fleet Requirements

Staff is proposing to revise the emission control strategies for fleets in the Portable Engine ATCM by establishing small and large fleet categories based on each individual fleet's total horsepower. Staff is proposing that all small fleets follow a tiered phase-out schedule instead of the current fleet-average emission standards for all fleets. The federal emission requirements established a regulatory structure where non-road engines would be produced with progressively cleaner emissions over time and the result is a "tiered" engine structure with Tier 1 being the least clean and Tier 4 Final being the cleanest. These standards also provide flexibility options through the Transition Program for Equipment Manufacturers (TPEM or flexibility program). Under TPEM, equipment manufacturers may delay manufacturing engines that comply with Tier 4 standards for up to seven years if they comply with certain production limitations and requirements for notification, recordkeeping, and annual reporting.

Large fleets will have an option to use the fleet average method or follow a tier phase-out schedule. Certain definitions related to this proposal had to be added or revised to explain the functionality of the requirements. A large fleet will have to meet certain requirements to make it eligible for the fleet average method. Engines that have been equipped with verified diesel emission control strategies will be exempt from the tier phase-out schedule, but will be incorporated into the fleet average if they are owned by a large fleet using that method. Staff proposed additional provisions to incorporate replacement engines and engines certified for on-road standards into these revised emission control

strategies because these types of engines are sometimes used in portable equipment. The proposed strategies will have later deadlines that are designed to make it easier for most fleets to achieve compliance, while still preserving emission reductions. Although the rate of emission reductions is delayed under this proposal, the rate of emissions reductions will align with the original strategy by 2027.

Permit and Registration Eligibility

Staff is proposing to revise permit or registration eligibility for flexibility engines. It is not equitable to allow engines produced several years in the past (e.g. all Tier 1 engines and Tier 2 engines rated at 750 bhp or less) to be newly permitted just because they are flexibility engines when their normally certified counterparts are not eligible. The eligibility for flexibility engines should be limited to only those TPEM engines that were most recently produced, which includes Tier 3 and interim Tier 4 interim engines rated at less than 750 bhp and Tier 2 and Tier 4 interim engines rated at 750 and greater. Engines built under the Averaging Banking and Trading program that have Tier 4 final emissions will be eligible for permits or registration as flexibility engines. Staff is proposing to allow local air districts to permit older certified engines indefinitely as long as the engines meet certain residency requirements. This will allow the districts to regulate certified engines discovered during normal enforcement activities and put them on a path to compliance.

Applicability

Staff is proposing to revise the types of engines that are exempt from the ATCM. The exemption for engines used at airports in the South Coast Air Quality Management District will be removed because it is obsolete. A new exemption will be added for engines used exclusively in agricultural operations. Engines operating at agricultural sources, except those owned by a rental business, were redefined to be part of those stationary sources under Senate Bill 700 (SB 700) which was passed in 2003. Since that time, CARB has been treating these engines as stationary, and this amendment will codify the provisions of SB 700. Staff will also add exemptions for engines used exclusively during emergency events and certain engines approved for use at hazardous locations. These engines must be operated at hazardous locations for safety reasons and should not be subject to the restrictions of this ATCM. Staff will also add exemptions for engines on vessels subject to the Commercial Harborcraft Regulation, and the auxiliary engines on two-engine vehicles subject to the Regulation for In-Use Off-Road Diesel-Fueled Fleets. These engines are covered by other regulatory requirements, and will be exempted from this ATCM to avoid duplication.

Low-use and emergency-use engines

Staff is proposing to allow low-use engines to operate up to 200 hours per year and make them and emergency-use engines exempt from the proposed emission control strategies. Fleets will be required to newly designate low-use or emergency use engines no later than six months prior to the applicable phase-out date. Conversely, fleets will not be allowed to designate certain older engines back to regular use. This will only be allowed for Tier 1 and Tier 2 engines if the fleet owner has exceeded the operational limitations for these engines. This restriction on Tier 1 and Tier 2 engines will prevent fleets from increasing emissions for the time these engines operate until they are placed out of service.

Non-certified engines

Staff is proposing to expand to all engines the requirement that engines must be certified in order to operate in California, not just those that have been permitted or registered. This requirement should be applicable to all engines in California to be fair and equitable.

Emission Reduction Incentives

Staff is proposing to add three provisions and revise one provision that will benefit fleets that took the initiative to reduce emissions prior to or beyond the requirements in the proposed amendments. First, staff is proposing that fleets will get a benefit when demonstrating compliance with the proposed emission control strategies if they can prove that they meet the fleet average standard that took effect on January 1, 2017, in the current ATCM. Second, staff is proposing that fleets that replace Tier 1 or Tier 2 engines at least a year prior to the deadlines in the phase-out schedule will get an additional year to operate specific Tier 3 engines. Finally, staff is proposing additional scenarios where a fleet may modify the fleet average calculation if they choose to use electrification instead of diesel engines. Allowing fleets to modify the fleet average calculation when they use electrification promotes the use of zero-emission technology. Staff is also revising the existing benefit that fleets can double count a Tier 4 engine that they added prior to 2015. The fleets will instead get this benefit for having added Tier 4 engines rated >750 bhp to the fleet prior to 2017.

Prohibition of Sale

Staff is proposing to add a provision that will prohibit the sale of engines that are not compliant with the ATCM requirements. Prohibiting sales of noncompliant engines will give enforcement staff the ability to penalize sellers of these engines and thereby help reduce the occurrence of these purchases to unsuspecting buyers.

Disclosure of Applicability

Staff is proposing to add a requirement for sellers of portable engines to provide a written disclosure of the applicability of the Portable Engine ATCM. This type of requirement has previously been established in other CARB regulations and has been a valuable part of informing the regulated community of all applicable requirements.

Recordkeeping and Reporting

Staff is proposing to revise the current recordkeeping and reporting requirements to align with the proposed emission control strategies and incentives. Engines meeting Tier 4 interim standards and engines equipped with an approved Verified Emission Control Strategy will be exempt from all recordkeeping requirements. Additional recordkeeping and reporting will be added for low-use and emergency-use engines to ensure they are staying within their required thresholds. Additional recordkeeping will be added for the additional scenarios proposed for fleets using electrification which is necessary to make those scenarios enforceable.

Miscellaneous

Staff is proposing the modification, addition, and deletion of terms in the definitions section, deletion of outdated provisions, and minor clarifications where needed. These changes are considered to be non-substantive and are intended to provide additional clarity and expediency to the Portable Engine ATCM.

PERP Regulation

The existing PERP Regulation was adopted to provide a uniform permitting program for owners of portable equipment that operate at multiple locations throughout the State. It contains requirements related to registration eligibility, emission requirements, and administrative functions such that portable engines and equipment units may operate throughout the state without needing additional permits from the local air districts. Staff worked with stakeholders and local air districts to develop the proposed amendments to align with the changes to the Portable Engine ATCM, increase the efficiency of the registration process, and improve the overall implementation of the program.

Applicability

Staff is proposing to make revisions to the list of engines or equipment units that are not eligible to be registered in the program. For engines or equipment units that are not eligible because they qualify as part of a stationary source, it is not relevant if that stationary source has been permitted by a district, so staff is deleting that language. Engines used exclusively in agricultural operations, except those owned by a rental business, will be ineligible for the program. These engines are to be

regulated as stationary per Senate Bill 700, statutes of 2003, chapter 479, and will be regulated as such by the local air districts. Staff is proposing to clarify that engines that are certified only for stationary use will be ineligible for registration because it is inappropriate to allow a stationary-only engine to be used as a portable engine. Staff will revise the language for specific engine eligibility to align with the changes proposed in the Portable Engine ATCM such as removing eligibility for older flexibility engines and allowing engines permitted by the districts to register as resident engines. Staff will also add eligibility requirements for engines approved for operation at hazardous locations as defined in federal law. They may stay registered in the program until January 1, 2029, which is the final phase-out date for non-flex certified Tier 3 engines. After this date, they may continue to operate if they obtain permits from the local air districts. As stated previously, at hazardous locations these engines must be operated for safety reasons, and they should be allowed to continue to operate beyond the restrictions in the ATCM, but only at hazardous locations. The local air districts are better equipped than CARB staff to evaluate if specific projects have a safety need for these engines.

Two-Engine Vehicles

Staff is proposing to add provisions for the registration of two-engine vehicles. As mentioned previously, these vehicles are subject to the Regulation for In-Use Off-Road Diesel Fueled fleets, and the auxiliary engines on these vehicles will be exempt from the Portable Engine ATCM. It is appropriate to let these engines be eligible for registration in PERP since they still may need to be permitted or registered according to local district rules. These engines will also be exempt from other emission and administrative requirements in the PERP regulation since they have to meet similar requirements in the aforementioned Off-Road Regulation.

Ambient Air Quality Standard Protection

Staff is proposing to add an enforcement mechanism to the existing requirement that the emissions from registered portable engines shall not interfere with the attainment or maintenance of any California or federal Ambient Air Quality Standard (AAQS). With certain exceptions, large projects that operate in local air districts with the greatest air quality challenges will be required to notify the local air district and provide information to the district so that they may evaluate the emissions impacts from the project. If the district evaluation shows that emissions from the registered engines used on the projects will interfere with an AAQS, then the district will have the authority to mitigate the emissions from those engines.

Registration Preemption

Staff is proposing to revise the provision where district permits are preempted by statewide registration. These changes will be applicable to both temporary registration and full registration. Staff is also revising the list of circumstances where district permits are not preempted. The situations being revised or added include locations where the local district has determined that a registered engine or equipment unit qualifies as part of a stationary source, portable generators used during electrical upgrades, locations where the limits have been exceeded on the stationary source permit, and the temporary replacement of a stationary backup generator. The provisions for temporary replacement of stationary backup generators were revised to specify that portable generators may be used only under certain conditions and only upon the approval of the local air districts. Staff believes that the local air districts have always had the authority to determine the applicable requirements at stationary sources, so this language was revised to improve clarity.

Emergency Events

Staff is proposing to revise the exemption for engines brought into California during an emergency event. These engines brought in during an emergency event are considered registered for the duration of the emergency event and are exempt from all the requirements in the PERP Regulation and Portable Engine ATCM. During the recent drought, many older water well drilling rigs with non-certified engines were brought in to provide more groundwater, and have stayed here for several years. This created a hardship for the existing water well drilling industry that couldn't compete with companies that didn't have to pay permit fees or meet emission requirements. Therefore, staff is proposing to limit the emergency event exemption to only certified engines and they will only be considered registered for one year.

Application Processing

Staff is proposing to revise the provisions regarding the processing of registration applications. Identical replacement applications must be submitted within 30 days instead of 5 days and the replacement engine must be in full compliance with the emission control strategies of the ATCM. This gives industry more time to utilize this provision and also ensures that any engine entering California under this provision is compliant with applicable requirements. Staff is also proposing to revise the timelines for application processing and registration issuance to improve functionality.

Temporary Registration

Staff is proposing to add a provision that would allow CARB to issue a temporary registration for the cleanest engines available. Temporary registration will be issued as expeditiously as possible which will allow the engine owners to start operating new clean engines quickly instead of waiting the normal application processing time.

Change of Ownership

Staff is proposing to add a restriction that would prohibit applications for change of ownership from being accepted within six months prior to the phase-out dates in the Portable Engine ATCM. This will prevent fleets from selling imminently non-compliant engines to other fleets within the state. These engines will either have to be sold out of state, kept in the fleet as part of a fleet average, or changed to low-use status.

Recordkeeping and Reporting

Staff is proposing to revise certain recordkeeping and reporting requirements based on practical concerns from industry and to enhance the emission inventory for portable engines. Rental companies will be able to keep separate recordkeeping logs for each rental transaction instead of keeping one annual log, which has proven to be difficult. The rental agreement will no longer be required to be kept on the jobsite, but must be provided within two business days after the request. Upon renewal of the registration, the owner must specify an hour meter reading taken from the engine being renewed.

Inspection Requirements

Staff is proposing to revise the provision that allows registrants to pay a discounted fee if they arrange to have multiple engines inspected at one time. Many companies that claim the discount don't understand how it works and underpay the inspection fees because they do not qualify for the discount. To solve this problem, local air districts will be given the ability to bill the company for the difference in fees. Additionally, if a company regularly misuses the discount, the local air district can request they be prevented from paying the discounted inspection fee in the future. Staff is also proposing to allow the home district to be changed at any time to avoid the wrong home district being listed on the registration when inspection is due.

Program Fees

Staff is proposing to increase the fees charged for both registration and inspection. This fee increase is necessary to meet the statutory direction to assess sufficient fees to cover the reasonable cost of program implementation and local district resources spent on inspections. Additionally, staff is proposing to change the way fees are collected for the program. Fees will no longer be due upon application submittal, but may be

submitted upon receipt of an invoice or by future processes developed to improve program efficiency.

Miscellaneous

Staff is proposing the modification, addition, and deletion of terms in the definitions section, deletion of outdated and unnecessary provisions, and minor clarifications where needed. These changes are considered to be non-substantive and are intended to provide additional clarity and expediency to the PERP Regulation.

Comparable Federal Regulations:

Particulate matter from diesel engines was declared a toxic air contaminant by the Air Resources Board in 1998. Since then, CARB adopted many diesel fleet regulations to reduce California's exposure to diesel PM. The Portable Engine ATCM was adopted in 2004 to reduce toxic diesel PM emissions from portable engines. The PERP Regulation was adopted to provide an alternative to local district permitting. There are no comparable federal regulations.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subd., (a)(5)&(6)):

Under Government Code section 11346.5, subdivisions (a)(5) and (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs as well as cost savings to a State agency, and create costs to and require a mandate on a local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), and create other nondiscretionary costs or savings to State or local agencies. The Executive Officer has determined that the proposed regulatory action would not create any costs or savings in federal funding to the State.

The additional costs to local government are not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), because the proposed amendments apply generally to all entities operating affected sources. They do not impose unique new requirements on local agencies and therefore are not a reimbursable mandate. (Cal. Const., Art. XIII B, subd. (a); Gov. Code § 17514;

County of Los Angeles v. State of California (1987) 43 Cal.3d 46; *accord City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 68; State Administrative Manual, § 6606.)

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Fiscal Impact on Local Agencies

Local government agencies have two separate roles in PERP. First, many local government agencies register their portable equipment in PERP and will see a change in compliance costs and higher registration fees under the proposed amendments as compared to the current regulation. In the second role, the 35 California air districts regulate portable equipment and enforce the PERP registrations. A portion of the higher registration fees in the proposed amendments will be distributed to the local air districts representing increased revenue to local government.

Specific fiscal impacts to local government are described in Appendix C. The March 2017 SRIA estimated annual cost savings to local governments of \$23.6 million each year between 2017 and 2020, and that air districts would see an increase in revenue of approximately \$672,000 per year on average between 2017 and 2030. The Revised SRIA estimated cumulative cost savings to local government agencies between 2017 and 2030 of approximately \$11,177,913. In total, the air districts are expected to see an increase in revenue of approximately \$9,578,578 between 2017 and 2030, or \$684,184 per year on average.

Fiscal Impact on State Agencies or Federal Funding to the State

State government agencies have two separate roles in PERP. First, state agencies register their portable equipment in PERP and will see changing compliance costs and higher registration fees under the proposed amendments as compared to the current regulation.

In the second role, CARB, as a state agency, will see increased revenue by \$1.2 million per year on average between 2017 and 2030, after accounting for the portion of the fee apportioned to air districts, as a result of the proposed increase in registration costs. The increased revenue would pay for additional materials, updates to PERP's data management system to improve service to registrants and confirm compliance, and future permanent staffing to implement the proposed amendments.

Specific fiscal impacts to state government are described in Appendices C-1 and C-2. The March 2017 SRIA estimated average net annual cost savings of approximately \$4.9 million between 2017 and 2020. The Revised SRIA estimated cumulative cost savings to

State government agencies between 2017 and 2030 is approximately \$2,328,732. CARB is expected to retain registration fees of approximately \$1.2 million per year on average between 2017 and 2030, after accounting for fees to local government, under either analysis.

This regulation does not affect any federally funded State agency or program.

Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs. Nothing in the record shows that the revised emission standards or fees for portable equipment will have a significant effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Results of the Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):

MAJOR REGULATION: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA) (Gov. Code, § 11346.3, subd. (c)):

In March 2017, CARB submitted a Standardized Regulatory Impact Assessment (SRIA) to the Department of Finance (DOF). The SRIA, as initially submitted to the Department of Finance in March 2017, is included in Appendix C-1 of the ISOR and is also available at:

<http://dof.ca.gov/Forecasting/Economics/MajorRegulations/MajorRegulationsTable/>

The March SRIA uses a theoretical baseline of full compliance with the original regulations, which does not represent current emission conditions and is not reasonably foreseeable. This baseline was used as requested by DOF. DOF provided comments in April 10, 2017. CARB summarized the comments received from DOF, and provides responses below in section A.

In addition to responding to DOF's comments, CARB revised the SRIA, which is also contained in the ISOR Appendix C-2. The revised SRIA reflects a baseline of actual and reasonably foreseeable conditions, consistent with SRIA requirements. CARB believes this analytical approach is supported by the SRIA statute (Senate Bill 617, stats. 2011, ch. 496), is sound policy because it accurately reflects the real world impacts of these proposed amendments relative to current conditions, and is consistent with other requirements

for assessing the impacts of a regulation. The revised SRIA provides stakeholders information about actual compliance in the absence of the proposed amendments. Thus, though CARB is providing responses to DOF's comments on the March SRIA for completeness, and the public may review both the March and revised SRIAs, CARB believes the revised SRIA most accurately reflects the effects of the proposal.

A further reason why CARB believes the March SRIA 100 percent compliance baseline is inappropriate is that, even if the rule were to be fully enforced, the provisions of the rule are not workable as drafted. The necessity for these amendments is to recast the rule to be properly enforceable, support compliance, and ultimately to capture critical emissions reductions that the current rule cannot capture as drafted.

(A) Department of Finance Comments and CARB's Responses.

1) DOF Comment: While the analysis identifies increased cancer risk, CARB has quantified estimates of health impacts of pollutant emissions in other analyses, and the SRIA must include similar modeling.

CARB analyzed the health impacts of changes in PM_{2.5} and NO_x emissions for the SRIA submitted March 2017, as described below. A detailed methodology description and associated references for the health impact analyses can be found in the ISOR Appendix C.

The March SRIA uses a theoretical baseline of full compliance with the original regulations, which does not represent current emission conditions and is not reasonably foreseeable. For example, the March SRIA assumes that fleets are in compliance in 2017, and thus have low emissions, when this is demonstrably not the current condition of the industry. Using this theoretical baseline, the proposed amendments would result in increased emissions in some years leading to health impacts. However, this is not likely to actually occur because the industry is not, overall, in compliance, or able to comply, with the current regulation.

Working off the hypothetical 100 percent compliance baseline in the March SRIA, theoretical statewide health impacts between 2016 and 2030 include 136 fewer avoided premature deaths, 20 fewer avoided hospitalizations for cardiovascular and respiratory conditions, and 57 fewer avoided emergency room visits. These impacts are estimated by California Air Basin in Table 1.

Table 1: Cumulative Regional and Statewide Health Incidences from 2016–2030

| Air Basin | Fewer Avoided Premature Deaths | Fewer Avoided Hospitalizations | Fewer Avoided ER Visits |
|---------------------|--------------------------------|--------------------------------|-------------------------|
| Great Basin Valleys | 0 | 0 | 0 |
| Lake County | 0 | 0 | 0 |
| Lake Tahoe | 0 | 0 | 0 |
| Mojave Desert | 2 | 0 | 1 |
| Mountain Counties | 0 | 0 | 0 |
| North Central Coast | 0 | 0 | 0 |
| North Coast | 0 | 0 | 0 |
| Northeast Plateau | 0 | 0 | 0 |
| Sacramento Valley | 5 | 1 | 2 |
| Salton Sea | 2 | 0 | 0 |
| San Diego County | 5 | 1 | 2 |
| San Francisco Bay | 27 | 5 | 12 |
| San Joaquin Valley | 21 | 3 | 9 |
| South Central Coast | 2 | 0 | 1 |
| South Coast | 96 | 14 | 41 |
| Statewide | 136 | 20 | 57 |

The health impacts were valued by multiplying the incidence in Table 1 by the per-incident health valuation in Table 2, without discounting. The theoretical statewide health impacts represent \$1,170 million in

costs related to fewer avoided premature deaths, \$418,000 in costs related to fewer avoided hospital visits, and \$571,000 in costs related to fewer avoided emergency room visits between 2016 and 2030.

Table 2: Estimated Valuation per Incident for Avoided Health Outcomes (\$2015)

| Outcome | Valuation per Incident |
|--|-------------------------------|
| Avoided Premature Death | \$8,629,716 |
| Avoided Acute Respiratory Hospitalizations | \$45,221 |
| Avoided Cardiovascular Hospitalizations | \$51,844 |
| Avoided ER Visits | \$742 |

The valuation for avoided premature death is based on estimates of individual's willingness to trade money for reductions in mortality risk. This willingness to pay for avoided premature deaths is a statistical construct and does not represent an estimate of how much any single individual would be willing to pay to prevent a certain death of any particular person, nor does it consider any specific costs to the California economy or individuals associated with mortality such as hospital expenditures. As such, this cost would not be included in determining macroeconomic impacts of the Portable Regulatory Amendments.

The \$418,000 related to fewer avoided hospital visits, and \$571,000 related to fewer avoided emergency room visits includes hospital charges, post-hospitalization medical care, out-of-pocket expenses, lost earnings for both individuals and family members, lost recreation value, and lost household production (e.g., valuation of time-losses from inability to maintain the household or provide childcare). This represents costs to the California economy and individuals. Over 15 years (2016–2030) this represents an annual cost of \$66,000.

The U.S. EPA has not monetized cancer mortality in recent regulatory impact analyses. Following U.S. EPA, CARB does not monetize cancer mortality. A small increase in cancer mortality could occur as a result of diesel PM emissions when compared to a theoretical baseline of 100 percent compliance, as described in the March SRIA.

CARB, again, emphasizes that these costs relative to a 100 percent compliance baseline are very unlikely to actually occur, because this level of compliance is not occurring and is highly likely under current conditions. Accordingly, the revised SRIA, Appendix C–2, which shows public health benefits, provides the more accurate depiction of the effects of this proposed regulation. For comparison, the revised SRIA shows the following health benefits: between 2017 and 2030, there are anticipated to be 38 avoided premature deaths, 6 avoided hospitalizations, and 16 avoided ER visits as a result of the proposed amendments. Health benefits represent a cost savings to individuals and the California Economy. The cost savings of avoided premature deaths is \$327,916,887, avoided hospitalization is \$273,454, and avoided ER visits is \$11,899. More detail can be found in the revised SRIA in Appendix C.

2) DOF Comment: The discussion of impacts must also include an analysis of whether the higher exposure to these air pollutants generates disproportionate negative health effects across various categories of individuals. In particular, the workers using the portable equipment emitting more pollutants will be affected. Low income communities may also be exposed to higher concentrations of air pollutants which can lead to higher health problems. Across age groups, evidence shows that exposure to pollutant emissions can have higher negative consequences on the health of children and senior adults. These impacts should be discussed to the extent possible.

Impacts across age groups are accounted for in the CARB health analysis methodology. Incidence rates vary according to age. For instance, an older person is more likely to die or be hospitalized because of heart disease or stroke than a child or young adult. Age-specific incidence rates were taken from the Centers for Disease Control and Prevention Wonder database. The CARB methodology divides the population into five-year age brackets up to ages 80–84, and an 85+ age bracket. Thus the analysis reflects differences in vulnerability between different age groups.

In general, health studies have shown that populations with low socioeconomic standings are more susceptible to health problems from exposure to air pollution; therefore, emissions near these populations may have additional impacts. However, the models currently used by U.S. EPA and CARB do not have the granularity to account for this impact. In addition, the underlying scientific research contains high uncertainty and cannot currently be used to quantify this impact.

The California Division of Occupational Safety and Health (Cal/OSHA) does not have a permissible exposure limit (PEL) specifically for diesel PM. Still, ARB recognizes that workers that use portable diesel-powered equipment, such as power generators, pumps, compressors, pile-driving hammers, welders, cranes, wood chippers and dredgers, may be at risk to occupational diesel particulate matter exposure. Individuals who operate portable equipment will experience higher occupational exposure to diesel PM. This effect cannot

be quantified due to lack of data on the typical occupational exposure for these types of portable equipment.

Because these health impacts are determined compared to a theoretical baseline that does not reflect current conditions, these health impacts are not anticipated to occur. Using the current state of the industry and reasonably foreseeable assumptions, a net emission decrease is expected as discussed in the revised SRIA analysis in Appendix C–2 of the ISOR.

3) DOF Comment: For fiscal impacts on local and state governments, the analysis needs to be expanded beyond the identification of additional fees paid to the state by adding expenditure changes by state and local government operators of affected equipment, and by adding expenditures on state and local health programs.

As described in the March SRIA, State and local governments will see two distinct impacts. First, government fleets that operate portable equipment will experience increased registration fees, and decreased equipment operating fees. In the second role, CARB and the 35 California air districts that regulate and enforce PERP registrations will receive a portion of the higher registration fees, increasing revenue. Overall, State and local governments are expected to experience an equipment cost savings and an increase in revenue. This expenditure change by state and local government operators of affected equipment is fully described in the March SRIA submitted to DOF, Section G, which can be found at Appendix C–1.

The March SRIA analysis, from the hypothetical and implausible 100 percent compliance baseline, shows an annual average of \$66,000 increase in health costs across California. These costs are divided among individuals and State, local, and Federal health providers. Using the values of the State share of Medi-Cal expenditures from 2014 to 2016, and the observed and forecasted ratio of Medi-Cal expenditures to total expenditures on hospital care, the data suggest that 8.2 to 11.6 percent of the costs would be borne by the State General Fund. This is equivalent to approximately \$5,400 to \$7,600 per year. The share of costs attributable to local government is not easily quantified. The magnitude of costs, however, is small compared to total spending on medical care. Additional detail on the methodology to distribute the costs to the State General Fund can be found in Section F of the ISOR Appendix C–2. Once again, as described in Appendix C of the ISOR, these costs are not likely to occur, because 100 percent compliance is not being achieved. In fact, health benefits will result from bringing industry into compliance via the amendments.

The following section, B, summarizes the findings of the March SRIA, Appendix C–2. As discussed above, CARB revised the SRIA analysis using current conditions and reasonably foreseeable assumptions about the future of the industry. CARB considers this revised SRIA to be the most accurate assessment of the economic impact compared to current conditions. Sections C through H summarize the findings of the revised SRIA.

(B) Summary of findings of the March SRIA

Creation or elimination of jobs: As modeled, the proposed amendments would have a small impact on employment growth relative to the BAU scenario. Fleets are estimated to spend less on equipment in early years and use the increased profit as expenditures on labor and other capital — growing employment in California. The REMI model responds to decreases in production costs by increasing output and thus increasing both capital and labor purchases. The delayed purchase requirements will thus increase employment for businesses that use portable equipment, while decreasing employment for the engine manufacturers that face a lowered demand compared to the baseline, predominantly in 2017 and 2020. The growth in employment in early years offsets the slowing of growth in 2020 and 2021, yielding a slight decline beginning in 2025. However, this slowing of growth represents less than 0.01 percent of California employment in the most negatively impacted year

Creation or elimination of businesses: There is anticipated to be growth in industries using portable equipment due to the proposed amendments which may expand businesses in early years relative to the BAU scenario. However, any expansion of the portable equipment sector would likely be minor given that the purchase requirement of Tier 4 engines is not eliminated, but instead delayed. The manufacturers of portable equipment who face lower demand in early years as a result of delayed compliance may scale back their operations slightly, but may invest in the new Tier 4 technology which yields higher revenues. The REMI model indicates that only about 10 percent of the agriculture, construction, and mining machinery manufacturing industry is located in California, thus the impact of the decreased demand faced by this industry is largely concentrated outside of California and is not likely to have a significant impact on businesses in California.

Competitive advantages or disadvantages: Where permitting is required for California-based companies, out-of-state portable equipment used in California are also required to be permitted, resulting in a comparable increase in costs for both Californian and non-Californian companies. Thus, portable engine owners

are not expected to face competitive disadvantages as a result of the proposed amendments, but instead this industry will face more favorable economic conditions. Those companies that have already complied will be able to use their engines for compliance and have already incurred the costs to comply. Thus, in compliance years, their spending will be lower than that of other businesses and may give them a slight advantage in compliance years. In future years, as new businesses are beginning to meet the requirements, those with Tier 4 engines already will face lower cost to offer the same service.

Increase or decrease in investment in the State: As modeled, the proposed amendments would produce very small impacts on private business investments in California, relative to the BAU scenario. There will be reductions in equipment purchases in early years, which will slow the growth in investments in the portable equipment manufacturing sector in early years. However, the REMI model estimates, approximately 90 percent of that portable equipment sector is located outside of California. Any change in private investment is indiscernible from the baseline given the size of California's economy.

Incentives for innovation: The proposed amendments are designed to encourage innovation in the manufacturing of cleaner portable engines. Currently, the engine manufacturers are working with portable equipment companies to design Tier 4 engines that will fit on the footprints of more types of equipment. However, more time is needed for research and development for some pieces of equipment, especially specialized equipment that is often the oldest equipment in the fleet. Delaying the compliance date will afford manufacturers the time needed to manufacture more Tier 4 engines and find additional opportunities for emissions reductions, economies of scale, and efficiencies to lower the cost of Tier 4 engines. Delayed compliance under the proposed amendments will ensure adequate time for innovation to occur.

Benefits: The proposed amendments benefit regulated businesses by spreading out the compliance costs. The proposed amendments provide approximately 3,000 small fleets additional time to meet requirements, and the tier phase-out requirements greatly simplify fleet management and therefore reduce compliance costs for implementation. The proposed amendments are more easily enforceable which will result in high compliance rates.

Sections C through H summarize the findings of the revised SRIA.

(C) The creation or elimination of jobs within the state.

Regional Economic Models, Inc. (REMI), Policy Insight Plus Version 2.1.1 was used to estimate the

macroeconomic impacts of the proposed amendments on the California economy. REMI is a structural economic forecasting and policy analysis model that integrates input-output, computable general equilibrium, econometric and economic geography methodologies. As modeled and explained in the revised SRIA, the proposed amendments would have a small impact on employment growth relative to the BAU scenario. Decreases in employment in early years are consistent with the higher direct costs to the primary industries as additional purchases of equipment are made. These decreases are likely due to REMI's response to increases in production costs by decreasing output and thus decreasing both capital and labor purchases. While the primary industries face cost savings in later years due to decreases in penalties, these savings also result in decreases in state spending due to lower fine revenues. Combined, these two factors lead to a small increase in employment growth in years 2025 through 2030. The cumulative impact of the Portable Regulatory Amendments on employment growth is negative. However, the overall slowing of growth represents less than 0.01 percent of California's projected employment in all years of the assessment.

(D) The creation of new businesses or the elimination of existing businesses within the state.

Without the proposed amendments, fleets will face prohibitively high costs of compliance. As analyzed in the revised SRIA many will choose to remain out of compliance until enforced upon. Some fleets that cannot afford to come into compliance will go out of business. CARB developed the amendments in order to provide feasible compliance pathways. As a result, there will be fewer businesses driven out of business by enforcement actions. The amendments result in increased costs to the primary industries in early years and decreased costs in later years. Thus, it is unlikely that there will be any creation or elimination of new businesses as a result of these additional costs. Entities will have more time to become compliant with regulations, but the amendments are unlikely to drastically change the structure of the market in ways that would incentivize firms to enter or exit the market.

(E) The competitive advantages or disadvantages for businesses currently doing business within the state.

Where permitting is required for California-based companies, out-of-state portable equipment used in California is also required to be permitted, resulting in a comparable increase in costs for both Californian and non-Californian companies. Thus, portable engine owners in California are not expected to face competitive disadvantages as a result of the proposed amendments, as analyzed in the revised SRIA. The proposed

amendments are also not anticipated to lead to business operations moving out of state because portable equipment is generally used for site-specific operations.

(F) The increase or decrease of investment in the state.

The proposed amendments would produce very small impacts on private business investments in California, relative to the BAU scenario, as analyzed in the revised SRIA. There will be small changes in equipment purchases in early years, and a surge of purchases in 2020 which will slow the growth in investments in the portable equipment manufacturing sector in early years. However, as the REMI model estimates, approximately 90 percent of that portable equipment sector is located outside of California; changes within state are anticipated to be small. The REMI modeling results suggest that the increase in production costs for primary industries can impact private investment, but as costs level out investments in capital stock grow slightly, relative to the BAU scenario. The change in California private investments from 2017 to 2030, ranges from a 0.01 percent decrease in growth in 2020 and an increase of 0.01 percent from 2025 to 2030. The slowed growth in private investment is indiscernible from BAU given the size of California's economy, which is anticipated to increase from \$2.5 to \$3.4 trillion from 2017 to 2030.

(G) The incentives for innovation in products, materials, or processes.

CARB designed the proposed amendments to encourage innovation in the manufacturing of cleaner portable engines through the gradual phase-out of lower tier engines. Currently, engine manufacturers are working with portable equipment companies to design Tier 4 engines that will fit on the footprints of more types of equipment. However, more time is needed for research and development for some pieces of equipment, especially specialized equipment that is often the oldest equipment in the fleet. Delaying the compliance date affords manufacturers the time needed to manufacture more Tier 4 engines and find additional opportunities for emissions reductions, economies of scale, and efficiencies to lower the cost of Tier 4 engines.

(H) The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.

The proposed amendments are intended to maximize compliance rates by simplifying implementation for both fleets and CARB while also increasing enforceability, as described above. Because the current ATCM is technologically and economically challenging to meet, absent these amendments, many fleets are anticipated to operate out of compliance and some fleets may go out of business, as analyzed in the revised SRIA. The

high non-compliance leads to high emissions which affect the health of individuals in California, operators of the portable equipment, and the environment. This is referred to as the Business as Usual (BAU) scenario. The proposed amendments are achievable and enforceable, unlike the existing regulations, resulting in compliance and reduced emissions compared to the BAU of the absence of the PERP program and ATCM, providing benefits to California.

Implementation of the proposed amendments will reduce overall emissions of PM_{2.5} and NO_x, and will lead to a net statewide health benefit. Reduced emissions will likely reduce occupational exposure for portable equipment operators, as well as other workers near this equipment. This reduced exposure may result in fewer lost work days due to health issues and better productivity. The improved quality of life may help businesses improve the recruitment and retention of the workers.

Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):

The proposed amendments update reporting requirements for businesses to reduce the burden and facilitate compliance monitoring. The amendments exempt reporting for the least-polluting engines that meet the Tier 4 standards or are with an approved Verified Emission Control Strategy. Additional recordkeeping and reporting will be added for low-use and emergency-use engines to ensure they are staying within their required thresholds. Additional recordkeeping will be added for the additional scenarios proposed for fleets using electrification, which is necessary to make those scenarios enforceable. In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California, to ensure that the emission reductions intended by the regulations are achieved.

Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):

In developing this regulatory proposal, CARB staff evaluated the potential direct cost impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Small Business (Cal. Code Regs. tit. 1, § 4, subds. (a) and (b)):

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. The proposed amendments provide economic

relief to all regulated fleets by spreading out costs and providing the time to finance fleet upgrades to meet regulatory requirements.

Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the 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 provisions of law. The analysis of such alternatives can be found in Chapter VII of the Initial Statement of Reasons (ISOR) for these proposed regulations.

ENVIRONMENTAL ANALYSIS

When the Portable Engine ATCM was first proposed in 2004, along with the modifications to the PERP Regulation, CARB prepared an environmental analysis (EA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The EA, included in Chapter VII of the Portable Engine ATCM Staff Report and Chapter IV of the PERP Regulation Staff Report published in 2004, determined that the proposed regulations would not result in any significant adverse impacts on the environment. Staff has determined that no additional environmental review is required for the current proposed amendments because the changes do not lead to any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The basis for reaching this conclusion is provided in Appendix J of the Staff Report.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as

soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Mr. Michael Guzzetta, Branch Chief, Citation and Registration Enforcement Branch, at (916) 229-0707 or (designated back-up contact) Ms. Zuzana Vona, Air Pollution Specialist, Portable Equipment Registration Section, at (916) 229-0759.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater, and to the Statewide Portable Equipment Registration Program Regulation.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on September 26, 2017.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed to Bradley Bechtold, Regulations Coordinator, (916) 322-6533. The Board

staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Interested persons should be aware that any of the provisions of the amendments under consideration could be withdrawn or substantively changed as a result of public comments, staff recommendations, or discussions at the public hearing. Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, with changes related to the proposed amendments, or with non-substantial or grammatical modifications. The Board may approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

INTERNET ACCESS

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2017/perp2017/perp2017>

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 205, 260, 265, 399, 5520, 5521 and 7149.8, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 265, 5520, 5521, 7145 and 7149.8, of said Code, proposes to amend Section 29.15, Title 14, California Code of Regulations, regarding Abalone Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The recreational red abalone (*Haliotis rufescens*) fishery is one of California's most successful and popular fisheries, and is economically important, particularly to Sonoma and Mendocino counties where approximately 95 percent of the multi-million dollar fishery takes place. Over 25,000 fishermen participate in the fishery each year. Red abalone may be taken with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission).

Under existing statute (Fish and Game Code Section 5521) and regulation (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay, except in the closed Fort Ross area. The current regulation also specifies the season, hours, a combined daily and possession limit, daily limit, special gear provisions, measuring devices, abalone report card requirements, and minimum size. Red abalone may only be collected by skin diving (without SCUBA) or rock picking during low tides. The recreational red abalone season is scheduled to open April 1, 2018.

The California Department of Fish and Wildlife (Department) has identified major changes in the density, occurrence, size and health of red abalone and the kelp upon which it depends for food. Specifically, the Department has found no meaningful changes in three red abalone resource conditions: fishing grounds, health and reproduction.

Critical negative impacts to red abalone fishing grounds:

- (1) A dramatic decline in sea stars, important sea urchin predators, due to sea star disease.
- (2) A dramatic increase (60 times) in the density of purple sea urchins in 2015, increasing competition with red abalone for food.
- (3) A lack of kelp, a vital food for red abalone and which has resulted in increasing the efficiency of fishing efforts in shallow habitats.

- (4) A decline in deep-water red abalone densities.
- (5) Continued decline in overall average red abalone densities in spite of significant take reductions implemented in 2014. 2017 Department surveys in Sonoma and Mendocino counties show a dramatic decline in densities at seven of the 10 index sites, to an average of 0.16 per m². This average is below the Abalone Recovery and Management Plan (ARMP) fishery closure trigger of 0.3 per m².

Critical negative impacts to red abalone health:

- (1) Visual red abalone body health scores for red abalone taken in the fishery during the spring of 2016 show that more than 25 percent of red abalone were shrunken in body mass at sites in northern California.
- (2) Body condition index declined at Van Damme State Park by 20 percent, but no significant difference was observed at Fort Ross in summer of 2016 (60 red abalone per site).
- (3) Department staff and abalone fishermen have observed weak red abalone washed up on shore and easy to remove from the rocks as well as many new shells of all size classes, indicating increased natural mortality.

Critical negative impacts to red abalone reproduction:

- (1) Gonad index declined significantly at Van Damme State Park and at Fort Ross in the summer of 2016 (60 red abalone per site).
- (2) Small numbers of larval red abalone observed in plankton surveys in Sonoma and Mendocino counties in 2015.
- (3) Small numbers of newly settled red abalone observed in coralline-covered rock samples from Sonoma and Mendocino counties in 2015.
- (4) No juvenile (< 21 millimeter) red abalone observed in artificial reefs in Van Damme State Park in 2016 and 2017.

PROPOSED REGULATORY ACTION

At the August 16, 2017 Commission meeting, the Department presented its recommendation that the fishery be closed due to hitting the trigger as set forth in the ARMP (Option 1). The Commission added additional regulatory options to protect the tradition of abalone fishing. These additional options are presented as Option 2 with sub-options that can be selected individually or in any combination. Some of the sub-options have ranges that must be selected from at the adoption hearing. Option 2 is not consistent with the ARMP.

Option 1 is consistent with the ARMP and protects the fishery during poor environmental conditions with-

out the addition of fishing mortality. The Department recommends this regulatory proposal as a necessary step to facilitate the red abalone population's recovery from the multi-year poor environmental conditions and massive losses of red abalone fishery stock.

Option 2 is a set of regulatory options to maintain some fishing opportunity to maintain the tradition of abalone fishing. This option is divided into sub-options that allow limited take as follows:

Sub-Option A: Open Fort Ross to abalone fishing

Sub-Option B: Reduce the daily bag/possession limits within the range of 1 to 3 and the annual limit within the range of 2 to 9

Sub-Option C: Increase the size limit to 8 inches

Sub-Option D: Limit the number of report cards sold annually within the range of 5,000 to 25,000

The Commission may adopt one or more sub-options from Option 2 and must specify a specific number for sub-options B and D.

Updates to Authority and Reference Citations Based on Recent Legislation

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission's exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, moving the Commission's notice requirements from Section 210 to Section 260 of the Fish and Game Code, and moving the Commission's authority to adopt emergency regulations from Section 240 to Section 399 of the Fish and Game Code. These were organizational changes only. In accordance with these changes to the Fish and Game Code, sections 202, 210 and 240 are removed from, and sections 260, 265 and 399 are added to, the authority and reference citations for Section 29.15. Senate Bill 1473 also repealed subdivision (b) of Section 220 of the Fish and Game Code; therefore, Section 220 is removed from the list of authority and reference citations in Section 29.15.

Benefits of the Regulation

The proposed reduction within the red abalone fishery will benefit the valuable red abalone resource by protecting it from excessive fishing mortality during the current poor environmental conditions. Further conserving the red abalone resource now will allow it the opportunity to rebuild and be sustainable for the future.

Consistency and Compatibility with Existing State Regulations

The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code, sections 200, 205, and 265); no other state agency has the authority to promulgate such regulations. The Commission has conducted a search of

Title 14, CCR and determined that the proposed regulation is neither inconsistent nor incompatible with existing State regulations and that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the in the SpringHill Suites by Marriott, 900 El Camino Real, Atascadero, California, on Thursday, October 12, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Handlery Hotel, 950 Hotel Circle North, San Diego, California, on Thursday, December 7, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on November 22, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 1, 2017. All comments must be received no later than December 7, 2017, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Tom Mason, Sr. Environmental Scientist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Mason can be reached at (562) 342-7107 or Tom.Mason@wildlife.ca.gov.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adop-

tion by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action is not likely to significantly increase compliance costs, may or may not significantly impact fishery activity, and only applies to a fishery that is unique to the state of California.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates limited impacts on the creation or elimination of jobs within the state; no impact on the creation of new businesses or the elimination or expansion of businesses in California; generalized benefits to the health and welfare of California residents; no effects on worker safety; and benefits to the State's environment. The proposed action is designed to ensure the sustainability and quality of the fishery, promoting participation, fishing activity, and economic activity. However, a complete closure of the red abalone fishery could result in up to 250 direct job losses.

- (c) Cost Impacts on a Representative Private Person or Business:

Except for Option 2, Sub-Option C: Increase Minimum Size Limit, wherein fishers may have to spend from \$5–\$15 to purchase a new abalone measuring gauge, 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.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No costs or savings; however, the Department has the potential to lose revenue from abalone report card sales, from \$103,750 to \$520,825. Federal funding to the state would not be impacted by this proposed change in recreational abalone fishing regulations.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) 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, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 14. STATE MINING AND GEOLOGY BOARD

MINING OPERATION ANNUAL REPORTING FEES CALCULATION AND SCHEDULE

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to amend the regulations described below after considering all comments,

objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The SMGB proposes to amend sections 3697, 3698, and 3699 in Title 14, Division 2, Chapter 8, Subchapter 1 of the California Code of Regulations (CCR). These sections address fees due and delinquent, fees calculation, and low gross exemptions pertaining to mining operations.

WRITTEN COMMENT PERIOD AND PUBLIC HEARING

Any person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the SMGB. Comments may be submitted by email to smgb@conservation.ca.gov, by facsimile (FAX) to (916) 445–0738, or by mail to:

State Mining and Geology Board
801 K Street, MS 20–15
Sacramento, CA 95814
ATTN: Fees Calculation and Schedule

The written comment period closes at 5:00 p.m. on November 13, 2017. The SMGB will consider only comments received at the SMGB office by that time.

The SMGB will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

The SMGB proposes to amend sections 3697, 3698, and 3699 of the CCR, Title 14, Division 2, Chapter 8, Subchapter 1 pursuant to the authority granted in Public Resources Code (PRC) Section 2207(d) to implement, clarify, interpret, or make specific PRC sections 2207(d)(1), 2207(d)(2)(A), 2207(d)(2)(B), 2207(d)(3), and 2207(f).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PRC Section 2207(d)(2)(A) requires an annual reporting fee schedule to be established on an equitable basis reflecting the size and type of mining operations in the state.

PRC Section 2207(d)(3) outlines the amount of revenue to be generated by the fee schedule approved by the SMGB. The fee schedule must provide for the col-

lection of the amount specified in the Governor's Budget for the Department of Conservation's (Department) costs in implementing PRC section 2207 and the Surface Mining and Reclamation Act ("SMARA," PRC section 2710 et seq.). The total revenue generated by the reporting fees is restricted to \$8,000,000 with allowance for the amount to be adjusted for the cost of living beginning with the 2017–2018 Fiscal Year (FY), and annually thereafter. Cost of Living Adjustments (COLA) are addressed in statute and allow for increases to help maintain adequate funding for the SMARA programs within the Department. The COLA, or rate of inflation, is measured by the California Consumer Price Index (CPI). It is a measure of inflation experienced by consumers, and an important indicator of the condition of the economy and can be used to adjust other economic data for changes in price level and to convert them into inflation-free dollars. Various government income programs, such as Social Security, use the CPI to adjust payments or income eligibility levels.

Further, if the Director of the Department determines that the revenue collected in the preceding FY was greater or less than the cost to implement SMARA and PRC Section 2207, the SMGB shall adjust the fees to compensate for the over or under collection of revenues.

Existing Law

CCR section 3697 sets forth the requirements of when annual reporting fees are due and delinquent. It provides that mining operations are individual discrete operations per each reclamation plan required unless deemed to be a "Multiple Site Operation" by meeting certain criteria.

Annual reporting fees are calculated based on CCR section 3698, which was developed by the SMGB in 1991. In addition to establishing the minimum and maximum annual reporting fees for certain categories of mining operations, CCR section 3698 utilizes a 'Factor' to determine the year-to-year fee adjustments. Once calculated, the Factor is applied to one of two formulas (Formula 1 or Formula 2 — discussed further below) in order to determine the new fee schedule. Depending on the outcome of the calculation, the fee schedule is theoretically adjusted upwards or downwards.

CCR 3698 currently directs the Department to use the following formula to calculate the Factor:

$$[(AT_{RY}) - (AT_{PY})] / (AT_{PY}) = \text{Factor}$$

Where: Adjusted Total (AT) equals the Amount Requested by the Director, less a projected amount from fees set in CCR Sections 3698(a)(b)(d)(e) and CCR Section 3699, and less a projected amount from mine operations subject to the maximum fee amount in PRC Section 2207.

Where: AT_{RY} is the Adjusted Total for the current "Reporting Year"

Where: AT_{PY} is the Adjusted Total for the "Prior Year"

The Factor is then used in one of two formulas developed and approved by the SMGB:

Formula 1 is to be used if the Factor is positive:

$$\text{Current Year Reporting Fee} = \text{Prior Year Reporting Fee} \times (1 + \text{Factor})$$

Formula 2 is to be used if the Factor is negative:

$$\text{Current Year Reporting Fee} = \text{Prior Year Reporting Fee} \times (1 - \text{Factor})$$

CCR section 3699, developed by the SMGB in 1992, sets forth the criteria for a mining operation to request a low gross exemption from the method of fee assessment provided in CCR section 3698.

Proposed Action

In an effort to address several issues under SMARA, on April 18, 2016, the Governor signed SMARA reform bill SB 209 (Pavley) into law. In anticipation of the effect SB 209 (Pavley) would have on the mining operation annual report fee schedules, and due to issues identified in calculating projected fees for the coming years, the Department and SMGB staff determined the established fee calculation formulas needed to be changed. Calculating the reporting fees by means of existing formulas currently required under CCR section 3698 results in a continued increasing fee trend for mining operators, without accounting for a decrease in the reporting fees where appropriate to help maintain a more equitable fee schedule for relatively smaller operations. In order to enact the revisions to PRC section 2207, address the fees calculation formula, and maintain a more equitable fee schedule for relatively smaller operations, the SMGB must amend CCR sections 3697, 3698, and 3699.

The intended purpose of amending CCR section 3697 is to remove "active" from the multiple site definition in order to be inclusive of "idle" mines. Additionally, changes will clarify and make specific certain requirements to successfully be deemed a multiple site operation.

The intended purpose of amending CCR 3698 is to bring the regulation into conformance with the recently changed language of PRC section 2207, eliminate potential for confusion when calculating annual fees paid by mine operators, adjust the number of tiers in each of the commodity fee tables allowing an avenue for the most equitable fees based on the maximum reporting fee, and provide a formula, for fee calculation, for those mining operations deemed "multisite mining operations." Additionally, the proposed rulemaking would delete existing specific references within CCR section

3698 regarding the maximum reporting fee of \$4,000, and replace them with a general reference to the maximum fee outlined in PRC section 2207. "Formula 2" would be deleted from CCR section 3698, as well as all references to it. And finally, amending CCR 3698 would delete references to annual adjustments beginning in the 2005–2006 fiscal year to keep it in line with the revisions to PRC section 2207.

The intended purpose of amending CCR 3699 is to adjust for the cost of living the operator's gross income, based on the California CPI. The annual reporting fee associated with those operators who qualify for the low gross exemption will also be adjusted to conform with the revisions to PRC section 2207.

Anticipated Benefits of the Proposed Amended Regulations

The broad objective of the proposed amended regulatory language is to meet the statutory goals of SB 209 to improve how the SMGB, the Department, and local lead agencies oversee and implement SMARA, specifically in regards to the annual reporting fees calculation and schedule. Imposition of equitable annual mine fees ensures that the Department and SMGB are able to carry out the provisions of SMARA. The proposed amended regulation will allow for the increased maximum annual fees for larger operations, while streamlining and simplifying fees calculation and potentially lowering annual fees for smaller operations by ensuring the equitable assessment of mining operation fees.

CONSISTENCY WITH FEDERAL STATUTE AND REGULATION

This regulation change does not duplicate or conflict with existing Federal statutes or regulations. Also, by Memorandum of Understanding with the Federal Bureau of Land Management, the U. S. Forest Service, the Department of Conservation, and the SMGB, SMARA and federal law are coordinated to eliminate duplication.

CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed amended regulatory language is not inconsistent or incompatible with existing regulations pertaining to the annual mining operation reporting fees calculation and schedule. After conducting a review for any regulations that would relate to or affect this area, SMGB has concluded that these are the only regulations that concern the annual reporting fees calculation and schedule for mining operations in California.

CEQA COMPLIANCE

The SMGB has determined that this rule making action is not a project as defined in Title 14, CCR, section 15378, and that this activity is not subject to the requirements of the California Environmental Quality Act (CEQA).

DISCLOSURES REGARDING THE PROPOSED ACTION

The SMGB has made the following initial determinations:

Mandate on local agencies and 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.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Costs impacts on a representative private person or business: The SMGB is not aware of any additional cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action may directly affect businesses statewide, including small businesses, the SMGB has determined that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

Significant effect on housing costs: None.

Business reporting requirement: SMGB staff has found that the proposed amendment is necessary to implement fair and effective regulation of the annual fees calculation and schedule of mining operations. Annual fees and exemptions are calculated individually by operators and submitted with reports of production to the Department. Such annual reports and fees are necessary for the health, safety, and welfare of the people of the State, and therefore annual reporting and fee payment requirements should apply to mining businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Creation or elimination of jobs within California: The SMGB anticipates the proposed amended regulations may have an impact on the creation of new, or the elimination of existing, jobs within California.

Creation of new businesses or the elimination of existing businesses within California: The SMGB an-

anticipates the proposed amended regulation may have an impact on the creation, expansion, or elimination of new or existing business within California.

Benefits to the health and welfare of California residents, worker safety, and the state's environment: The SMGB anticipates that the proposed regulatory amendments will result in nonmonetary benefits such as protection of public health and safety, environmental safety, and transparency in business and government, and the prevention of discrimination, the promotion of fairness or social equity by:

- Ensuring the public will have sufficient and reliable private funding for State oversight of local implementation of surface mining law.
- Adjusting for the cost of living as measured by the California CPI for all urban consumers, calendar year averages, using the percentage change in the previous year.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the SMGB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SMGB would be more effective in carrying out the purpose for which the action is proposed, would be as effective as 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 SMGB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at any hearing scheduled to take statements or arguments that are relevant to the proposed action.

CONTACT PERSONS

Inquiries concerning the substance of the proposed amended regulation should be directed to:

Nicholas Lash, Associate Governmental Program Analyst
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814
Phone: (916) 322-1082
Fax: (916) 445-0738
Nicholas.Lash@conservation.ca.gov

OR

Amy Scott, Executive Assistant
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, CA 95814
Phone: (916) 322-1082
Fax: (916) 445-0738
Amy.Scott@conservation.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The SMGB 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 regulation, the initial statement of reasons, and a standard form 399.

Please direct requests for copies of the proposed text (the "express terms") of this regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Nicholas Lash at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period and any hearing that may be conducted by the SMGB to accept comments and evidence regarding the adoption of the proposed amended regulation, the SMGB will consider all timely and relevant comments received. Thereafter, the SMGB may adopt the proposed regulation substantially as described in this notice. If the SMGB makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the SMGB adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Nicholas Lash at the address indicated above. The SMGB 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 may be obtained by contacting Nicholas Lash at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at:

<http://www.conservation.ca.gov/smgb>

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, proposes to amend Sections 3352.2, 3352.3, 3354, and 3355.1 of the California Code of Regulations (CCR), Title 15, Division 3, concerning dental care for patients within CDCR institutions.

PUBLIC HEARING

| | |
|----------------|--|
| Date and Time: | November 20, 2017 — 10:00 a.m. to 11:00 a.m. |
| Place: | Elk Grove Police Service Center Elk Grove City Council Chambers 8400 Laguna Palms Way Elk Grove, CA 95758 |
| Purpose: | To receive comments about this action. |

The Elk Grove Council Chambers is wheelchair accessible. 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 Department 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.

PUBLIC COMMENT PERIOD

The public comment period will close **November 20, 2017 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA 95758; by fax to (916) 691-3490; or by e-mail to

CCHCSRegs@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulatory action should be directed to:

A. Garbutt, D.D.S.
Division of Health Care Services
California Department of Corrections and Rehabilitation
(916) 691-2922

Inquiries regarding this Notice should be directed to:

L. Saich
Health Care Regulations and Policy Section
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2921

AUTHORITY AND REFERENCE

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 3424 and 5054, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Currently, regulations concerning dental care for patients within CDCR institutions do not conform to CDCR Inmate Dental Services Program (IDSP), Policies and Procedures, the development and approval process which was based on the court decision dated August 21, 2006, by Judge Jeffrey White, United States District Court for the Northern District of California, in

the *Perez* class-action lawsuit (*Carlos Perez, et al v. Matthew Cate, et al*).

In this regulatory action, the Secretary proposes to amend regulatory provisions pertaining to dental care for patients within CDCR institutions. These amendments will establish consistency between Title 15, Chapter 1, Subchapter 4, Article 8, and the CDCR IDSP, Policies and Procedures, regarding the type and scope of and eligibility for dental services provided to patients within CDCR institutions.

The CDCR IDSP, Policies and Procedures, published September 2014, are available for public review on the Department's internet site at:

http://www.cdcr.ca.gov/DHCS/docs/September2014IDSP_PandP_Final.pdf.

This action provides the following:

- Authority and direction for ongoing improvements in the quality of dental care provided to CDCR patients.
- Authority for CDCR to facilitate and ensure the ongoing delivery of dental services in accordance with the CDCR IDSP, Policies and Procedures.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

Enabling regulations will provide the authority to facilitate and ensure the ongoing delivery of dental services in accordance with the court approved CDCR IDSP, Policies and Procedures, and as such are essential to the continued provision of constitutionally adequate dental care to CDCR patients. The proposed changes provide a basis for demonstrating the Department's commitment to ongoing compliance with the Amended Stipulation and Order in the Settlement Agreement for the *Perez* class action.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the State: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined 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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The proposed regulations will positively impact the health and welfare of persons housed within a CDCR institution or contract facility. The proposed regulations will have no effect on non-incarcerated California residents, worker safety, or the state's environment.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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 provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on businesses. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action as the provisions set forth in this rulemaking are based upon the CDCR IDSP, Policies and Procedures, which establishes the responsibility, accountability, and processes required and approved by the *Perez* court.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice as the contact person for inquiries regarding this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website: <http://www.cphcs.ca.gov/>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice as the contact person for any inquiries regarding this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which 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 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice as the contact person for inquiries regarding this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DEPARTMENT OF BUSINESS OVERSIGHT

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

On September 8, 2017, the Department of Business Oversight published a Notice of Proposed Rulemaking in the California Regulatory Notice Register (Register 2017, 36-Z) to adopt regulations to implement the Student Loan Servicing Act, AB 2251, CH. 824, Stats. 2016.

The original written comment period deadline for this action was October 23, 2017. The Department is now extending the written comment deadline for this action to **November 6, 2017**.

Please submit all written comments to:

Postal Mail

Department of Business Oversight
Attn: Mark Dyer, Legal Division
1515 K Street, Suite 200
Sacramento, CA 95814

Electronic Mail

Comments may be submitted electronically to regulations@dbo.ca.gov. Please identify the comments as PRO 01/17 in the subject line.

Fax

Comments may be submitted by fax to (916) 322-1559.

**DEPARTMENT OF FISH AND
WILDLIFE**

**CESA CONSISTENCY DETERMINATION
REQUEST FOR**

Laguna County Sanitation District Facilities
Construction, Operation, and Maintenance Project
2080-2017-008-05
Santa Barbara County

The California Department of Fish and Wildlife (CDFW) received a notice (09/18/2017), that the Laguna County Sanitation District proposes to rely on a federal take authorization and Habitat Conservation Plan (HCP) to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves phased expansion of the existing wastewater treatment facilities, removal of an existing soil stockpile, expansion of an existing storage reservoir, burial of a supply pipeline, construction of two new water pipelines, replacement of a segment of existing pipeline, and operation and maintenance activities. The proposed project will occur northwest of Orcutt and southwest of the city of Santa Maria in Santa Barbara County, California.

The U.S. Fish and Wildlife Service (Service) issued an Incidental Take Permit (Service Permit No. TE 16913C-0) (ITP) for the Laguna County Sanitation District Facilities Construction, Operation, and Maintenance HCP to the Laguna County Sanitation District on 08/22/2017, which considered the effects of the proposed project on the state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, the Laguna County Sanitation District is requesting a determination that the ITP and associated HCP are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and associated HCP are consistent with CESA for the proposed project, the Laguna County Sanitation District 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**

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2017-007-02**

Project: 2017 Storm Damage
Emergency Rehabilitation —
Critical Levee Repair
Location: Sutter, Yolo, Colusa, and
Solano Counties
Applicant: California Department of
Water Resources

Background

The California Department of Water Resources (Applicant) proposes to repair six levee locations that were damaged during the 2017 winter storms. The levees were damaged to such an extent that flood control performance has been compromised and there is a very high likelihood of failure during the next high water event, which could cause catastrophic flooding. Therefore, these levees require rehabilitation before the beginning of the 2018 flood season. The 2017 Storm Damage Emergency Rehabilitation — Critical Levee Repair Project (Project) includes repairing six priority levees within the counties of Sutter, Yolo, Colusa, and Solano, California.

The Project will include the following activities at each site: establishing access and staging areas, installing turbidity curtains, installing revetment, vegetation clearing and grubbing, excavating, reconstructing levee slope and levee crest roadway, and replanting. The estimated duration of construction is one to four weeks, occurring between September 1 and October 31, 2017, not including revegetation. All work will take place during daylight hours; no nighttime lighting will be required.

The Project activities described above are expected to incidentally take¹ giant garter snake (*Thamnophis gigas*; hereafter GGS) and delta smelt (*Hypomesus transpacificus*) where those activities take place within the Project area. In particular, GGS and delta smelt could be incidentally taken as a result of excavation and installation of revetment. GGS could also be incidentally taken as a result of clearing and grubbing, grading,

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

and soil compaction. GGS and delta smelt are designated as threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E) and (a)(2)(O), respectively.)

GGS individuals are documented as present 1.5 miles or less, and there is GGS habitat within and adjacent to all six levee sites. Delta smelt individuals are documented as present at one levee site (i.e., Site RD2098 Shag Slough) and there is delta smelt habitat within and adjacent to this one site. Because of the proximity of the nearest documented GGS and delta smelt, dispersal patterns of GGS and delta smelt, and the presence of GGS and delta smelt habitat within the Project area, the United States Fish & Wildlife Service (Service) determined that GGS and delta smelt are reasonably certain to occur within the Project area and that Project activities are expected to result in the incidental take of GGS and delta smelt.

According to the Service, the Project will result in the temporary loss of 1.52 acres of upland GGS habitat. Construction of the Project will also result in the permanent habitat modification (i.e., reduction in ecological value and function) of 1,153 acres of upland and 0.62 acre of aquatic GGS habitat, and 0.02 acre of delta smelt habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the United States Army Corps of Engineers (USACE) consulted with the Service as required by Section 7 of the ESA. On August 8, 2017, the Service issued a biological opinion (Service file No. 08ESMF00–2017–F–2741) (BO) to USACE. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The BO also requires the Applicant to implement and adhere to measures contained within the Project's Biological Assessment (BA).

On August 25, 2017, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS and its associated BO are consistent with CESA for purposes of the Project and GGS and delta smelt. (Cal. Reg. Notice Register 2017, No. 36–Z, p. 1373.)

Determination

CDFW has determined that the Project, as described in the ITS and its associated BO, is consistent with

CESA, because the mitigation measures for GGS and delta smelt contained in the ITS, its associated BO, and BA conditions meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of GGS and delta smelt will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITS, BO, and BA will minimize and fully mitigate the impacts of the authorized take and, in particular, these measures are roughly proportional in extent to the authorized taking and are capable of successful implementation; (3) adequate funding is ensured to implement the required avoidance, minimization and mitigation measures, and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of GGS or delta smelt. The mitigation measures in the ITS, BO, and BA include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- The Applicant shall purchase 3.046 acres of GGS habitat preservation credits from a Service- and CDFW-approved mitigation bank and provide proof of purchase to the Service and CDFW within 90 days of starting Project activities.
- The Applicant shall purchase 0.06 acre of delta smelt habitat preservation credits from a Service- and CDFW-approved mitigation bank.
- To the maximum extent possible, Applicant shall complete Project activities in suitable GGS upland habitat between May 1 and October 1. If it is not possible to complete the work by October 1, Applicant may continue work past October 1 provided earthwork has started by September 17 and Applicant notifies the Service and CDFW of the site(s). Applicant will provide a justification for the request and any additional information that the Service or CDFW deem necessary. The Service and CDFW may require Applicant to apply additional avoidance and minimization measures.
- The Applicant shall provide environmental awareness training to the construction lead, construction foreman, crew leader, and any contractor personnel working in the Project area. Applicant shall ensure the training will include descriptions of all special-status wildlife species potentially occurring in the Project area, their habitats, and methods of identification, including visual aids. The Applicant shall also describe

conservation measures that personnel will follow to avoid impacts.

- Applicant shall limit the number of access routes and the size of staging and work areas to the minimum necessary to conduct the Project activities. Applicant shall use existing staging sites, maintenance tow roads, and levee crown roads to the extent practicable to avoid affecting previously undisturbed areas.
- Applicant shall install erosion control materials to minimize the amount of soil or sediment entering waterways and wetlands. Applicant shall monitor the erosion control materials for effectiveness and maintain them throughout the emergency repairs and monitoring. Applicant shall immediately repair or replace any erosion control barrier that is not functioning effectively.
- Applicant shall install turbidity curtains or use similar methods to control silt and sediment during in-channel work.
- Applicant shall ensure that a qualified Service- and CDFW-approved biologist is on-site during all grading, vegetation removal, and trenching activities; and will ensure the biologist monitors all locations where Project activities will alter GGS hibernacula/refugia (e.g., rip rap, burrows, vegetation, etc.).
- Applicant shall place spoils in areas that are not suitable GGS upland habitat (e.g., compacted or gravel roadbeds, orchards, and recently disked agricultural fields).

Monitoring and Reporting Measures

- Applicant shall ensure that weekly compliance reports as well as notes showing the current implementation status of each mitigation measure are submitted to the Service and CDFW. At any time, CDFW and/or the Service may increase the timing and number of compliance inspections and reports required depending upon the results of previous compliance inspections. CDFW will notify the Applicant in writing of the new reporting schedule if applicable.
- Applicant shall submit a final mitigation report to the Service and CDFW no later than 45 days after completion of the emergency repair.

Financial Assurances

- Applicant has provided a funding assurance letter in the amount of \$529,000 to complete all conservation measures and the purchase of GGS and delta smelt mitigation credits.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of GGS and delta smelt, pro-

vided the Applicant implements the Project as authorized in the ITS, including adherence to all measures contained therein and in the BO, and complies with the mitigation measures and other conditions described in the ITS, BO, and the BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, ITS, or the BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653 CONSISTENCY DETERMINATION REQUEST FOR

**Climate Ready Rangeland Project
(Tracking Number: 1653-2017-008-001-R4)
San Luis Obispo County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 13, 2017, that the Coastal San Luis Resource Conservation District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the repair of seven head cuts, creation of a floodplain bench/wetland area, planting of native vegetation, and installation of biodegradable erosion control measures. The proposed project will be carried out on an unnamed tributary to Warden Creek, located on Cerro Alto Ranch, 2710 Turri Road, Morro Bay, San Luis Obispo County, California.

On June 28, 2017, the Central Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Climate Ready Rangeland Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 34017WQ27) for coverage under the General 401 Order on July 17, 2017.

The District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision

(d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the District will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653 CONSISTENCY DETERMINATION REQUEST FOR

Furlong Culvert Repair Project
(Tracking Number: 1653–2017–007–001–R3)
Sonoma County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 11, 2017, that Prunuske Chatham Inc., on behalf of Heather L. Hillman Mutz, proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the replacement of a failing culvert and will include improvements to salmonid passage conditions and fresh water shrimp habitat. The proposed project will be carried out on an unnamed tributary to Redwood Creek, located at approximately 1200 Furlong Road, Sebastopol, Sonoma County, California.

On May 15, 2017, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Furlong Culvert Repair Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B170511WNSO; ECM PIN No. CW–835219) for coverage under the General 401 Order on September 1, 2017.

The District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision

(d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the District will have the opportunity to submit under Fish and Game Code section 1652.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING

On **November 16, 2017**, at 10:00 a.m.
in the Auditorium of the Harris State Building
1515 Clay Street, Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING

On **November 16, 2017**, at 10:00 a.m.
in the Auditorium of the Harris State Building
1515 Clay Street, Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the state–wide Disability Accommodation Coordinator at 1–866–326–1616 (toll free).

The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

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# 2017-0804-01
AIR RESOURCES BOARD
Cap and Trade 2016

This regulatory action by the Air Resources Board (ARB) adopts and amends sections in title 17 of the California Code of Regulations regarding the Cap and Trade Program to further implement AB 32 (Chapter 488, Statutes of 2006), and implement AB 398 (Chapter 135, Statutes of 2017). The changes include, extending major elements of the Cap and Trade Program beyond 2020, clarifying compliance obligations for certain sectors, broadening the program through linkages with other jurisdictions, providing for California compliance with the federal Clean Power Plan, and enhancing ARB's ability to oversee and implement the Cap and Trade regulations.

Title 17
ADOPT: 95803, 95835, 95859, 95871, 95944, 95945, Appendix D, Appendix E AMEND: 95802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95851, 95852, 95852.1, 95852.2, 95853, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95893, 95894, 95895, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95941, 95943, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95983, 95985, 95987, 95990, 96014, Appendix C
Filed 09/18/2017
Effective 10/01/2017
Agency Contact: Trini Balcazar (916) 445-9564

File# 2017-0825-02
BOARD OF FORESTRY AND FIRE PROTECTION
Working Forest Management Plan

In this action, the Board of Forestry and Fire Protection resubmits subdivision (d)(6) of section 1094.16 of Title 14 of the California Code of Regulations following disapproval by the Office of Administrative Law (OAL) of that subdivision for failure to meet the clarity standard in OAL file number 2017-0420-02S.

Title 14
AMEND: 1094.16
Filed 09/19/2017
Effective 01/01/2018
Agency Contact: Thembi Borrás (916) 653-0989

File# 2017-0807-01
BOARD OF PHARMACY
Renewal Requirements

In this regular rulemaking, the Board of Pharmacy is amending section 1702 and adopting sections 1702.1, 1702.2, and 1702.5 in title 16 of the California Code of Regulations to update the renewal requirements for pharmacists, pharmacy technicians, designated representatives, nonresident wholesalers, and nonresident pharmacies.

Title 16
ADOPT: 1702.1, 1702.2, 1702.5
AMEND: 1702
Filed 09/19/2017
Effective 01/01/2018
Agency Contact: Lori Martinez (916) 574-7917

File# 2017-0913-02
CALIFORNIA HEALTH BENEFIT EXCHANGE
Medi-Cal Managed Care Plan Enrollment Assistance

This emergency rulemaking action readopts and amends emergency regulations regarding Medi-Cal Managed Care Plans and Certified Medi-Cal Managed Care Plan Enrollers. The amendments make the application processes to become a Certified Medi-Cal Managed Care Plan and to become a Certified Medi-Cal Managed Care Plan Enroller more efficient by eliminating application information which the California Health Benefit Exchange has determined to be unnecessary. In addition, the action adds a new subdivision which precludes applicants who fail the criminal and background check process from reapplying for two years.

Title 10

AMEND: 6902, 6903, 6904

Filed 09/20/2017

Effective 09/20/2017

Agency Contact: Brian Kearns (916) 228-8843

File# 2017-0831-01

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Credit Earning and Parole Consideration

This emergency of operational necessity readopt rulemaking action by the Department of Corrections and Rehabilitation (the "Department") adopts, amends, and repeals several sections in title 15 of the California Code of Regulations. Proposition 57, The Public Safety and Rehabilitation Act of 2016 (the "Act"), was approved by California voters on November 8, 2016. The Act, inter alia, gives the Department "authority to award credits earned for good behavior and approved rehabilitative or educational achievements." (Cal. Const., art. I, sec. 32, subd. (a), par. (2).) This rulemaking implements the Act by adopting new and revising existing rules for inmate credit earning and parole consideration.

Title 15

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

Filed 09/19/2017

Effective 09/21/2017

Agency Contact: Laura Lomonaco (916) 445-2217

File# 2017-0911-01

DEPARTMENT OF FOOD AND AGRICULTURE
Huanglongbing Interior Quarantine

This emergency readopt action by the Department of Food and Agriculture maintains the changes adopted in

OAL File No. 2017-0502-01 that expanded the quarantine area for the Huanglongbing (HLB) disease by approximately 56 square miles in the La Habra area of Los Angeles and Orange counties in response to the confirmation of HLB on April 11, 2017. The expansion of the quarantine area resulted in combining the Hacienda Heights and San Gabriel area quarantine with the Cerritos area quarantine.

Title 3

AMEND: 3439

Filed 09/14/2017

Effective 11/06/2017

Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0911-02

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Interior Quarantine and Eradication Area

This is the first readoption of emergency rulemaking action 2017-0323-02E by the Department of Food and Agriculture, which supplants the existing host list for the Mediterranean fruit fly, *Ceratitis capitata*, with a more extensive host list recently revised and disseminated by the United States Department of Agriculture.

Title 3

AMEND: 3406(c), 3591.5(b)

Filed 09/19/2017

Effective 09/19/2017

Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0802-01

DEPARTMENT OF INDUSTRIAL RELATIONS

Civil Penalties for Cal/OSHA Citations

This action by the Department of Industrial Relations amends civil penalties for Cal/OSHA citations in accordance with Senate Bill 96 (Stats. 2017, ch. 28, eff. 6/27/17), which adjusted civil monetary penalties for health and safety violations to comply with federal law, as a change without regulatory effect.

Title 8

AMEND: 336

Filed 09/14/2017

Agency Contact:

Christopher Grossgart (510) 286-7348

File# 2017-0822-01

DEPARTMENT OF INSURANCE

CAARP Simplified Manual of Rules and Rates

This file and print action by the Department of Insurance amends the California Automobile Insurance Procedure (CAIP) based upon changes proposed by the California Automobile Assigned Risk Plan (CAARP), including increasing the \$60,000 truckers minimum cost to hire amount to \$75,000. This action is exempt

from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
AMEND: 2498.5
Filed 09/20/2017
Effective 09/20/2017
Agency Contact: Michael Riordan (415) 538-4226

File# 2017-0803-02
DEPARTMENT OF SOCIAL SERVICES
Enhanced Behavioral Supports Homes

This certificate of compliance action makes permanent emergency file and print regulations adopting and amending regulations to create licensing standards and procedures governing the recently created class of facilities known as Enhanced Behavioral Supports Homes (EBSHs), including inter alia, definitions, facility certification requirements, use of secured perimeters, emergency intervention standards, and reporting procedures. (See OAL Matter No. 2017-0310-01.)

Title 22, MPP
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
Filed 09/15/2017
Effective 09/15/2017
Agency Contact: Everardo Vaca (916) 657-2363

File# 2017-0906-02
DEPARTMENT OF SOCIAL SERVICES
Community Crisis Homes

This emergency rulemaking action by the California Department of Social Services adopts new chapter 6.1 in title 22 of the California Code of Regulations and new provisions in the Manual of Policies and Procedures relating to requirements for Community Crisis Home licensure.

Title 22, MPP
ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190
Filed 09/18/2017
Effective 09/18/2017
Agency Contact: Oliver Chu (916) 657-3588

File# 2017-0912-01
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; Grant Agreement Templates

This emergency action adopts and amends regulations, including a grant agreement incorporated by reference, relating to the School Facilities Program. The program provides per pupil funding to qualifying school districts for new construction and modernization of school facilities. The amendments require an applicant to enter into the grant agreement for projects as a condition of funds release.

Title 2
ADOPT: 1859.90.5
AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4
Filed 09/20/2017
Effective 09/20/2017
Agency Contact: Lisa Jones (916) 376-1753

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN April 18, 2017 TO September 20, 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
09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4
08/31/17 AMEND: 10000, 10001, 10002, 10005, 10007, 10008, 10009, 10010, 10011, 10015, 10017, 10021, 10022, 10025, 10026, 10030, 10031, 10033, 10035, 10038, 10039, 10041, 10042, 10044, 10046, 10049, 10050, 10051, 10053, 10054, 10057, 10063, 10065
08/30/17 AMEND: 59590
08/16/17 AMEND: 604
08/14/17 AMEND: 11034
08/14/17 ADOPT: 2298.1, 2298.2, 2298.3, 2298.4, 2298.5, 2298.6, 2298.7, 2298.8, 2298.9, 2298.9.1 REPEAL: 2297.1, 2298
08/10/17 AMEND: 1897
07/25/17 AMEND: 57700
07/12/17 ADOPT: 20060, 20061, 20062, 20063, 20064, 20065, 20066, 20067
07/01/17 ADOPT: 171, 171.2, 174, 193.1, 193.2, 194, 195, 195.1, 195.2, 195.3, 242, 249.1, 249.2, 249.3, 249.4, 249.5, 249.6, 249.7, 250, 250.2, 265, 265.1, 548.53 AMEND: 156, 171.1, 174, 193, 258, 548.40, 548.41

REPEAL: 157, 171, 194, 195, 196, 198,
199, 199.1, 200, 205, 206, 210, 250, 265,
548.70
06/22/17 AMEND: 327
06/21/17 AMEND: 3700
06/19/17 AMEND: 1859.2, 1859.82
06/08/17 AMEND: 52.4, 548.49, 548.136
05/31/17 ADOPT: 249.8
05/26/17 AMEND: 11030, 11031, 11034

Title 3

09/19/17 AMEND: 3406(c), 3591.5(b)
09/14/17 AMEND: 3439
09/12/17 AMEND: 3435(b)
09/07/17 AMEND: 3435(b)
09/05/17 AMEND: 3435(b)
09/05/17 AMEND: 3435(b)
08/31/17 AMEND: 3439(b)
08/30/17 AMEND: 2320.1
08/22/17 AMEND: 3439
08/17/17 AMEND: 3435(b)
08/16/17 AMEND: 3435(b)
08/16/17 AMEND: 3439(b)
08/11/17 AMEND: 3439(b)
08/10/17 AMEND: 3435(b)
08/08/17 AMEND: 3854, 3855
08/03/17 AMEND: 3435(b)
07/31/17 AMEND: 3435(d)
07/26/17 AMEND: 3439(b)
07/25/17 AMEND: 3591.12, 3424(c)
07/24/17 AMEND: 3435(b)
07/20/17 AMEND: 3435(b)
07/17/17 AMEND: 3435(b)
07/12/17 ADOPT: 6190
07/10/17 AMEND: 3435(b)
07/06/17 AMEND: 3439(b)
07/06/17 AMEND: 3439(b)
07/06/17 AMEND: 3435(b)
06/28/17 AMEND: 1358.7
06/26/17 AMEND: 3435(b)
06/22/17 ADOPT: 2320.5 AMEND: 2300, 2300.1,
2303, 2304, 2307, 2308, 2312, 2315,
2319, 2320.1, 2320.2, 2322, 2323, 2324
06/19/17 AMEND: 3435(b)
06/14/17 AMEND: 3435(b)
06/08/17 AMEND: 3435(b)
06/07/17 AMEND: 3435(b)
06/05/17 ADOPT: 3591.28
06/02/17 AMEND: 3435(d)
06/01/17 AMEND: 3591.12
05/30/17 AMEND: 3439(b)
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)

Title 4

09/07/17 AMEND: 12101, 12200, 12200.6,
12200.9, 12200.13, 12202, 12220.6,
12222, 12309, 12342, 12354, 12359,
12464, 12465, Appendix A to Chapter 7
of Division 18, 12492
09/05/17 AMEND: 10091.1, 10091.2, 10091.3,
10091.4, 10091.5, 10091.6, 10091.7,
10091.8, 10091.9, 10091.10, 10091.12,
10091.14, 10091.15
08/24/17 AMEND: 10170.3, 10170.4, 10170.8,
10170.9, 10170.10, 10170.14
08/07/17 ADOPT: 8078.22, 8078.23, 8078.24,
8078.25, 8078.26, 8078.27, 8078.28,
8078.29, 8078.30, 8078.31, 8078.32,
8078.33, 8078.34, 8078.35 AMEND:
8070, 8071, 8072, 8073, 8074, 8076,
8078.3 REPEAL: 8078.1, 8078.2
07/26/17 ADOPT: 7033.1 AMEND: 7030, 7033,
7034, 7035, 7037, 7040, 7042, 7045
07/26/17 AMEND: 1581, 1843
07/26/17 ADOPT: 8078.15, 8078.16, 8078.17,
8078.18, 8078.19, 8078.20, 8078.21
07/18/17 ADOPT: 610
07/12/17 ADOPT: 299 AMEND: 297, 300
07/12/17 AMEND: 10325.5
06/20/17 AMEND: 1696
06/01/17 AMEND: 1433, 1845
05/31/17 AMEND: 1632
05/30/17 ADOPT: 5145, 5146, 5233 AMEND:
5000, 5020, 5031, 5033, 5050, 5051,
5054, 5061, 5062, 5063, 5106, 5144,
5170, 5191, 5192, 5194, 5200, 5220,
5230, 5240, 5250, 5255, 5258, 5260,
5300, 5342, 5350, 5370, 5400, 5450,
5560, 5600 REPEAL: 5221
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

Title 5

09/12/17 AMEND: 18117, 18246
09/01/17 AMEND: 40756.1, 40805.1
09/01/17 AMEND: 40500
08/31/17 REPEAL: 40530, 40531, 40532

| | | | |
|-----------------|--|-----------------|---|
| 08/31/17 | ADOPT: 40050.4, 40517, 40518, 41023 | 07/31/17 | ADOPT: 5470, 5471, 5472, 5473, 5474, 5474.1, 5474.2, 5475, 5476, 5477, 5478 |
| 08/22/17 | AMEND: 27300, 27301, 27400, 27401, 27600, 27601, 27602 | | AMEND: 5469 REPEAL: 5473 |
| 08/17/17 | AMEND: 19810 | 07/25/17 | AMEND: 1009 |
| 08/10/17 | AMEND: 76000, 76020, 76210, 76130, 76200, 76210, 76212, 76215 | 07/18/17 | AMEND: 1008 |
| 07/18/17 | AMEND: 851, 853.5, 853.7, 855, 856 | 06/28/17 | AMEND: 1005, 1007, 1008 |
| 06/27/17 | REPEAL: 13075, 13075.1, 13075.2, 13075.3, 13075.4, 13075.5, 13075.6, 13075.7, 13075.8, 13075.9 | 06/21/17 | AMEND: 1015 |
| 06/26/17 | AMEND: 19810 | 06/01/17 | AMEND: 50.10 |
| 06/14/17 | AMEND: 41908 | 06/01/17 | AMEND: 50.13 |
| 06/05/17 | ADOPT: 11517.6, 11518, 11518.5, 11518.10, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.55, 11518.60, 11518.65, 11518.70, 11518.75, 11518.80, 11519, 11519.5 | 05/31/17 | REPEAL: 50.18 |
| 06/02/17 | ADOPT: 11534.1 AMEND: 11530, 11533, 11534 | 05/30/17 | 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, 2120, 2130, 2131, 2132, 2133 |
| 05/30/17 | ADOPT: 71396 | 05/23/17 | AMEND: 1001, 1005, 1008 |
| Title 8 | | 05/23/17 | AMEND: 50.19 |
| 09/14/17 | AMEND: 336 | 05/23/17 | AMEND: 50.20 |
| 07/31/17 | AMEND: 3650 | 05/18/17 | AMEND: 50.23 |
| 07/31/17 | AMEND: 344.30 | 05/18/17 | AMEND: 50.12 |
| 07/27/17 | ADOPT: 5189.1 | 05/18/17 | AMEND: 50.14 |
| 07/18/17 | ADOPT: 9789.17.3 AMEND: 9789.12.2, 9789.17.1, 9789.18.12, 9789.19 | 05/16/17 | AMEND: 50.8 |
| 06/29/17 | ADOPT: 9788.1, 9788.2, 9788.3, 9788.4 | 05/16/17 | AMEND: 50.15 |
| 06/29/17 | AMEND: 344.18 | 05/16/17 | AMEND: 50.21 |
| 06/20/17 | AMEND: 9789.39 | 05/16/17 | REPEAL: 50.22 |
| 06/05/17 | AMEND: 1637 | 05/16/17 | ADOPT: 50.22 |
| 06/05/17 | AMEND: 3220 | 05/15/17 | AMEND: 50.5 |
| 05/23/17 | ADOPT: 20169 AMEND: 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 20400, 20401, 20402, 20407, 20408 | 05/15/17 | REPEAL: 50.7 |
| 05/16/17 | AMEND: 20335(c) | 05/15/17 | AMEND: 50.6 |
| Title 9 | | 05/15/17 | AMEND: 50.16 |
| 08/17/17 | ADOPT: 4020, 4020.1 | 05/15/17 | AMEND: 50.17 |
| 06/13/17 | ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717 | Title 13 | |
| Title 10 | | 09/11/17 | AMEND: 1 |
| 09/20/17 | AMEND: 2498.5 | 09/07/17 | AMEND: 430.00, 431.00 |
| 09/20/17 | AMEND: 6902, 6903, 6904 | 07/31/17 | ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264 |
| 08/21/17 | ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007 | 07/31/17 | ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269 |
| 08/03/17 | AMEND: 2498.5 | 07/27/17 | AMEND: 1151.8.1 |
| 06/21/17 | ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7 | 06/29/17 | AMEND: 1160.1, 1160.2, 1160.3, 1160.4 |
| Title 11 | | 06/20/17 | AMEND: 2775, 2775.1, 2775.2 |
| 08/08/17 | AMEND: 1006 | 06/19/17 | AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14 |
| 07/31/17 | AMEND: 1005 | 06/12/17 | AMEND: 156.00 |
| | | 05/15/17 | AMEND: 16.06 |
| | | 04/19/17 | AMEND: 26.01, 26.02 |
| | | Title 14 | |
| | | 09/19/17 | AMEND: 1094.16 |
| | | 09/11/17 | ADOPT: 4325 |
| | | 09/07/17 | AMEND: 913, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, 913.7, 913.8, 913.10, 913.11, 914, 914.1, 914.2, 914.3, 914.5, 914.6, 914.7, 914.8, 914.9, 915, |

915.1, 915.2, 915.3, 915.4, 916, 916.1, 916.2, 916.3, 916.4, 916.5, 916.6, 916.7, 916.8, 916.9, 916.10, 916.11, 916.11.1, 916.12, 953.7, 953.8, 953.9, 953.12, 954.4, 1038

09/05/17 AMEND: 29.15

08/31/17 AMEND: 1122

08/29/17 AMEND: 119, Form FG 2025 (11/2005), Appendix A

08/29/17 AMEND: 670

08/28/17 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.7

08/22/17 ADOPT: 870.17 AMEND: 870.15 REPEAL: 870.17, 870.19, 870.21

08/10/17 AMEND: 7.50

08/07/17 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797

08/07/17 ADOPT: 817.04 AMEND: 790

08/07/17 ADOPT: 820.02

08/07/17 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07

08/01/17 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24

07/26/17 AMEND: 895.1, 896, 897, 898, 898.1, 898.2, 900, 901, 902, 902.1, 902.2, 902.3, 903.1, 903.2, 906, 907, 911

07/19/17 AMEND: 502

07/19/17 AMEND: 708.5

07/18/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0

07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1

07/13/17 AMEND: 13055

07/12/17 AMEND: 670.2

06/02/17 ADOPT: 1090.28, 1094, 1094.1, 1094.2, 1094.3, 1094.4, 1094.5, 1094.6, 1094.7, 1094.8, 1094.9, 1094.10, 1094.11, 1094.12, 1094.13, 1094.14, 1094.15, 1094.16(a)–(d)(5), 1094.17, 1094.18, 1094.19, 1094.20, 1094.21, 1094.22, 1094.23, 1094.24, 1094.25, 1094.26, 1094.27, 1094.28, 1094.29, 1094.30, 1094.31, 1094.32, 1094.33, 1094.34, 1094.35 AMEND: 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9] 929 [949, 969], 945.1, 1038, 1090.26, 1104.1, 1115.3

05/26/17 AMEND: 7.50

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

05/03/17 ADOPT: 1265.00, 1265.01, 1265.02, 1265.03

05/01/17 AMEND: 27.80

05/01/17 AMEND: 28.20

Title 15

09/19/17 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

08/31/17 AMEND: 8001

08/23/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379

07/18/17 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12

07/19/17 AMEND: 502

07/19/17 AMEND: 708.5

07/18/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 174405.0

07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1

07/13/17 AMEND: 13055

07/12/17 AMEND: 3000, 3753, 3754, 3763, 6766, 3769.6

06/28/17 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, 1778, 1788, 1790, 1792

06/27/17 AMEND: 3620, 3621, 3622

06/08/17 ADOPT: 8106.2 AMEND: 8106.1

| | | |
|-----------------|--|--|
| 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 | 95921, 95922, 95941, 95943, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95983, 95985, 95987, 95990, 96014, Appendix C |
| 05/11/17 | ADOPT: 3999.23 | |
| Title 16 | | 09/06/17 AMEND: 6540 |
| 09/19/17 | ADOPT: 1702.1, 1702.2, 1702.5 AMEND: 1702 | 09/06/17 AMEND: 6508 |
| 08/30/17 | AMEND: 1107 | 09/01/17 ADOPT: 95160, 95161, 95162, 95163 AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95117, 95118, 95121, 91522, 91529, 91530, 91531, 91532, 91533, 91550, 91553, 91556, 91557, Appendix A, Appendix B |
| 08/29/17 | AMEND: 425 | |
| 08/24/17 | AMEND: 1021, 1022 | |
| 08/22/17 | ADOPT: 1399.730, 1399.731, 1399.732 | |
| 08/14/17 | REPEAL: 901, 902, 903, 914 | |
| 08/10/17 | ADOPT: 4176 | |
| 08/10/17 | AMEND: 1105.1(b)(c)(d)(e) | 08/21/17 AMEND: 100010, 100020, 100030, 100040, 100050, 100070 |
| 08/08/17 | ADOPT: 1805.2 | 07/24/17 REPEAL: 1050 |
| 08/02/17 | AMEND: 4161, 4162, 4163 | 07/17/17 ADOPT: 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677 |
| 07/06/17 | AMEND: 1398.3, 1398.4, 1398.6, 1398.15, 1398.20, 1398.21, 1398.21.1, 1398.23, 1398.28, 1398.37, 1398.44, 1398.47, 1398.50, 1398.51, 1398.52, 1399, 1399.23, 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1398.24, 1398.27, 1398.42 | 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 |
| 06/23/17 | AMEND: 2649 | 04/24/17 ADOPT: 51000, 51001, 51002 |
| 06/22/17 | AMEND: 80.1, 80.2, 87, 87.1 | |
| 06/12/17 | AMEND: 1399.546 | Title 18 |
| 06/08/17 | ADOPT: 1746.5 | 06/19/17 AMEND: 1703 |
| 06/07/17 | ADOPT: 1399.407, 1399.407.1, 1399.407.2, 1399.407.3 | 06/14/17 AMEND: 5332 |
| 06/06/17 | ADOPT: 1776, 1776.1, 1776.2, 1776.3, 1776.4, 1776.5, 1776.6 | 05/24/17 ADOPT: 19195–1, 19195–2 |
| 06/05/17 | AMEND: 1387, 1387.1 | 05/15/17 AMEND: 263 |
| 05/31/17 | REPEAL: 3036.1, 3036.2, 3037.1, 3037.2 | 05/15/17 AMEND: 1051 |
| 05/30/17 | AMEND: 1703 | 05/03/17 ADOPT: 4001 |
| 05/24/17 | ADOPT: 1001.1, 1001.2 | |
| 05/24/17 | AMEND: 1399.395 | Title 19 |
| 05/24/17 | AMEND: 1399.434, 1399.437 REPEAL: 1399.436 | 08/31/17 REPEAL: 2575, 2575.1, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3 |
| 05/10/17 | AMEND: 426.10, 426.14, 426.50 | 08/03/17 ADOPT: 2745.7.5, 2762.0.1, 2762.0.2, 2762.1, 2762.2, 2762.2.1, 2762.3, 2762.4, 2762.5, 2762.6, 2762.7, 2762.8, 2762.9, 2762.10, 2762.11, 2762.12, 2762.13, 2762.14, 2762.15, 2762.16, 2762.17, 2775.2.5 AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2735.6, 2735.7, 2740.1, 2745.1, 2745.2, 2745.3, 2745.4, 2745.6, 2745.7, 2745.7.5, 2745.8, 2745.10, 2745.10.5, 2745.11, 2750.1, 2750.3, 2750.4, 2755.2, 2755.6, 2760.8, 2765.1, 2770.1, 2770.2, 2770.5, 2775.2, 2775.3, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.5, 2780.6, 2785.1 |
| 05/08/17 | ADOPT: 1398.26.3 AMEND: 1398.25 | |
| 05/04/17 | AMEND: 4130 | 07/06/17 AMEND: 2021 |
| Title 17 | | |
| 09/18/17 | ADOPT: 95803, 95835, 95859, 95871, 95944, 95945, Appendix D, Appendix E AMEND: 95802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95851, 95852, 95852.1, 95852.2, 95853, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95893, 95894, 95895, 95910, 95911, 95912, 95913, 95914, 95920, | |

| | | |
|----------------------|---|--|
| 05/01/17 | AMEND: 2020, 2021 | 81068.4, 81068.5, 81069, 81071, 81075, 81077.2, 81077.4, 81077.5, 81087, 81088, 81090, 81092, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81094 |
| Title 20 | | |
| 09/11/17 | AMEND: 1604, 1606 | |
| 08/22/17 | AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606 | |
| Title 21 | | |
| 05/25/17 | ADOPT: 1478.1, 1478.2 AMEND: 1476 | 08/28/17 AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065 |
| Title 22 | | |
| 09/11/17 | AMEND: 64431, 64432, 64447.2, 64465, 64481 | 08/24/17 AMEND: 83001, 83064, 83072, 83087, 84001, 84065, 84072, 84079, 84087, 84272, 86001, 86065, 86072, 86072.1, 86087, 88001, 88022, 89201, 89372, 89379, 89387, 89405 |
| 09/08/17 | AMEND: 97210, 97240, 97241, 97246 | |
| 08/28/17 | REPEAL: 97759 | |
| 08/16/17 | AMEND: 100393(a)(1) | |
| 08/16/17 | AMEND: 10100 | |
| 07/14/17 | AMEND: 51255, 51356 | 06/21/17 AMEND: 81001 |
| 07/10/17 | AMEND: 51490.1 | 05/09/17 AMEND: 87163, 87217, 87775 |
| 07/03/17 | AMEND: 97700.1, 97700.2, 97700.3, 97700.4, 97700.5, 97700.6, 97700.7, 97700.8, 97700.13, 97700.15, 97700.17, 97700.18, 97700.19, 97700.20, 97700.21, 97700.23, 97700.25, 97700.26, 97700.27, 97700.29, 97700.31, 97700.32, 97700.33, 97700.35, 97700.41, 97700.43, 97700.45, 97700.47, 97700.49, 97700.51, 97700.53, 97700.55, 97700.57, 97700.59, 97700.61, 97700.63, 97700.65, 97720, 97722, 97724, 97726, 97730, 97731, 97732, 97734, 97735, 97737, 97740, 97743, 97745, 97747, 97750, 97752, 97755, 97757, 97759, 97760 | 05/02/17 AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211 |
| 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 | 04/27/17 AMEND: 101216.4, 101417 |
| 04/19/17 | ADOPT: 69511, 69511.1 | Title 23 |
| Title 22, MPP | | 08/09/17 ADOPT: 3939.53 |
| 09/18/17 | ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190 | 08/09/17 ADOPT: 3939.53 |
| 09/15/17 | 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 | 08/08/17 AMEND: 3930 |
| 09/07/17 | AMEND: 81001, 81010, 81020, 81022, 81026, 81064.1, 81068.1, 81068.2, | 06/29/17 ADOPT: 1030, 1032, 1040, 1041, 1042, 1043, 1044, 1045, 1046 |
| | | 06/28/17 ADOPT: 3010 |
| | | 06/22/17 ADOPT: 3939.52 |
| | | 06/09/17 AMEND: 865 REPEAL: 864.5, 866 |
| | | 05/18/17 AMEND: 3939.23 |
| | | 05/16/17 ADOPT: 3939.51 |
| | | Title 25 |
| | | 07/18/17 ADOPT: 5535, 5535.5, 5536, 5536.5 |
| | | 07/12/17 ADOPT: 6932 REPEAL: 6932 |
| | | Title 27 |
| | | 08/23/17 ADOPT: |
| | | Appendix B to 25903 AMEND: 25903, Appendix A to 25903 |
| | | 08/23/17 ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903 |
| | | 08/02/17 AMEND: 27001 |
| | | 05/11/17 REPEAL: 25607.30, 25607.31 |
| | | 05/04/17 AMEND: 25705 |
| | | 05/03/17 AMEND: 25805 |
| | | Title 28 |
| | | 06/27/17 AMEND: 1300.67.005 |
| | | Title MPP |
| | | 07/17/17 ADOPT: 31–137 |
| | | 06/19/17 AMEND: 40–188, 44–207, 44–316, 44–318, 80–310, 82–518, 82–812 REPEAL: 44–314 |
| | | 05/01/17 AMEND: 44–211 |
| | | 04/25/17 AMEND: 44–211 |