



California Regulatory Notice Register

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OCTOBER 13, 2017

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. CALIFORNIA EARTHQUAKE
AUTHORITY**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
CALIFORNIA EARTHQUAKE AUTHORITY**

NOTICE IS HEREBY GIVEN that the **California Earthquake Authority**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 13, 2017, and closing on November 27, 2017. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: addition of the position of Insurance and Claim Director; retitling the position of Chief Information Officer to Chief Insurance and Technology Officer; and removing the position of Disaster Response Manager.

The proposed amendment and explanation of the reasons can be obtained from the **California Earthquake Authority** contact listed below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 27, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 3, 2017.

The **California Earthquake Authority** has determined that the proposed amendments:

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

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

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

Niel Hall
California Earthquake Authority
801 K Street, Suite 1000
Sacramento, CA 95814
Telephone: (916) 661-5586
E-mail: nhall@calquake.com

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: California Housing Finance
Agency

A written comment period has been established commencing on October 13, 2017, and closing on November 27, 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 Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than November 27, 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. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **November 16, 2017**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **November 14, 2017**.

BACKGROUND/OVERVIEW

Section 85305 prohibits a candidate for elective state office or committee controlled by that candidate from making any contribution to any other candidate for elective state office in excess of the contributions limits set forth in subdivision (a) of Section 85301. Section 85315 allows an elected state officer to accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits. . . ." At its July 27, 2017 hearing, the Com-

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

mission deliberated over issues raised with respect to the interplay between Sections 85305 and 85315, and whether the prohibition in Section 85305 applied to state candidates that are the subject of a recall. The Commission decided to issue an opinion clarifying its interpretation that Sections 85305 and 85315 require that there be no limit on contributions from state candidates to a recall committee controlled by another state candidate to oppose the recall of that state candidate. This was a reversal of the Commission's previous long-standing interpretation of these provisions. The Commission adopted the new opinion at its August 17, 2017 hearing. The Commission will consider amendments to Regulation 18535 to clarify and implement the Commission's current interpretation on this topic at its October meeting. Proposed amendments to Regulation 18535 have already been noticed. As a result of public comments received by Commission staff, staff recognizes that amendments to Regulation 18531.5 would also help clarify and implement the Commission's current interpretation of this topic.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18531.5 — Recall Elections. This regulation is being amended to codify the Commission's current interpretation of Sections 85305 and 85315 with respect to recall elections to clarify that the restriction on contributions between state candidates contained in Section 85305 does not impose a limit on the amount a state candidate may contribute to a recall committee controlled by another state candidate to oppose his or her recall.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 85305 and 85315.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at http://www.fppc.ca.gov/index.php?id_247#2.

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 July 6, 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 January 2, 2018.

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 27, 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 generally 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, 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 12 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 416 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)].

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 provision of law.

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 to 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 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 July 6, 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 January 2, 2018.

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 27, 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 generally 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, 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 San Gabriel area of Los Angeles County by approximately 2 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 404 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)].

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 provision of law.

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 to 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 3. DEPARTMENT OF PESTICIDE REGULATION

Respiratory Protective Equipment — Filtering
Facepiece Definition
DPR Regulation. No. 17-002

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6000 and 6739(b)(3). The pesticide regulatory program activities affected by the proposal are those pertaining to pesticide worker safety. In summary, the proposed action will update and clarify the definition of a filtering facepiece respirator.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on November 27, 2017. Comments regarding this proposed action may also be transmitted via e-mail to <dpr17002@cdpr.ca.gov> or by facsimile at 916-324-1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR's mission is to protect public health and the environment from the adverse effects of pesticide use. The Food and Agricultural Code (FAC) requires that DPR adopt regulations that provide for safe working conditions for persons handling pesticides and working in and about pesticide-treated areas, including regulations on the subject of respiratory protection.

DPR has a full respiratory protection program equivalent to the U.S. Department of Labor's Occupational Safety and Health Administration and the California Department of Industrial Relations's Division of Occupational Safety and Health. However, DPR's respiratory protection program requirements in 3 CCR section 6739 are specifically designed to cover respiratory protection worn by employees working with pesticide materials. Also, there are definitions in 3 CCR section 6000 to clarify terms used in section 6739.

The National Institute of Occupational Safety and Health (NIOSH) specifies minimum approval requirements for respiratory devices in Title 42 Code of Federal Regulation (CFR) Part 84. Particulate filtering facepiece respirators are classified under the Testing and Certification (TC)-84A protocol.

The term "dust mask" does not adequately describe the filtering capability of the respirator under the TC-84A protocols. Additionally, non-NIOSH-approved masks, often described as "dust masks"

(though technically "non-toxic dust masks") may be confused with NIOSH-approved filtering facepiece masks. An Internet search of the phrase "dust mask" brings up a collection of both NIOSH-approved and unapproved items. NIOSH does not use the phrase "dust mask."

The regulatory requirement found in 3 CCR section 6739(c) requires the employer to provide a respirator approved by NIOSH. However, the filtering facepiece definition in 3 CCR section 6000 referencing a "dust mask" conflicts with this requirement and causes confusion about whether one must comply with the definition or the actual protective measures in subsection (c).

DPR proposes to specify in the definition that a filtering facepiece is one that is NIOSH-approved, and remove the term "dust mask" in the section 6000 definition to reduce ambiguity of the type of filtering facepiece that is allowed.

DPR also proposes to delete the obsolete reference to "dust mask" in 3 CCR section 6739(b)(3).

Adoption of these regulations will provide a benefit to worker safety. The FAC requires that DPR adopt regulations that provide for safe working conditions for persons handling pesticides and working in and about pesticide-treated areas, including regulations on the subject of personal protective equipment and other protective devices. The regulations clarify and reduce ambiguity of current respiratory protection requirements, ensuring that pesticide users correctly comply with respiratory protection requirements that benefit worker safety.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. Although DPR and the California Department of Industrial Relations, Division of Occupational Safety and Health, have regulatory mandates to protect workers from health and safety hazards in workplaces, DPR enforces pesticide laws in workplaces where pesticides are used.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulation action.

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation 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.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California because the proposed regulation is clarifying and reducing ambiguity with existing respiratory requirements.

The proposed regulations will benefit worker safety by reducing the risk of pesticide poisonings and injuries among pesticide handlers and other agricultural workers exposed to pesticides. Ensuring that pesticide users comply with the newly adopted regulations will benefit

worker safety. Implementation of the proposed regulations will not adversely affect the health and welfare of California residents or the environment.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 12981.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 12980 and 12981.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa–Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812–4015
916–445–3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back–up person at the same address as noted below:

Harvard Fong, Senior Industrial Hygienist
Worker Health and Safety Branch
916–445–4211

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR’s Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the documents can be made available in another language, or an alternate form as a disability–related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR’s Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 12. CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CalVet) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

CalVet has not scheduled a public hearing on this proposed action. However, the Department will hold a

hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, not 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 CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653–2456 or by e–mail to phil.mcallister@calvet.ca.gov. The written comment period closes at **5:00 p.m. on November 27, 2017**. CalVet will consider only comments received at CalVet offices by that time. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator
California Department of Veterans Affairs
1227 O Street, Suite 300
Sacramento, California 95814
phil.mcallister@calvet.ca.gov

AUTHORITY AND REFERENCE

Authority cited: The Statutes of 1990, Chapter 535, Section 2; The Statutes of 1993, Chapter 138, Section 4; and Section 700, Military and Veterans Code (M&VC). Reference: Sections 74, 79, 970, 972, 972.1 and 972.5, M&VC.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

A. Informative Digest

Current laws and regulations govern the State General Fund Subvention Program requirements for County Veterans Service Offices (CVSO) to qualify for funding. M&VC Sections 970–974.5 specify general overview of the county subvention program, basic requirements of each County, requirements by CalVet to report to the Legislature and state agencies annually, and general distribution of funding. 12 California Code of Regulations Sections 450–455 govern more specific details of the county requirements and distribution of funding.

The specific purpose for each proposed amendment or adoption is as follows:

Section 451(a)(1) — It is necessary to add requirements for a county to continue to receive subvention funding in the event that the CVSO position is vacant. As in any organization, normal turnover will and does occur due to attrition and retirement. The current regulation does not allow any vacancy of the CVSO position; this proposed regulation allows a reasonable grace

period for the county to fill the position to stay in compliance and not be at risk of losing subvention funding. Whether the position is filled or not, CalVet requires forms and reports to be submitted with the CVSO's signature, so the Delegated Authority letter from the County Board of Supervisors will authorize a county employee to sign and submit the requirements while the CVSO position is vacant. Also, this regulation requires the county to fill the CVSO position within six months. Without this section, counties would unfairly lose subvention funding when the normal turnover of a position occurs. The financial hardship could be great for large counties receiving significant subvention funding upon which they depend for normal operations.

Section 452(a)(1) — It is necessary to change “CDVA” to “the Department” to mirror the rest of this section. In all other subsections, the California Department of Veterans Affairs is referred to as the Department.

Sections 452(d)(2) and 452(d)(3) — It is necessary to specify that the CVSO and Veterans Service Representative not only obtain accreditation, but also maintain the accreditation. The purpose of the section is to require ongoing accreditation. Without adding “and maintains,” the section only requires individuals to pass the exam once and not maintain ongoing accreditation.

Section 452(d)(2) — It is necessary to add a statement regarding requirements for the county when the CVSO position becomes vacant. As in any organization, normal turnover will and does occur due to attrition and retirement. This proposed regulation will ensure that the county has an accredited CVSO within 18 months of the position being vacant. Without this section, the county could potentially appoint a new officer every six months, but never have a CalVet-accredited CVSO. CalVet accreditation ensures the State that CVSOs overseeing the operations using state funding possess at least a minimum knowledge of United States Department of Veterans Affairs (USDVA) regulations.

Section 453(b)(1)(B) —

- The Department's intent on providing a standard allocation of \$12,000 to all counties, no matter their size, was for overall budgeting reasons. The total budget allocation from Subvention is \$12,000 multiplied by the number of participating counties. The Department's expectation was always that larger counties would be able to send more than two representatives because many of the smaller counties are not able to send two representatives to each conference. It is necessary to change the wording, as well as remove the statement that “up to \$9,000 per County Veterans Service Office” will be allocated each year to align with accepted practice.

- It is also necessary to specify that the county will receive \$1,500 each for the CVSO and one other county representative because that was the original intent as well as the current practice. Without the addition of the word each, the regulation may be read that only \$1,500 total for both representatives would be reimbursed.
- It was necessary to add that any county wanting to send more than two representatives to a conference must first receive approval by the Department in order to ensure that adequate training funds remain to cover the additional staff. Without this section, then any county could send as many staff members as they want, and the training funds would be unable to cover these individuals.

Section 453.1(a) — The first part of this section was deleted because it is outdated after 1995 and irrelevant moving forward. The word “semi-annually” was added to further clarify that two payments are made each year on the dates specified.

Section 453.1(a)(1) — The program coding has changed from 20 to 6995 due to the implementation of the new Financial Information System for California (FISCAL).

Section 453.1(a)(2)(A) — It is necessary to add this section to address the procedures for distribution of the technical budget adjustment in the Budget Act of 2017, which included an additional \$35,000 in funding for a CVSO mentor program funded by the Veterans Service Office Fund (VSOF). Without this section, there wouldn't be any established expectations by the Department and CVSOs for use of the funds for the CVSO mentor program.

Section 453.1(a)(2) — The rest of the sections in Section 453.1(a)(2) were renumbered accordingly after the addition of section (A), described above. Also, references to subsections were also changed to reflect the updated subsection numbers.

Section 453.1(a)(2)(C) — The semi-annual reports of net expenditures are not due to the Department until January 31st and July 31st in order for the semi-annual payments to go out on time, so the regulations were amended to reflect these dates. The Department is not aware of the reasons for the original regulation deadlines, but for almost 20 years, the deadlines have been January 31st and July 31st. Without this section, the CVSOs and the Department would be out of compliance in the distribution of the funding by following normal program requirements.

Section 453.1(b) — Because of the addition of Section 453.1(a)(2)(A), references to subsections were also changed to reflect the updated subsection numbers.

Section 453.1(e) — It is necessary to add this section to address the requirements for the new CVSO mentor program funded by the VSO. Without this section, the Department and CVSOs would not have any requirements in order for the CVSOs participating in the mentor program to be reimbursed.

Section 453.1(e)(1) — This section is necessary in order to clarify that the only travel expenses that will be reimbursed through this program are those that are approved in advance, and in writing by the lead county. Without this section, the CVSOs would expect payment for any trip they considered part of the mentor program. This could result in reimbursements totaling more than what is available or unauthorized travel of which the California Association of County Veterans Service Officers (CACVSO) and the Department are unaware.

Section 453.1(e)(2) — It is necessary to add this section to require the counties to initially process and pay for the county employee's travel, per the county's policies. Without requiring the counties to reimburse their employees first, the county employees would expect the Department to reimburse them directly. The Department would not be able to reimburse the travel claims on an individual basis. The Department currently distributes VSO funding twice each year per Section 453.1(a)(2). The CVSO mentor program is expected to consist of 20 trips per year. The Department would not be able to process an additional 20 non-employee claims (more complicated than employee claims) each year with existing staff.

Section 453.1(e)(3) — This section is necessary to require the counties to release copies of the actual travel expense claims to the lead county and the Department as proof for the amount of travel that should be reimbursed to the county. Without these copies, the Department would require a separate travel claim be created and submitted for reimbursement.

Section 453.1(e)(4) — This section is necessary to limit the travel expenses to those that are per established county policy. Without this section, it might be unclear that employees need to follow the same travel expense rules as they do for the county (typically utilizing the least expensive form of transportation, hotels, etc.).

Section 453.1(e)(5) — This section entitles the county to an administrative fee for processing the travel claim for the county employee for the purposes of the CVSO mentor program.

Section 453.1(e)(6) — It is necessary to add this section to establish the required process for submitting requests for reimbursement for the CVSO mentor program to the Department. Without a standardized procedure for all participating counties, the counties would submit requests in any way they chose, which would be chaotic and could lead to lost requests for reimbursement.

Section 453.1(e)(7) — This section is necessary to describe the requirements and role of the lead county for the mentor program. Without this section, these duties may not be performed or assumptions may be made whether the Department or counties were going to perform the duties.

Section 454(a) — The word "Care" was added to correct the name of the California Department of Health Care Services (DHCS) in the section, as well as the "C" in the acronym of the department's name.

Section 454(b) — In current practice, the Department distributes the first payment for Medi-Cal Cost Avoidance by May 15th of each year, per the current contract with DHCS. It was necessary to amend the regulations to reflect the correct date. The Department is not aware of the reasons for the original regulation payment date, but as far back as about 20 years, the first payment has been May 15th. Without this section, the CVSOs and Department would be out of compliance in the distribution of the funding by following the normal program requirements.

Section 454(c) — In current practice, the Department distributes the semi-annual payments for Medi-Cal Cost Avoidance by May 15th and December 15th of each year, per the current contract with DHCS. It was necessary to amend the regulations to reflect the correct date. The Department is not aware of the reasons for the original regulation payment date, but for almost 20 years, the second payment has been December 15th. Without this section, the CVSOs and Department would be out of compliance in the distribution of the funding as currently stated.

Section 454(f) — In current practice, the Department distributes the semi-annual payments for Medi-Cal Cost Avoidance by December 15th of each year, per the current contract with DHCS. It was necessary to amend the regulations to reflect the correct date. The Department is not aware of the reasons for the original regulation payment date, but for at least 20 years, the second payment has been December 15th. Without this section, the CVSOs and the Department would be out of compliance in the distribution of the funding as currently stated.

Section 455(a) — The Section numbering for Section 452 changed from (b) to (f) (effective 10/1/16), and so this reference to that section must also be updated to reflect the correct section.

Section 455(a)(1) — It was necessary to change the instructions for appeals to be directed to the Deputy Secretary of the Veteran Services Division (VSD) of the Department, instead of the Secretary of the Department, because programs and the appeal review is more appropriate within the program. In addition, it was necessary to add that the required appeal procedures are in the document incorporated by reference to ensure that all

counties adhere to them. Without these changes, the counties would be unaware of the timelines and steps required for appeals.

Section 455(a)(2) — This section was changed according to 455(a)(1) to address the appeal to the Deputy Secretary for the VSD instead of the Secretary. The requirement to send the appeal by certified mail was removed because most appeals are now sent through email.

Section 455(a)(3) — Because of the revisions to Section 455(a)(1) which gives authority to the Deputy Secretary of the Department to decide appeals, it is appropriate for the Deputy Secretary to delegate that authority to the Assistant Deputy Secretary of the VSD.

Section 455(a)(4) — The requirement to send the appeal by certified mail was removed because most appeals are now sent through email.

UPDATED DOCUMENT INCORPORATED BY REFERENCE

The *CalVet Procedure Manual for Subvention and Medi-Cal Cost Avoidance dated January 1, 2018* is incorporated by reference because it is needed to clarify Military and Veterans Code sections 970–974.5 and CCR (Title 12, Division 2, Chapter 3, Subchapter 4) in regards to the procedures for the County Subvention and Medi-Cal Cost Avoidance programs. This document was developed in collaboration with the CACVSO. Drafts were given to the CVSOs throughout the meeting to discuss and agree upon proposed changes.

The following changes were made to the document between the October 1, 2016 version and the January 1, 2018 version.

Changes Related to the Subvention Program Section of the Manual

- Subvention Program Administrative Requirements & Penalties section added to include a timeline for penalties, if required documents are not submitted timely. Also added are penalties for not achieving CalVet accreditation within the required time period. Without this section, the Department would not be able to implement specific consequences for CVSOs failing to meet deadlines and CVSOs would not have notice these practices.
- CalVet College Tuition Fee Waiver term “appointees” changed to “designees” to reference language stated in 12 CCR Section 441.

- CalVet College Tuition Fee Waiver example updated to reflect 2016/17 academic year and language added to clarify DVS 40 claims under Plan C and Plan D are to be forwarded to CalVet for eligibility determination.
- CalVet College Tuition Fee Waiver Delegation of Authority letter. Language added to clarify that the letter is to be completed prior to the start of the six month delegation of authority period.

Changes Related to the Medi-Cal Cost Avoidance Section of the Manual

- Language added to note that Medi-Cal approved aid codes will be provided by DHCS semiannually instead of one list of approved aid codes for the entire fiscal year.
- Language referencing manual entries in specific columns of historical hardcopy worksheet struck as VetPro automation removed the need for manual entries on the hardcopy worksheet.
- Exception of an additional DHCS benefit enhancement activity for an application for healthcare benefits restated in restrictions for clarity.

Changes Related to the Workload Units/Auditable Forms Section of the Manual:

- For clarity, the informal claim language was struck, leaving only intent to file language.
- Supporting documentation to substantiate workload unit activity language restated at beginning of section for clarity.
- Auditable forms updated to include “P” for USDVA forms that were updated (e.g., 21P–527EZ, 21P–534EZ, and 21P–601).
- 21–4138 non-auditable reason #14 struck as request to reopen closed claim to be submitted on 21–526EZ.
- For DD–2860, the manual was changed to allow 1 WLU for the award for the combat related special compensation.

Changes Related to the Award Register Section of the Manual:

- Language stating all awards posted after July 1, 2014 will be posted at the new workload levels struck as this language is outdated.

Changes Related to the Medi-Cal Cost Avoidance Awards Register (DVS 20 MC):

- References to specific part of manual hardcopy worksheet struck as VetPro automation removed the need for hardcopy worksheet.

Changes Related to the Workload Verification and Audit Protocol Section of the Manual:

- CalVet Spot audit language changed to CalVet College Tuition Fee Waiver Program audit as this audit will only audit DVS 40 application packages.
- Additional DVS 40 sample size language added stating that counties that have had historical problems processing DVS 40 claims may have DVS 40 claims sampled during Subvention program audit.
- General sample size tables adjusted to show 75% of 21–4138 claims and 75% of DHCS benefit enhancement claims will be reviewed.
- Audit appeal language restated to allow CVSO to appeal audit findings within 30 days of the audit findings per 12 CCR Section 455(a)(1).

B. Policy Statement Overview

CalVet's VSD is tasked with connecting veterans and their families throughout the state with the benefits and services earned through their sacrifice and service to our country. To perform this critical mission, the VSD provides advocacy, education, and service assistance to veterans and their families as they attempt to access their state and federal benefits.

With nearly 1.7 million veterans currently living in California, and an additional 30,000 returning to California each year, CalVet's efforts to accomplish VSD's goals requires coordination and collaboration with the network of veteran service providers on the federal, state, and local level. Fostering strong relationships with this state-wide system of care enables the VSD to act as a conduit for veterans, their families, to the services they have earned.

CalVet and CVSO have a long standing partnership that provides veterans the ability to access their benefits and services in the counties where they reside. The state provides \$5.6 million in a County Subvention program annually to support CVSOs efforts to provide veterans and their families with benefits and services. CalVet is charged with the responsibility to oversee the distribution of subvention funding based on an incentivized formula developed by CalVet.

Requirements for counties and CVSOs are established in CCR Sections 450–455 to include procedures for CalVet to audit and distribute subvention funding. The purpose of these proposed changes to existing regulations is to clarify some of the language and add a section in the VSOF section regarding procedures for a new mentor program.

Anticipated Benefits of the Proposed Regulation:

These regulations establish a baseline level of knowledge requirement for CVSOs and their staff filing claims for USDVA benefits, which may improve services to Californians. These regulations also establish

policies to ensure CalVet maintains proper oversight for the state CVSO subvention program, thus increasing transparency of state policies in regards to the county subvention program. These regulations also require CVSOs to report metrics regarding outreach activities to CalVet, which will also increase transparency of CVSO work and enable CalVet to meet statutory requirements to report the outreach activities of CVSOs in an annual report to the Legislature, Department of Finance, California Veterans Board, and DHCS. (M&VC Section 974(c)). The purpose of these proposed changes to existing regulations is to clarify some of the language and add a section in the VSOF section regarding procedures for a new mentor program. By providing the proper regulations to require CVSOs to adhere to CalVet policies and procedures for receiving county subvention funding, the State of California and its residents will benefit from CVSOs in their communities providing high-quality services to veterans and their families.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

After conducting an evaluation for any regulations related to this area, CalVet has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate or affect these regulations, CalVet has concluded that these regulations support and clarify all statutes in the M&VC sections 970–974.5. These are the only regulations pertaining to the county subvention program.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalVet has made the following initial determinations:

Mandate on local agencies and school districts: These regulations will create a local mandate on counties. Counties will be required to ensure all CVSO directors (County Veterans Service Officers) as well as county veterans service representatives who file USDVA claims are accredited by CalVet within 12 months of hire. This mandate requirement is reimbursable by the state in the way of funding provided through the county subvention program to mitigate the costs of travel to attend the accreditation training and exam.

Cost or savings to any state agency: No additional cost or savings to state agencies; in the case that a county does not receive their full allocation of funds, CalVet redistributes the funding to the qualifying counties.

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. CalVet provides funding to assist

with expenses incurred with attending the required training.

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

Cost impacts on a representative private person or businesses: CalVet 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, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

CalVet does not anticipate that there will be significant impacts on the public, private persons, or business due to the proposed regulation. (1) CalVet does not anticipate that there will be an expansion of existing business in California. (2) CalVet does not anticipate that jobs will be created (including state jobs as the current workload for CalVet staff is absorbed with existing resources); none will be eliminated. (3) CalVet does not anticipate that new businesses will be created or that existing businesses will be eliminated; (4) CalVet has determined that it is unlikely that the proposal will affect the expansion of businesses currently doing business.

Benefits of the Proposed Action:

The proposed regulation will ensure CalVet is able to provide proper oversight and accountability for the state CVSO subvention program. The result of the regulations include improved knowledge base of claims representatives as well as transparency in the county subvention program. These improvements may improve the health and welfare of California's veterans and their families through higher quality claims and best use of state funding in support of CVSOs.

Small Business Determination:

CalVet has determined that the proposed regulation will not affect small business. The proposed regulation will not affect small businesses because it is only pertaining to counties.

Business Report

The proposed regulation does not require a business report.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), CalVet must determine that no reasonable alternative it considered or that has

otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Phil McAllister, Regulatory Actions Coordinator
California Department of Veterans Affairs
1227 O Street, Suite 300
Sacramento, California 95818
Telephone: (916) 653-1961
Fax: (916) 653-2456
Email: phil.mcallister@calvet.ca.gov

The backup contact person for these inquiries is:

Angela Yamamoto
Veteran Services Division
1227 O Street, Room 105
Sacramento, CA 95814
Telephone: (916) 651-3068
Fax: (916) 503-8027
Email: angela.yamamoto@calvet.ca.gov

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

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

CalVet 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 will consist of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies of the exact language (express terms) of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained by contacting Phil McAllister at the address or phone number listed above. These docu-

ments may also be viewed and downloaded from the CalVet website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet 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 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet 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 Phil McAllister 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 <https://www.calvet.ca.gov/about-us/laws-regulations>.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6 AMEND ARTICLE 1, SECTION 1152.6.1

Explosives Routes and Stopping Places (CHP-R-2017-08)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Division 2, Chapter 6, Article 1 regarding designated routes for the transportation of explosives by commercial vehicles on highways in the state.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Division 14, Transportation of Explosives, commencing with Section 31600 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of explosives by commercial vehicles on highways. The CVC requires the CHP to keep information current in regulations with maps indicating designated routes. The CHP's field commands conduct annual surveys on the routes and stops for the transportation of explosives to determine if changes are necessary. The proposed regulation amendments will improve explosives routes by removing 4.3 miles and extending 42.4 miles of currently designated routes specified in Section 1152.6.1 CCR, Routes — Map 16A for the San Diego area. These updates will reduce the potential risks associated with the transportation of explosives and enhance public safety in this area.

Proposed amendments received concurrence from the CHP's Border Division, San Diego Fire Department, San Diego County Fire Authority, State Fire Marshal, and California Department of Transportation.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of health, safety, and welfare of California's residents, workers, and environment because changes to the application of the regulation are not substantive, and bring the regulation in conformance with existing statute. Updating designated routes for carriers transporting explosives is clarifying in nature and all changes are for transportation safety and public health.

During the process of developing these regulations and amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing federal and state regulations.

PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., November 27, 2017.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS) no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Officer Adam Roha at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) 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.

Benefits of the Proposed Action: The proposed regulation updating designated routes for carriers transporting explosives will continue to provide benefits that include a nonmonetary benefit to the protection of public health and safety for residents and workers, and the protection of the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP 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 CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the routes for commercial vehicles transporting explosives on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to af-

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 CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 31616 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616 CVC.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

FEDERAL POST-CLOSURE RULE DRAFT STATE REGULATIONS, ADDITION OF ENFORCEABLE DOCUMENTS AND FLEXIBILITY FOR POSTCLOSURE REQUIREMENTS

Department Reference Number: R-2017-02

**Office of Administrative Law Notice File Number:
Z-2017-1003-03**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to adopt California Code of Regulations (CCR), Title 22, Division 4.5, sections 66264.90, 66264.110, 66264.121, 66265.90, 66265.110, 66265.121, 66270.1, 66270.14, and 66270.28, pursuant to Senate Bill No. 1325 (de León), approved by Governor Brown and filed with the Secretary of State on September 26, 2016.

PUBLIC WORKSHOP

DTSC will hold one public workshop on the proposed regulations at the following time and location:

DATE: November 2, 2017
TIME: 2:00 p.m. – 4:00 p.m. PDT
LOCATION: 8800 Cal Center Drive
Sacramento, California 95826
Board Room

WEBCAST

LINK: <https://video.calepa.ca.gov/>

At the time and location listed above, any person(s) may ask questions about the proposed rule in a workshop setting. The workshop will convene at 2:00 p.m. PDT and will remain open until 4:00 p.m. PDT, or until attendees have no further questions, whichever occurs first. Attendees are also welcome to attend the public hearing to have questions or comments on record.

PUBLIC HEARING

DTSC will hold a public hearing on the proposed regulation at the following time and location:

DATE: December 1, 2017
TIME: 2:00 p.m. – 4:00 p.m. PDT,
or until attendee testimony
concludes, whichever occurs first
LOCATION: 8800 Cal Center Drive
Sacramento, California 95826
Board Room

WEBCAST

LINK: <https://video.calepa.ca.gov/>

At the time and location listed above, any person(s) may present statements or arguments, orally or in writing, relevant to this proposal described in the Informative Digest. The public hearing will convene at 2:00 p.m. PDT and will remain open until 4:00 p.m. PDT, or until no more attendees present testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. DTSC requests persons who wish to speak to please register before the hearing. Pre-hearing registration is conducted at the location of the hearing from 1:00 p.m. PDT until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in upon arrival to the Sacramento DTSC Regional Office at the administration desk on the first floor of the building. Please ask the guard at the security desk for directions. Be sure to allow adequate time to sign in and receive a visitor badge before the public hearing begins.

NOTICE PERTAINING TO ACCESSIBILITY & REASONABLE ACCOMMODATION

All documents related to this regulation can be made available in alternate format (e.g. Braille, large print,

etc.) or in another language, as requested, in accordance with State and Federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact the following staff person as soon as possible, preferably no later than 10 business days prior to the scheduled hearing:

Ms. Litiana Patino
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Litiana.Patino@dtsc.ca.gov
Phone: (916) 324-3095

TTY/TDD/Speech-to-Speech users may dial "7-1-1" for the California Relay Service.

WRITTEN COMMENT PERIOD

A 45-day public comment period for this rulemaking file, as described above, will commence on October 13, 2017 and close on December 1, 2017 at 11:59 p.m. PDT. During this time, DTSC will accept statements, arguments, or contentions and/or supporting documents regarding this rulemaking that must be submitted in writing, or may be presented orally or in writing at the public hearing. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

Any interested person(s) or their authorized representative(s) may submit written comments relevant to the proposed regulatory action to DTSC in either electronic or hard-copy formats.

Written comments may be submitted electronically through the DTSC regulations email address at mary.gaspari@dtsc.ca.gov or please direct hard-copy written comments to:

Ms. Mary Gaspari
Engineering Geologist
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Attn: Postclosure Rule
E-Mail: mary.gaspari@dtsc.ca.gov
Fax Number: (916) 255-3734

AUTHORITY & REFERENCE

Authority

These regulations are being adopted under the following authorities:

Senate Bill No. 1325 (de León), approved by Governor Brown and filed with the Secretary of State on September 26, 2016, which amended Section 25247 of the Health and Safety Code.

Reference

These regulations implement, interpret, or make specific the following statutes:

- Health and Safety Code sections 25150 and 25159. These sections require DTSC to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment.
- Health and Safety Code section 25245. This section requires DTSC to adopt, and revise when appropriate, standards and regulations that specify financial assurances for owner and operators of hazardous waste facilities that close or leave hazardous waste in place for long-term containment and monitoring.
- Health and Safety Code section 58012. This section allows DTSC to adopt and enforce rules and regulations for the carrying out of DTSC's duties.
- Health and Safety Code section 25247(f) (Stats. 2016, c. 676 (SB 1325) §1.5, eff. 1/1/17)). This section allows DTSC to use enforcement agreements or orders to impose postclosure plan requirements until January 1, 2009.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement Overview

Senate Bill No. 1325 (de León), approved by Governor Brown, and filed with Secretary of State on September 26, 2016, amended Section 25247 of the Health and Safety Code. This Senate Bill restores the authority of DTSC to impose postclosure requirements through an enforcement order or an enforceable agreement and requires DTSC, on or before January 1, 2018, to adopt regulations to impose postclosure plan requirements.

The proposed draft rulemaking incorporates select text and concepts based on the Federal Post-Closure Rule of 1998. The proposed rule will provide flexibility for DTSC to use enforceable documents to authorize hazardous waste postclosure activities at hazardous waste facilities subject to postclosure care.

Proposed regulation

The proposed rulemaking would provide flexibility for DTSC to use enforceable documents such as agreements or orders at facilities with hazardous waste left in place that need or already have a hazardous waste post-

closure facility permit. The rule allows the use of alternative mechanisms, such as an order, a plan, or other document issued consistent with a corrective action order or a remedial action order issued pursuant to Health and Safety Code sections 25187 or 25355.5(a)(1)(B). The ability to use enforceable documents provides flexibility and allows DTSC to use the appropriate authority available at all facilities. DTSC believes this approach will provide environmental results and eliminate redundant processes.

Anticipated Benefits

Pursuant to the proposed regulations, DTSC is allowed flexibility to issue an enforcement mechanism in lieu of a postclosure permit as long as the enforcement mechanism is adequately protective of human health and the environment, and the Federal and State requirements, including this new rule, are met. Cost of managing waste in place at each facility varies. Facilities currently subject to hazardous waste permitting requirements are regulated by DTSC. Most, if not all, facilities where the proposed regulations could be applied have been documented by DTSC and DTSC anticipates minimal application/demonstration costs.

The proposed regulation would improve the efficiency and effectiveness of DTSC's process to impose postclosure care requirements with well-known and widely used tools. Enforcement orders and other enforceable documents are commonly used to require and assure compliance with other Federal and State hazardous waste control requirements, and to mitigate environmental risks at regulated facilities. In certain circumstances, the enforcement orders and other enforceable documents will provide a more efficient and effective mechanism to impose postclosure care requirements. In particular, when a facility has closed, the former owner or operator may not have the resources or incentive to promptly provide a complete application for a postclosure permit, which can significantly delay the permit process. In addition, if the facility closed because it could not meet all applicable requirements, particularly those for groundwater monitoring or financial assurance, DTSC may not be able to make the required compliance findings to approve and issue the postclosure permit.

Summary of Existing Statutes and Regulations

The proposal would amend CCR, Title 22, Division 4.5. Environmental Health Standards for the Management of Hazardous Waste, Sections 66264.90, 66264.110, 66264.121, 66265.90, 66265.110, 66265.121, 66270.1, 66270.14, and 66270.28. These regulations govern the applicability and performance standards for owners and operators of hazardous waste transfer, treatment, storage and disposal facilities.

All citations are to provisions of CCR, Title 22, Division 4.5. These regulations address hazardous waste permitted facilities (Chapter 14) and interim status facilities that have never received full authorization or a postclosure permit (Chapter 15). In general, Chapter 14 standards are quite similar, but not equivalent to, Chapter 15 standards. Often, the proposed revision found in Chapter 14 has a nearly identical revision proposed in Chapter 15, and both share the same basis for the proposed change. Changes to Chapter 14 for permitted facilities are discussed below. Changes to Chapter 15 for interim status facilities follow the Chapter 14 discussion.

Relation to Existing Federal Regulations

The proposed draft rulemaking allows use of alternate mechanisms for facilities that were formerly permitted or never received a permit. DTSC believes this flexibility allows DTSC to use the appropriate authority available at all facilities. This choice may be based on many factors, including the specific conditions at the facility, availability of approved alternative cleanup authorities, and recalcitrance of the facility owners or operators. DTSC believes this approach will provide environmental results and eliminate redundant processes without compromising enforceability for DTSC or for the U.S. Environmental Protection Agency (EPA).

The proposed regulation is not "broader in scope" than a Federal requirement and would not impede the scope of EPA's enforcement at permitted or previously permitted facilities. The ability to use an alternative enforcement mechanism, rather than a permit, is not a State requirement that "increase(s) the size of the regulated community or universe of waste beyond what is covered by the Federal program through either directly enforceable (i.e., independent) requirements or certain conditions for exclusion." (See, EPA OSWER Doc: Determining Whether State Hazardous Waste Requirements are More Stringent or Broader in Scope than the Federal RCRA Program (12/23/2014).)

For postclosure care, the requirement to conduct postclosure care does not lapse until the facility cleans or removes all contamination at the facility. Any expiration of a permit or State failure to issue a permit is irrelevant. EPA retains authority to initiate an enforcement action or issue a new permit pursuant to 40 C.F.R. section 270.51(c). (See also, EPA OSWER Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA.) In short, DTSC is simply seeking a means of adding a legally permissible remedy for addressing environmental problems already sanctioned in the Federal Post-Closure Rule.

DTSC uses alternative enforcement mechanisms at these sites for a number of reasons including our ability

to address non-RCRA releases, seek cost recovery, and compelling other responsible parties, such as generators, to carry out response or remedial activities. In these cases, DTSC has made the decision that alternative enforcement mechanisms and statutory authorities are the preferred tool to seek superior environmental outcomes. DTSC is seeking to remove the redundant process of a postclosure permit that would be exclusively an administrative activity. In all these cases, the RCRA permitting requirements would not be terminated, but deferred while DTSC pursues response actions under enforcement or other authorities. This is analogous to the actions that EPA takes at Superfund sites. DTSC is aware of other states that have applied the alternative enforcement mechanism to facilities that previously had a permit.

Relation to Existing State Regulations

EPA and DTSC have encountered two major difficulties when issuing postclosure permits. First, some facilities chose to close, or are forced to close, because they cannot comply with permitting requirements, particularly groundwater monitoring and financial assurance. If a facility cannot meet these requirements, DTSC cannot issue a permit to a facility that is not in compliance with applicable requirements at the time of permit issuance. (Health & Saf. Code, § 25200; see also, 42 U.S.C. § 6925(c).) Second, owners or operators often have little incentive to seek a postclosure permit because the facility is not operating and is not generating any revenue. Without a strong incentive on the part of the facility owner or operator to provide a complete application, the permitting process can be significantly protracted.

To address environmental risk at facilities, DTSC uses a variety of legal authorities, including permits, enforceable orders and other enforceable documents. Prior to this rule, DTSC was still required to issue a postclosure permit even where the environmental risks associated with the facility were addressed through other authorities.

The Federal Post-Closure Rule limits the use of alternate mechanisms to facilities that have not received permits. (63 Fed. Reg. 56710, 56717 (10/22/98).) With this draft proposed rulemaking, DTSC is not limiting the use of alternate mechanisms to non-permitted facilities because about ten facilities (Permitting EnviroStor; March 2017) are operating under expired postclosure permits or are already subject to an agreement or order that would require amendment to include postclosure requirements. DTSC believes this flexibility provided by the rule allows DTSC to use the appropriate authority available at all facilities. This choice may be based on many factors, including the specific conditions at the fa-

cility, availability of approved alternative cleanup authorities, and recalcitrance of the facility. DTSC believes this approach will provide environmental results and eliminate redundant processes without compromising enforceability for DTSC or for EPA.

Evaluation of Inconsistency or Incompatibility With Existing State Regulations

DTSC has reviewed existing state regulations and evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. DTSC has determined that the proposed regulations are the only state regulations governing the use of alternative enforcement mechanisms such as orders in lieu of postclosure permits. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DTSC determined that the proposed changes to these regulations will not impose a local mandate on local agencies or local school districts.

OTHER NON-DISCRETIONARY COST OR SAVINGS IMPOSED ON LOCAL AGENCIES

There are no other nondiscretionary cost or savings imposed on local agencies.

COST TO ANY LOCAL AGENCIES OR SCHOOL DISTRICTS REQUIRING REIMBURSEMENT PURSUANT TO GOVERNMENT CODE SEC. 17500 et seq.

The proposed regulations are not anticipated to result in any cost to local agencies or school districts requiring reimbursement pursuant to Government Code section 17500 et seq.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

DTSC does not anticipate any changes to Federal funds that the State of California receives. DTSC does not receive any Federal funds for water pollution control.

DETERMINATION OF NO SIGNIFICANT STATEWIDE ECONOMIC IMPACT

DTSC has made an initial determination, found through the economic impact assessment, that the proposed regulation 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.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The cost of managing waste in place at each facility varies. Facilities currently subject to hazardous waste permitting requirements are regulated by DTSC. Most, if not all, facilities where the proposed regulations could be applied have been documented by DTSC and DTSC anticipates minimal application/demonstration costs.

The number of hazardous waste owners/operators affected by the proposed regulation is small, approximately 21 facilities. Although the total fiscal impact to facilities is unknown, a small cost savings is possible due to fewer required administrative activities associated with orders relative to permits.

EFFECT ON SMALL BUSINESSES

The hazardous waste facilities, including some small businesses, which could be subject to the proposed regulations are already regulated by DTSC. The number of the affected facilities is small, approximately 21 facilities. DTSC anticipates minimal application/demonstration costs to be incurred by the facilities as a result of these regulations. In fact, some cost savings for the facilities is possible due to fewer required regulatory or administrative activities associated with issuance of enforcement documents as opposed to issuance of postclosure permits. DTSC has determined that the proposed regulations would not impact small businesses.

EFFECT ON HOUSING COSTS

DTSC determined that the proposed changes to the regulations will not impact housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Pursuant to the proposed regulations, DTSC is allowed flexibility to issue an enforcement mechanism in lieu of a postclosure permit as long as the enforcement mechanism is adequately protective of human health and the environment and the Federal and State requirements, including this new rule, are met. Costs of managing waste in place at each facility varies. Facilities currently subject to hazardous waste permitting requirements are regulated by DTSC. Most, if not all, facilities where the proposed regulations could be applied have been documented by DTSC and DTSC anticipates minimal application/demonstration costs.

The proposed regulations do not affect local or Federal regulatory agencies. DTSC currently has sole oversight responsibility for all facilities subject to the proposed regulations and is the only State agency affected by the proposal. Increased workload for preparation and oversight of orders and enforceable documents would be offset by the reduction in permitting activities at land disposal sites. Affected facilities would pay costs associated with issuance of the enforceable documents in lieu of permit fees.

DTSC anticipates approximately 21 postclosure care sites are candidates to be affected by this rule.

Due to the small number of hazardous waste facilities that may be potentially affected by the proposed regulations and the relatively small difference in costs incurred by the facilities or by DTSC, DTSC has determined that the proposed regulations would not have any impact on (1) the creation or elimination of jobs within the State of California; (2) the creation of new business or the elimination of existing business in the State of California; or (3) the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DTSC 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 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 recommended alternative allows DTSC to use orders or other enforceable documents to be issued to owners and operators of hazardous waste management units subject to postclosure care or permit requirements in lieu of a proposed or existing postclosure permit. In the event the rule does not go into effect, Senate Bill No. 1325 would be not be met as the postclosure regulation is required to be in place on or before January 1, 2018.

OTHER APPLICABLE REQUIREMENTS
PRESCRIBED BY STATUTE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

After a preliminary evaluation DTSC determined a Notice of Exemption pursuant to California Code of Regulations, title 14, section 15061(b)(3), is applicable to fulfill CEQA requirements.

CONTACTS

Inquiries regarding technical aspects of the proposed regulation or CEQA documents may be directed to Ms. Mary Gaspari at (916) 255-6423 or by email at mary.gaspari@dtsc.ca.gov. If Ms. Gaspari is not available, contact Peter Bailey at (916) 255-6552 or by email at peter.bailey@dtsc.ca.gov. If, however, both project managers are unavailable, you may contact Jackie Buttle at (916) 255-3730 or regs@dtsc.ca.gov.

Note: oral inquiries are not part of the official rulemaking record.

**AVAILABILITY OF TEXT OF PROPOSED
REGULATIONS, INITIAL STATEMENT OF
REASONS, and RULEMAKING RECORD**

Copies of the Notice of Proposed Action, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which its proposal is based, and the express terms of the proposed regulation will be posted to DTSC's Internet site at <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> or may be obtained from Ms. Jackie Buttle, Regulations Coordinator, as specified below.

**AVAILABILITY OF MODIFIED TEXT;
AVAILABILITY OF FINAL STATEMENT
OF REASONS**

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial changes are made, the modified full text will be made available for comment for no less than 15 days prior to adoption. Only persons who specifically request notification of any modifications to the regulations, attend the hearing, submit oral or written comments at the public hearing, or provide written comments on the specific regulation will be sent a copy of the modified text if substantive changes are made.

Once the regulation has been adopted, DTSC will prepare a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials required by Government Code § 11346.9. Copies of the Final Statement of Reasons may also be obtained from the Regulations Coordinator at the address listed below. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of State, and the effective date of the regulation will also be posted on DTSC's Internet site at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the applicable eList, or, to subscribe directly, e-mail: regs@dtsc.ca.gov.

Ms. Jackie Buttle
Regulations Coordinator
Office of Planning and Environmental Analysis
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

E-mail address: regs@dtsc.ca.gov
Fax number: (916) 255-3734
Phone number (916) 255-3730

If Ms. Buttle is unavailable, please contact Ms. Gaspari at (916) 255-6423 or by email at mary.gaspari@dtsc.ca.gov.

**TITLE 22. STATE WATER RESOURCES
CONTROL BOARD**

**TITLE 22. SOCIAL SECURITY
DIVISION 4, ENVIRONMENTAL HEALTH
CHAPTER 15 (Domestic Water Quality and
Monitoring)**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed regulatory action.

**SUMMARY OF PROPOSED
REGULATORY ACTION**

The State Water Board proposes to adopt regulations governing the use of point-of-use (POU) treatment and point-of-entry (POE) treatment by public water systems, in lieu of centralized treatment. The State Water Board proposes to adopt the following in the California Code of Regulations (CCR), Title 22, Division 4, Chapter 15:

- Adopt Article 2.5, to establish requirements for use of POU's by a public water system (PWS).
- Adopt Article 2.7, to establish requirements for use of POEs by a PWS.

The State Water Board previously adopted emergency regulations governing the use of POU and POE devices, Articles 2.5 and 2.7, Chapter 15, Division 4, CCR. The regulations that are the subject of this Notice are being proposed to make the emergency regulations permanent regulations.

NOTICE OF PUBLIC HEARING

The State Water Board will conduct a public hearing regarding the subject proposed regulations at the time

and place noted below. At the hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice.

DATE: November 27, 2017
 TIME: 9:30 a.m.
 PLACE: California Environmental
 Protection Agency
 State Water Resources Control
 Board
 Byron Sher Auditorium
 1001 I Street, Second Floor
 Sacramento, CA 95814

A quorum of the State Water Board members may attend this public hearing, but the State Water Board will not take action.

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 to the Board at (916) 341-5600 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech-to-Speech users may dial 711 for the California Relay Service.

SI NECESITA ARREGLOS ESPECIALES

Conforme a la Sección 7296.2, del Código del Gobierno de California, los siguientes servicios o arreglos especiales pueden ser solicitados:

- Servicio de intérprete durante la audiencia;
- Documentos en otro idioma o en un formato alterno;
- Arreglos razonables relacionados a una discapacidad.

Para pedir estos arreglos especiales o servicios en otro idioma, puede contactar a la Secretaria de la Junta (Board) al (916) 341-5600 lo más pronto posible, pero a más tardar 10 días hábiles antes de la fecha de la audiencia de la Junta (Board). Los usuarios del Sistema TTY/TDD/Voz-a-Voz pueden marcar el 7-1-1 para utilizar el California Relay Service.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Any person, or his or her representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes at noon on November 30, 2017. The State Water Board will only consider comments received at the State Water Board offices by that time.

You may submit written comments via any of the following:

Electronic mail (email):

commentletters@waterboards.ca.gov

FAX: (916) 341-5620.

U.S. Postal Service:

Ms. Jeanine Townsend, Clerk to the Board
 State Water Resources Control Board
 P.O. Box 100,
 Sacramento, CA 95812-2000

Hand Delivery:

Ms. Jeanine Townsend, Clerk to the Board
 State Water Resources Control Board
 1001 I Street, 24th Floor,
 Sacramento, CA 95814

Persons delivering comments must check in with lobby security and have them contact Ms. Jeanine Townsend at (916) 341-5600.

Also, please indicate in the subject line and/or on the cover page of submittals: **“Comments — Proposed POU/POE Regulations”**.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the State Water Board to provide any notices that may be required in future.

Due to the limitations of the email system, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by the State Water Board. Therefore, emails larger than 15 MB should be submitted under separate emails or via another form of delivery.

The State Water Board requests, but does not require, that written comments sent by mail or hand-delivered be submitted in triplicate.

The State Water Board requests, but does not require, that if reports or articles in excess of 25 pages are submitted in conjunction with the comments, that the commentator provide a summary of the report or article and describe the reason for which the report or article is being submitted or is relevant to the proposed regulation.

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.

AUTHORITY AND REFERENCE

Pursuant to Health and Safety Code sections 116271, 116325, 116350, 116375, 116380, and 116552, the State Water Board is authorized to adopt the subject regulations. This action is proposed to implement, interpret, and make specific one or more of the following: Health and Safety Code sections 116325, 116350, 116380, and 116552.

INFORMATIVE DIGEST

Background and Summary of Existing Relevant

Laws: All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) under the U.S. Safe Drinking Water Act (SDWA) of 1974, as amended (42 U.S.C. §300f et seq.), as well as by the State Water Board under the California SDWA (Health & Saf. Code, div. 104, pt. 12, ch. 4, §116270 et seq.). Pursuant to section 116270 of the Health and Safety Code, et al., it is the objective of the California SDWA for a PWS to deliver drinking water to consumers that is, at all times, pure, wholesome, and potable. The ability to meet this objective is a reflection of the water quality and quantity of a PWS's source of supply, the PWS's ability to treat the source of supply (if necessary), and the PWS's ability to deliver drinking water, all in a manner that ensures compliance with all applicable drinking water standards.

Drinking water is commonly delivered to consumers via distribution systems, with consumers' service lines being connected to the distribution system. When treatment is necessary due to contamination, centralized treatment is typically utilized, ensuring the drinking water within the distribution system, as a whole, meets all drinking water standards. Alternatively, POE Treatment provides necessary treatment of the distribution system water at or near the point the water enters a consumer's house or a building, as opposed to providing centralized treatment for the entire distribution system. Similarly, POU Treatment does not provide centralized treatment for the entire distribution system, with the POU(s) being applied to a single tap (or taps) used to reduce the contaminants at that tap only.

AB 434 (2015) amended California Health and Safety Code (HSC) Sections 116380 and 116552, to require the State Water Board to adopt regulations governing the use of POU/POE treatment by a public water system in lieu of centralized treatment. HSC section 116380 requires the State Water Board to first adopt the regula-

tions as emergency regulations, which were exempt from the rulemaking provisions of the Administrative Procedure Act (APA), and to then adopt subsequent permanent regulations in accordance with the APA. The regulations that are the subject of this notice are being proposed to make the emergency regulations permanent.

The emergency regulations were adopted by the Board on March 15, 2016 and became effective on April 1, 2016. The emergency provisions will remain in effect until the earlier of January 1, 2018, or the effective date of the permanent regulations adopted by the State Water Board in accordance with the APA.

The proposed regulations, if adopted, would result in two new articles being added to CCR, title 22, division 4, chapter 15 (domestic water quality and monitoring), just as the emergency regulations did. There are a number of differences between the proposed permanent regulations and the existing, emergency regulations, but the two versions are fairly similar. Because the proposed regulations would make the emergency regulations permanent, they are not an amendment of the emergency regulations, and this notice does not compare the proposed permanent regulations to the emergency regulations. The public may, therefore, submit comments on any of the proposed regulations, regardless of the fact that they are in many cases identical to the emergency regulations.

Comparable Federal Statutes and Regulations:

There are federal regulations and statutes that address, in part, the specific subject addressed by the proposed regulations. They are: 42 U.S.C. section 300g-1 (b)(4)(E)(ii); 40 C.F.R. section 141.100, and 40 C.F.R. section 142.62.

Any substantial differences from the existing, comparable federal regulations or statutes are due to the mandates of state law. For example, HSC section 116380 provides that neither POU nor POE devices may be used unless the public water system demonstrates that centralized treatment is not immediately economically feasible, and that public water systems have applied for funding. Federal law has no such limitations or preliminary requirements. HSC section 116552 provides that the State Water Board cannot permit use of the devices for more than three years or until funding for centralized treatment is available, whichever occurs first, while federal law does not have a similar limitation.

Policy Statement Overview and Summary of

Proposed Regulatory Action: The objective of the California SDWA is for PWSs to deliver drinking water to consumers that is, at all times, pure, wholesome, and potable. Drinking water is commonly delivered to consumers via distribution systems, with consumers' service lines being connected to the distribution system.

When treatment is necessary due to contamination, centralized treatment is typically utilized, ensuring the drinking water throughout the distribution system meets all drinking water standards.

Objective (Goal): The broad objective of this proposed regulatory action is to:

- Adopt drinking water regulations governing the use of POU and POEs by a PWS, which:
 - assure availability of pure, wholesome, and potable drinking water to consumers when an applicable PWS and its customers choose treatment via POU or POEs in lieu of centralized treatment;
 - are consistent with and no less stringent than the statutory requirements of the California SDWA; and
 - are consistent with and no less stringent than the U.S. SDWA and its implementing regulations and guidance.

Benefit: The anticipated benefit, including any non-monetary benefit to the protection of public health and safety of California residents, worker safety, and the state's environment, from this proposed regulatory action is to:

- Allow a viable and affordable means of providing drinking water, which meets all drinking water standards, to a PWS serving a small community that may not be otherwise able to readily afford centralized treatment.

Pursuant to Health and Safety Code sections 116271, 116350, and 116375, the State Board proposes the following changes to CCR, title 22, division 4, chapter 15:

- Adopt Article 2.5, establishing requirements for use of POU by a PWS, which includes the proposed adoption of sections summarized as follows:
 - Section 64417 (Definitions), defining POU treatment device;
 - Section 64418 (General Provisions), establishing general provisions for POU by a PWS, including contaminant constraints and permitting for a PWS to utilize POU in lieu of centralized treatment;
 - Section 64418.1 (Economic Feasibility of Centralized Treatment), establishing the economic feasibility criteria a PWS must meet to be permitted to utilize POU in lieu of installation of centralized treatment;
 - Section 64418.2 (POU Requirements), establishing criteria specific to POU;

- Section 64418.3 (POU Treatment Strategy), establishing the criteria for a PWS's treatment strategy plan when employing POU in lieu of centralized treatment;
- Section 64418.4 (POU Operations and Maintenance (O&M) Program), establishing the criteria for a PWS's operations and maintenance program;
- Section 64418.5 (POU Monitoring Program), setting forth minimum monitoring requirements and criteria for development of a PWS monitoring program;
- Section 64418.6 (Public Hearing and Acceptance), establishing public hearing criteria and minimum public acceptance requirements that must be met to use POU in lieu of centralized treatment; and
- Section 64418.7 (Recordkeeping and Reporting), setting forth recordkeeping and reporting requirements for a PWS using POU in lieu of centralized treatment.
- Adopt Article 2.7, establishing requirements for use of POEs by PWS as follows:
 - Section 64419 (Definitions), defining POE treatment device;
 - Section 64420 (General Provisions), establishing general provisions for POEs by a PWS, including permitting requirements for a PWS to utilize POEs in lieu of centralized treatment;
 - Section 64420.1 (Economic Feasibility of Centralized Treatment), establishing the economic feasibility criteria a PWS must meet to be permitted to utilize POEs in lieu of installation of centralized treatment;
 - Section 64420.2 (POE Requirements), establishing criteria specific to POEs;
 - Section 64420.3 (POE Treatment Strategy), establishing the criteria for a PWS's treatment strategy plan when employing POEs in lieu of centralized treatment;
 - Section 64420.4 (POE Operations and Maintenance (O&M) Program), establishing the criteria for a PWS's operations and maintenance program;
 - Section 64420.5 (POE Monitoring Program), setting forth minimum monitoring requirements and criteria for development of a PWS monitoring program;

- Section 64420.6 (Public Hearing and Acceptance), establishing public hearing criteria and minimum public acceptance requirements that must be met to use POEs in lieu of centralized treatment; and
- Section 64420.7 (Recordkeeping and Reporting), setting forth recordkeeping and reporting requirements for a PWS using POEs in lieu of centralized treatment.

The net effect of the proposed regulations would be to establish specific regulatory criteria for general application of PWSs choosing to utilize POU's and/or POEs in lieu of installation and operation of more costly centralized treatment.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations:

The State Water Board evaluated this proposal as to whether the proposed regulations are inconsistent or incompatible with existing California state regulations. This evaluation included a review of California's existing regulations, and those regulations specific to use of POU's and POEs by a PWS. It was determined that no other state regulation addressed the same subject matter and that this proposal was not inconsistent or incompatible with other state regulations. Therefore, the State Water Board has determined that this proposal, if adopted, would not be inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Water Board has made the following 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 that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other non-discretionary cost or savings imposed on local agencies: None.
- Cost or savings in Federal funding to the State: None.
- Cost impacts on a representative private person or business: None.

- Statewide adverse economic impact directly affecting businesses and individuals, including ability to compete: The State Water Board concludes that there will be no significant adverse impact directly affecting businesses or individuals, including the ability of California businesses to compete with businesses in other states.
- Significant effect on housing costs: None.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Adoption of the proposed regulations will not: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; 3) affect the expansion of businesses currently doing business in California; or 4) affect worker safety or the environment. Adoption of the proposed regulations may have a positive effect on the health and welfare of California residents by providing a viable and affordable means of providing drinking water, which meets all drinking water standards, to a PWS serving a small community that may not be otherwise able to readily afford centralized treatment.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The State Water Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations provide an alternative means of treatment for eligible public water systems (PWS) to utilize for providing drinking water that complies with existing drinking water standards. Absent these regulations a PWS would typically be required to install centralized treatment to correct for deficiencies in water quality delivered to customers. These regulations provide a more economically feasible option for PWS, and therefore do not represent an actual cost. The State Water Board recognizes that costs for the treatment and monitoring would likely be passed on to a water system's customers, which may include individuals and businesses. Therefore, even though the regulations do not directly affect businesses or individuals, those entities may be indirectly impacted by the regulation.

BUSINESS REPORT

The State Water Board has determined that the proposed regulations would require reports from business-

es that elect to install POU or POE devices, but it is necessary for the health of the people of the state that the regulation apply to businesses

EFFECT ON SMALL BUSINESS

The State Water Board has determined that the proposed regulations would not affect small business because Government Code chapter 3.5, article 2, section 11342.610 excludes utilities from the definition of small business. To the extent that it would impact small businesses because they are customers of public water systems and pay fees, there will be no increased costs because POU and POE can only be used if they are less expensive than centralized treatment, which would otherwise be required.

CONSIDERATION OF ALTERNATIVES

The State Water Board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to the regulated water systems and affected private persons, or would be more cost-effective to the regulated water systems and affected private persons, yet equally effective in implementing statutory requirements or other provisions of law, than the proposed action.

The State Water Board invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period, as identified in this notice.

WATER CODE SECTION 106.3 CONSIDERATION

In establishing and adopting the proposed regulations, the State Water Board considered the statewide policy set forth in section 106.3 of the Water Code and determined the proposed regulations will further the stated policy.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) mandates that guidelines be adopted that “include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from . . . [CEQA].” (Pub. Res. Code § 21084). One of those classes of projects is “Actions

by Regulatory Agencies for Protection of the Environment.” (Cal. Code Regs., title 14, §15308).

The State Water Board intends to make a finding that adoption of the proposed POU/POE treatment regulations represents action taken by a regulatory agency pursuant to its general and specific statutory authority for the maintenance and protection of the environment, and that adoption of the proposed POU/POE treatment regulations satisfies the requirements of California Code of Regulations (CCR), title 14, section 15308, and is a Class 8 categorical exempt project. The State Water Board intends to further find that there are no facts on the record to indicate or suggest that the proposed POU/POE treatment regulations fall within any of the enumerated exceptions for the appropriate use of a categorical exemption as set forth in CCR, title 14, section 15300.2. The State Water Board intends to find, therefore, that pursuant to CCR, title 14, section 15300, adoption of the proposed POU/POE treatment regulations is categorically exempt from CEQA requirements for the preparation of environmental documents.

STATE WATER BOARD CONTACT PERSONS

Requests for copies of the proposed regulatory text, the initial statement of reasons, subsequent modifications of the proposed regulatory text, if any, or other inquiries concerning the proposed action may be directed to:

Melissa Hall, P.E.
Senior Water Resource Control Engineer
State Water Resources Control Board
1001 I Street, 17th floor
Sacramento, CA 95814
Telephone: (916) 323-0373
Electronic mail address:
melissa.hall@waterboards.ca.gov

In the event Melissa Hall is not available to respond to requests or inquiries, please contact:

Mark Bartson, P.E.
Supervising Sanitary Engineer
State Water Resources Control Board, Division of
Drinking Water
1001 I Street, 17th Floor
Sacramento, CA 95814
Telephone: (916) 449-5622
Electronic mail address:
mark.bartson@waterboards.ca.gov

INTERNET ACCESS

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regula-

tions may be found on the State Water Board's Web site at the following address: http://www.waterboards.ca.gov/public_notices/comments/index.shtml

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

The State Water Board has prepared an Initial Statement of Reasons for the proposed regulatory action. The Initial Statement of Reasons includes the specific purpose for the regulations proposed for adoption, and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulations are proposed. All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for inspection and copying throughout the rulemaking process. To inspect or copy the rulemaking file at the State Water Board office, contact the contact persons named in this Notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering relevant comments received in a timely manner, the State Water Board may adopt the proposed regulations substantially as described in this notice. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, the State Water Board will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the State Water Board adopts the modified regulations. Any such modifications will also be posted on the State Water Board website. Please send requests for copies of any modified regulations to the attention of the contact persons named in this Notice. The State Water Board will accept written comments on the modified regulation for 15 days after the date on which they were made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available, and copies may be requested, from the contact person(s) named in this Notice, or may be accessed on the website address provided above ("Internet Access").

TITLE 23. DEPARTMENT OF WATER RESOURCES

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF WATER RESOURCES

NOTICE IS HEREBY GIVEN that the Department of Water Resources, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 13, 2017 and closing on November 27, 2017. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include reorganizations, creation of new disclosure categories, and other technical changes to reflect the current organizational structure of the Department.

The proposed amendment and explanation of the reasons can be obtained from the contact person set forth below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 27, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 12, 2017.

The Department of Water Resources has determined that the proposed amendments:

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

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

Amanda Jack
1416 Ninth Street, Room 320
Sacramento, California 95814
(916) 651-6851
form700@water.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**CESA CONSISTENCY DETERMINATION
REQUEST FOR**

Proposed Change to Action 4 of the 2008 Biological Opinion for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project 2080-2017-009-03

The California Department of Fish and Wildlife (CDFW) received a notice (09/29/2017) that the California Department of Water Resources proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves increasing delta outflow during October 2017, to improve fall habitat for delta smelt. The proposed project would manage delta outflow to maintain the monthly average location of the low salinity zone where juvenile delta smelt rear at no greater (more eastward) than 80 km from the Golden Gate Bridge.

The U.S. Fish and Wildlife Service (Service) amended a federal biological opinion (Service Ref. No. 81420-2008-F-1481-15) in a memorandum to the U.S. Bureau of Reclamation on September 26, 2017, which considered the effects of the proposed amendment on state endangered and federally threatened delta smelt (*Hypomesus transpacificus*).

Pursuant to California Fish and Game Code section 2080.1, the Department of Water Resources is requesting a determination that the federal memorandum is consistent with CESA for purposes of the proposed project. If CDFW determines the memorandum is consistent with CESA for the proposed project, the California Department of Water Resources 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**

**FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION REQUEST
FOR**

Armstrong Bridge Project
(Tracking Number: 1653-2017-010-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on October 3, 2017, that the Mendocino County Resource Conservation District (District) 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 an existing undersized culvert with a single span bridge to improve conditions for fish passage. The proposed project will be carried out on upper Rancheria Creek, located at 33525 Elkhorn Road, Yorkville, Mendocino County, California.

On September 20, 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 Armstrong Bridge Project (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. 1B171750WNME; ECM PIN No. CW-840165) for coverage under the General 401 Order on September 29, 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

SUMMARY OF REGULATORY
ACTIONS

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES

Research on the Morro Bay Kangaroo Rat

The Department of Fish and Wildlife (Department) received a proposal from Joe McFaddin, consultant biologist for MESA Biological, LLC, requesting authorization to take the Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*) (kangaroo rat), a Fully Protected mammal, for scientific research purposes consistent with conservation and recovery of the species. The kangaroo rat is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. McFaddin is planning to conduct surveys throughout the range of the kangaroo rat in California, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research activities include capturing, or attempting to capture the kangaroo rat using live traps to determine the distribution and status of local populations. If any kangaroo rats are found dead, they will be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual kangaroo rats or kangaroo rat populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Mr. McFaddin as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have a valid federal recovery permit for the kangaroo rat, and a Scientific Collecting Permit (SCP) to incidentally take other mammal species in California.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of Fully Protected mammal species after a 30 day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 4700 for take of Fully Protected mammals, it would issue the authorization on or after November 12, 2017, for an initial and renewable term of up to, but not to exceed five years. Contact: Dr. Scott Osborn, Scott.Osborn@wildlife.ca.gov, (916) 324-3564.

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# 2017-0915-01

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Authorized Property for Transgender Inmates

This emergency rulemaking action by the Department of Corrections and Rehabilitation is a readopt of OAL File No. 2017-0328-01EON. This action amends four sections in title 15 of the California Code of Regulations to allow transgender inmates and inmates having symptoms of gender dysphoria that are housed at designated institutions to have access to state-issued and authorized personal property items in accordance with their gender identities. The Department is also adopting two new property lists for transgender inmates and inmates having symptoms of gender dysphoria for use in designated institutions, which are incorporated by reference. This action was certified as an operational necessity by the Undersecretary on March 2, 2017.

Title 15

AMEND: 3000, 3030, 3190, 3269

Filed 10/04/2017

Effective 10/06/2017

Agency Contact: Rachel Orr (916) 445-2314

File# 2017-0818-01

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL file no. 2017-0222-02E) that expanded the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the San Bruno area of San Mateo County by approximately 12 square miles. The effect of this action provides permanent authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

Title 3
 AMEND: 3435(b)
 Filed 09/28/2017
 Effective 09/28/2017
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-0818-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine
 This certificate of compliance by the Department of Food and Agriculture makes permanent the emergency action that established a quarantine for the Asian Citrus Psyllid in the West Sacramento area of Sacramento and Yolo counties. (See OAL File No. 2017-0222-03E.)

Title 3
 AMEND: 3435(b)
 Filed 09/27/2017
 Effective 09/27/2017
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-0925-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Huanglongbing Interior Quarantine
 This emergency action by the Department of Food and Agriculture expands the quarantine area for the Huanglongbing (HLB) disease by approximately 59 square miles surrounding the Anaheim, Garden Grove, and Pico Rivera areas of Los Angeles and Orange counties. The effect of this amendment is to provide authority for the state to perform quarantine activities against HLB within this additional area under quarantine. The total area that would be under regulation would be approximately 591 miles.

Title 3
 AMEND: 3439(b)
 Filed 09/28/2017
 Effective 09/28/2017
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-0922-01
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 Conflict-of-Interest Code
 This is a Conflict-of-Interest code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and Printing only.

Title 15
 AMEND: 18419
 Filed 10/04/2017
 Effective 11/03/2017
 Agency Contact: Thomas Vallance (916) 327-0089

File# 2017-0818-03
 DEPARTMENT OF SOCIAL SERVICES
 Definition of "Natural Parent," Section 100
 This change without regulatory effect filing by the Department of Social Services adopts a new subsection adding the definition of "Natural Parent" consistent with amendments made to Family Code section 7601 by Assembly Bill 1403 (Chapter 510, Statutes of 2013).

Title 22, MPP
 AMEND: 35000
 Filed 09/28/2017
 Agency Contact: Oliver Chu (916) 657-3588

File# 2017-0920-03
 DIVISION OF WORKERS' COMPENSATION
 Medical Provider Suspension Procedure
 The Division of Workers' Compensation submitted this emergency action to re-adopt four sections and an Article 5.1 under title 8, division 1, chapter 4.5, subchapter 1 of the California Code of Regulations. The regulations implement suspension hearing and related procedures for medical providers that meet specified criteria in subdivision (a)(1) of Labor Code section 139.21.

Title 8
 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 Filed 09/28/2017
 Effective 10/05/2017
 Agency Contact:
 Yvonne Hauscarriague (510) 286-0680

File# 2017-0818-05
 FISH AND GAME COMMISSION
 Crab and Lobster Gear Marking and Harbor Restricted Fishing Areas
 This regulatory action by the Fish and Game Commission amends sections in CCR title 14, regarding Dungeness crab and lobster recreational gear marking and commercial lobster harbor restricted fishing areas. Specifically, this rulemaking makes changes to 1) recreational gear marking requirements for hoop nets and crab traps, and 2) commercial lobster restricted fishing areas, as well as other non-substantive changes.

Title 14
 AMEND: 29.80, 122
 Filed 09/29/2017
 Effective 09/29/2017
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2017-0823-03
 FRANCHISE TAX BOARD
 Space Transportation Activities
 In this regular rulemaking, the Franchise Tax Board is adopting section 25137-15 in title 18 of the California

Code of Regulations to prescribe an apportionment formula for taxpayers engaged in the space transportation industry business.

Title 18

ADOPT: 25137-15

Filed 09/28/2017

Effective 09/28/2017

Agency Contact: Christy Keith (916) 845-6080

File# 2017-0821-01

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Occupational Exposure to Beryllium (HORCHER)

The Occupational Safety and Health Standards Board submitted this action, pursuant to Labor Code section 142.3(a)(3), to adopt three sections and amend one section in title 8 of the California Code of Regulations that are substantially the same as federal regulations governing occupational exposure to beryllium and beryllium compounds.

Title 8

ADOPT: 1535.1, 5205, 8359.1 AMEND: 5155

Filed 10/02/2017

Effective 10/02/2017

Agency Contact: Marley Hart (916) 274-5721

File# 2017-0905-01

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Occupational Exposure to Hazardous Chemicals in Laboratories

This change without regulatory effect by the Occupational Safety and Health Standards Board corrects a typo in section 5191(b) of title 8 of the California Code of Regulations.

Title 8

AMEND: 5191(b)

Filed 09/27/2017

Agency Contact: Marley Hart (916) 274-5721

File# 2017-0824-04

STATE PERSONNEL BOARD

Limited Term Appointments and LEAP

This request by the State Personnel Board to file regulations with the Secretary of State and to print them in the California Code of Regulations concerns requirements for limited term appointments and the Limited Examination and Appointment Program (LEAP).

Title 2

ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1, 547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57

Filed 10/04/2017

Effective 11/01/2017

Agency Contact: Jeanne Wolfe (916) 651-0924

File# 2017-0824-01

STRUCTURAL PEST CONTROL BOARD

Company Name Approval

This rulemaking action by the Structural Pest Control Board amends section 1914 of title 16 of the California Code of Regulations to prevent the Board from issuing a company registration in the same name as a company whose registration was previously surrendered, unless a period of at least one year has elapsed from the effective date of the surrender. This action also provides that the unauthorized use of a name or telephone number of a company whose registration was previously surrendered is grounds for disciplinary action.

Title 16

AMEND: 1914

Filed 10/02/2017

Effective 01/01/2018

Agency Contact: David Skelton (916) 561-8722

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN May 3, 2017 TO
October 4, 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

10/04/17 ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1, 547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57

09/22/17	AMEND: 1859.2, 1859.81	08/08/17	AMEND: 3854, 3855
09/21/17	AMEND: 59620	08/03/17	AMEND: 3435(b)
09/20/17	ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4	07/31/17	AMEND: 3435(d)
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	07/26/17	AMEND: 3439(b)
08/30/17	AMEND: 59590	07/25/17	AMEND: 3591.12, 3424(c)
08/16/17	AMEND: 604	07/24/17	AMEND: 3435(b)
08/14/17	AMEND: 11034	07/20/17	AMEND: 3435(b)
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	07/17/17	AMEND: 3435(b)
08/10/17	AMEND: 1897	07/12/17	ADOPT: 6190
07/25/17	AMEND: 57700	07/10/17	AMEND: 3435(b)
07/12/17	ADOPT: 20060, 20061, 20062, 20063, 20064, 20065, 20066, 20067	07/06/17	AMEND: 3439(b)
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	07/06/17	AMEND: 3439(b)
06/22/17	AMEND: 327	07/06/17	AMEND: 3435(b)
06/21/17	AMEND: 3700	06/28/17	AMEND: 1358.7
06/19/17	AMEND: 1859.2, 1859.82	06/26/17	AMEND: 3435(b)
06/08/17	AMEND: 52.4, 548.49, 548.136	06/22/17	ADOPT: 2320.5AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324
05/31/17	ADOPT: 249.8	06/19/17	AMEND: 3435(b)
05/26/17	AMEND: 11030, 11031, 11034	06/14/17	AMEND: 3435(b)
Title 3		06/08/17	AMEND: 3435(b)
09/28/17	AMEND: 3439(b)	06/07/17	AMEND: 3435(b)
09/28/17	AMEND: 3435(b)	06/05/17	ADOPT: 3591.28
09/27/17	AMEND: 3435(b)	06/02/17	AMEND: 3435(d)
09/21/17	AMEND: 1430.142	06/01/17	AMEND: 3591.12
09/19/17	AMEND: 3406(c), 3591.5(b)	05/30/17	AMEND: 3439(b)
09/14/17	AMEND: 3439	05/15/17	AMEND: 3435(b)
09/12/17	AMEND: 3435(b)	05/15/17	AMEND: 3435(b)
09/07/17	AMEND: 3435(b)	05/09/17	AMEND: 3435(b)
09/05/17	AMEND: 3435(b)	05/08/17	AMEND: 1402.7, 1402.8
09/05/17	AMEND: 3435(b)	05/08/17	AMEND: 3439(b)
08/31/17	AMEND: 3439(b)	05/04/17	AMEND: 3435(b)
08/30/17	AMEND: 2320.1	05/04/17	AMEND: 3435(b)
08/22/17	AMEND: 3439	05/04/17	AMEND: 3591.15
08/17/17	AMEND: 3435(b)	Title 4	
08/16/17	AMEND: 3435(b)	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
08/16/17	AMEND: 3439(b)	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
08/11/17	AMEND: 3439(b)	08/24/17	AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14
08/10/17	AMEND: 3435(b)	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

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
 08/22/17 AMEND: 27300, 27301, 27400, 27401,
 27600, 27601, 27602
 08/17/17 AMEND: 19810
 08/10/17 AMEND: 76000, 76020, 76210, 76130,
 76200, 76210, 76212, 76215
 07/18/17 AMEND: 851, 853.5, 853.7, 855, 856
 06/27/17 REPEAL: 13075, 13075.1, 13075.2,
 13075.3, 13075.4, 13075.5, 13075.6,
 13075.7, 13075.8, 13075.9
 06/26/17 AMEND: 19810
 06/14/17 AMEND: 41908
 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
 06/02/17 ADOPT: 11534.1 AMEND: 11530,
 11533, 11534
 05/30/17 ADOPT: 71396

Title 8

10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND:
 5155
 09/28/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 09/27/17 AMEND: 5191(b)
 09/26/17 AMEND: 5189.1(t)(2)
 09/14/17 AMEND: 336

07/31/17 AMEND: 3650
 07/31/17 AMEND: 344.30
 07/27/17 ADOPT: 5189.1
 07/18/17 ADOPT: 9789.17.3 AMEND: 9789.12.2,
 9789.17.1, 9789.18.12, 9789.19
 06/29/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 06/29/17 AMEND: 344.18
 06/20/17 AMEND: 9789.39
 06/05/17 AMEND: 1637
 06/05/17 AMEND: 3220
 05/23/17 ADOPT: 20169 AMEND: 20170, 20234,
 20240, 20241, 20242, 20282, 20286,
 20363, 20393, 20400, 20401, 20402,
 20407, 20408
 05/16/17 AMEND: 20335(c)

Title 9

08/17/17 ADOPT: 4020, 4020.1
 06/13/17 ADOPT: 4700, 4710, 4711, 4712, 4713,
 4714, 4715, 4716, 4717

Title 10

09/21/17 AMEND: 2498.6
 09/21/17 ADOPT: 6854, 6856, 6864
 09/20/17 AMEND: 2498.5
 09/20/17 AMEND: 6902, 6903, 6904
 08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004,
 9005, 9006, 9007
 08/03/17 AMEND: 2498.5
 06/21/17 ADOPT: 260.211.4, 260.211.5,
 260.211.6, 260.211.7

Title 11

08/08/17 AMEND: 1006
 07/31/17 AMEND: 1005
 07/31/17 ADOPT: 5470, 5471, 5472, 5473, 5474,
 5474.1, 5474.2, 5475, 5476, 5477, 5478
 AMEND: 5469 REPEAL: 5473
 07/25/17 AMEND: 1009
 07/18/17 AMEND: 1008
 06/28/17 AMEND: 1005, 1007, 1008
 06/21/17 AMEND: 1015
 06/01/17 AMEND: 50.10
 06/01/17 AMEND: 50.13
 05/31/17 REPEAL: 50.18
 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
 05/23/17 AMEND: 1001, 1005, 1008
 05/23/17 AMEND: 50.19
 05/23/17 AMEND: 50.20
 05/18/17 AMEND: 50.23
 05/18/17 AMEND: 50.12
 05/18/17 AMEND: 50.14

05/16/17	AMEND: 50.8	08/07/17	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
05/16/17	AMEND: 50.15	08/01/17	AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24
05/16/17	AMEND: 50.21	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
05/16/17	REPEAL: 50.22	07/19/17	AMEND: 502
05/16/17	ADOPT: 50.22	07/19/17	AMEND: 708.5
05/15/17	AMEND: 50.5	07/18/17	ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0
05/15/17	REPEAL: 50.7	07/17/17	AMEND: 360, 361, 362, 363, 364, 364.1
05/15/17	AMEND: 50.6	07/13/17	AMEND: 13055
05/15/17	AMEND: 50.16	07/12/17	AMEND: 670.2
05/15/17	AMEND: 50.17	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
Title 13		05/26/17	AMEND: 7.50
09/11/17	AMEND: 1	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
09/07/17	AMEND: 430.00, 431.00		
07/31/17	ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264		
07/31/17	ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269		
07/27/17	AMEND: 1151.8.1		
06/29/17	AMEND: 1160.1, 1160.2, 1160.3, 1160.4		
06/20/17	AMEND: 2775, 2775.1, 2775.2		
06/19/17	AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14		
06/12/17	AMEND: 156.00		
05/15/17	AMEND: 16.06		
Title 14			
09/29/17	AMEND: 29.80, 122		
09/26/17	AMEND: 300		
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		

18659.1, 18659.2, 18659.3, 18659.4,
18659.5
05/03/17 ADOPT: 1265.00, 1265.01, 1265.02,
1265.03

Title 15

10/04/17 AMEND: 3000, 3030, 3190, 3269
10/04/17 AMEND: 18419
09/25/17 ADOPT: 3570, 3572, 3573, 3580
AMEND: 3560, 3561, 3562, 3563, 3564,
3565, 3571, 3581, 3582, 3590, 3590.1,
3590.2, 3590.3
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
05/11/17 ADOPT: 3999.23

Title 16

10/02/17 AMEND: 1914
09/21/17 ADOPT: 1379.01, 1379.02, 1379.03,
1379.04, 1379.05, 1379.06, 1379.07,
1379.08, 1379.09
09/19/17 ADOPT: 1702.1, 1702.2, 1702.5
AMEND: 1702
08/30/17 AMEND: 1107

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)
08/08/17 ADOPT: 1805.2
08/02/17 AMEND: 4161, 4162, 4163
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
06/23/17 AMEND: 2649
06/22/17 AMEND: 80.1, 80.2, 87, 87.1
06/12/17 AMEND: 1399.546
06/08/17 ADOPT: 1746.5
06/07/17 ADOPT: 1399.407, 1399.407.1,
1399.407.2, 1399.407.3
06/06/17 ADOPT: 1776, 1776.1, 1776.2, 1776.3,
1776.4, 1776.5, 1776.6
06/05/17 AMEND: 1387, 1387.1
05/31/17 REPEAL: 3036.1, 3036.2, 3037.1,
3037.2
05/30/17 AMEND: 1703
05/24/17 ADOPT: 1001.1, 1001.2
05/24/17 AMEND: 1399.395
05/24/17 AMEND: 1399.434, 1399.437 REPEAL:
1399.436
05/10/17 AMEND: 426.10, 426.14, 426.50
05/08/17 ADOPT: 1398.26.3 AMEND: 1398.25
05/04/17 AMEND: 4130

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08/21/17	AMEND: 100010, 100020, 100030, 100040, 100050, 100070	08/28/17	REPEAL: 97759
07/24/17	REPEAL: 1050	08/16/17	AMEND: 100393(a)(1)
07/17/17	ADOPT: 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677	08/16/17	AMEND: 10100
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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	07/10/17	AMEND: 51490.1
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06/19/17	AMEND: 1703	Title 22, MPP	
06/14/17	AMEND: 5332	09/28/17	AMEND: 35000
05/24/17	ADOPT: 19195-1, 19195-2	09/18/17	ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190
05/15/17	AMEND: 263	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
05/15/17	AMEND: 1051	09/07/17	AMEND: 81001, 81010, 81020, 81022, 81026, 81064.1, 81068.1, 81068.2, 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
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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		
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