



California Regulatory Notice Register

REGISTER 2019, NUMBER 23-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 7, 2019

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File Number Z2019-0528-02 845
Amendment

Multi-County: Citrus Heights Water District

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Public Health Exemption — Notice File Number Z2019-0528-05 846

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Effective Communication — Notice File Number Z2019-0528-04 848

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

Fines and Payment Plans — Notice File Number Z2019-0524-01 851

TITLE 17. AIR RESOURCES BOARD

Aboveground Storage Tank Certification Procedures — Notice File Number Z2019-0521-05 853

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

*Fish and Game Code Section 1653 Consistency Determination
Request for Lower Sugar Creek Floodplain Restoration Project
(Tracking Number: 1653-2019-037-001-R1) Siskiyou County* 861

RULEMAKING PETITION DECISION

DEPARTMENT OF FOOD AND AGRICULTURE

*Notice of Decision on Petition from Dr. Stewart Townsend
Concerning Products Resembling Milk Products* 861

(Continued on next page)

*Time-
Dated
Material*

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 863

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

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

**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Citrus Heights Water District

A written comment period has been established commencing on June 7, 2019, and closing on July 22, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 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 pro-

posed conflict-of-interest code(s). Any written comments must be received no later than July 22, 2019. 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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-3854.

**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 Commis-

sion should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Public Health Exemption
DPR Regulation No. 19-001

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to adopt Title 3, California Code of Regulations (3 CCR) section 6621. The pesticide regulatory program activities that will be affected by the proposal are those pertaining to pesticide enforcement during a declared public health emergency. In summary, when a health emergency is declared by the Director of the Department of Public Health or a local health emergency is declared by a local health officer, the proposed action exempts a public agency, or its contractor, from the requirements of getting consent from and providing notice to a property owner (or operator) before directly discharging a pesticide on the property owner's (or operator's) property.

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 July 23, 2019. Comments regarding this proposed action may also be transmitted via e-mail to <dpr19001@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 not affect small businesses. The regulatory action will only exempt public agencies, or their contrac-

tors, from consent and notification requirements prior to pesticide applications during a declared health emergency or local health emergency.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

Current regulations require "Consent to Apply" and "Notice of Applications" prior to conducting a pesticide application (3 CCR sections 6616 and 6618). These regulations provide protections to pesticide workers and the public by requiring a pesticide applicator to provide notice and get consent from a property owner (or operator) before directly discharging a pesticide on property. In a situation where immediate disinfection is necessary to prevent a disease outbreak and a property owner/operator is unavailable for consent and notice, or unwilling to provide consent and accept notice, compliance with current regulations would delay the public health agency's disinfection activities. In other cases, the immediacy of the declared health emergency or local health emergency may make a public agency's, or its contractor's, outreach to a property owner/operator prior to applying a pesticide, and thus compliance with current regulations, infeasible. Delays in disinfecting contaminated sites pose a serious threat to human health and safety, and contamination requires urgent mitigation measures. Therefore, DPR is proposing to adopt section 6621, which would exempt public agencies and their contractors, during a declared health emergency or local health emergency, from the requirements of sections 6616 and 6618. To qualify for an exemption under section 6621, such an emergency must be declared by a local health officer or the Director of the Department of Public Health pursuant to Health and Safety Code section 101080. This proposed regulation will provide an exemption so a pesticide application can be made without delay by the Department of Public Health, or its contractor, preventing negative impacts to public health and safety. The intent of this regulation is to prevent further spread of contagions during outbreaks that have the potential to affect public health by expediting needed pesticide treatments.

Adoption of this regulation will be a benefit to the health and welfare of California residents. The proposed exemptions will allow local public health agen-

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.

cies to respond rapidly to emerging biological threats to California residents by allowing pesticide applications to occur more quickly during a declared health emergency or local health emergency. A declared health emergency or local health emergency requiring use of this proposed exemption is likely to occur unexpectedly and infrequently; California experienced only one health emergency that would have required the proposed exemption in the past five years. When such an emergency does occur, application of the exemption provided by the proposed regulation is expected to reduce the response time to a public health outbreak, providing a benefit to the health and welfare of California residents.

During the process of developing this proposed regulation, DPR conducted a search of any similar regulations on this topic and concluded that the proposed regulation is not inconsistent or incompatible with existing state regulations. DPR is the only agency that has the authority to regulate the sale and use of pesticides in California.

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.

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 this action merely allows existing businesses to respond to declared health emergencies and local health emergencies more quickly. The proposed action exempts public health agencies, or their contractors, from consent and notification requirements prior to pesticide applications during a declared health emergency or local health emergency. Declared health emergencies and local health emergencies which require use of this proposed exemption are likely to occur unexpectedly and infrequently; California experienced only one health emergency that would have required the proposed exemption in the past five years. Therefore, this proposed exemption will not have any impact on businesses or jobs in California.

The proposed regulations will allow local public health agencies to respond rapidly to emerging biological threats to California residents by allowing pesticide applications to occur more quickly during a declared health emergency or local health emergency. A declared health emergency or local health emergency requiring use of this proposed exemption is likely to occur unexpectedly and infrequently, perhaps once in five years. When such an emergency does occur, application of the exemption provided by the proposed regulation is expected to reduce the response time to a public health outbreak, providing a benefit to the health and welfare of California residents.

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 12976.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC section 11501.

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:

Lauren Otani, Environmental Scientist
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
916-445-5781

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 above:

Nathan Desjarlais
Senior Environmental Scientist (Specialist)
Enforcement Branch
916-445-5779

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 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR) proposes to amend Sections 3000, 3335, 3336, 3338, and 3340 of the California Code of Regulations, Title 15, regarding Effective Communication in CDCR facilities.

PUBLIC HEARING

Date and Time: **July 26, 2019
2:00 p.m. to 3:00 p.m.**

Place: California Department of
Corrections and Rehabilitation
Conference Room 100N
1515 S Street, North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

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

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

PC Section 5055 provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR.

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

PUBLIC COMMENT PERIOD

The public comment period will close **July 26, 2019, at 5:00 p.m.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Josh Jugum
Telephone: (916) 445-2266
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Kelly Mitchell
Division of Adult Institutions
(916) 323-2931

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Fourteenth Amendment provides that no citizen may be deprived of life, liberty, or property without due process of law. This Constitutional Amendment applies to inmates as well. The inmate also has a right to be present at any administrative proceeding that may adversely affect his or her liberty interests. Being able to effectively communicate during such encounters is of paramount importance to ensure equal access.

This action will:

- Amend the existing definition of the term “effective communication” to address the need to provide assistive devices or other methods of communication for inmates with disabilities or other communication needs.
- Strengthen existing provisions that ensure effective communication is provided to inmates who need it during due process or other liberty interest encounters, consistent the the Fourteenth Amendment.

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

These regulations may benefit the welfare of California residents by ensuring CDCR inmates are provided with effective communication. This will provide an environment more conducive to rehabilitation, which may reduce recidivism.

EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING LAWS AND REGULATIONS

Pursuant to Government Code Section 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review, the Department has concluded that these are the only regulations that concern effective communication in Department facilities.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small businesses because it places no obligations or requirements on any business.

RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California.

The Department has determined that the proposed regulation will have no effect on worker safety or the state’s environment.

These regulations may benefit the welfare of California residents by ensuring CDCR inmates are provided with effective communication. This will provide an environment more conducive to rehabilitation, which may reduce recidivism.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department 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 provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department’s website: www.cdcr.ca.gov.

AVAILABILITY OF THE
FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF
CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**TITLE 16. BOARD OF BARBERING
AND COSMETOLOGY**

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology ("the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held from 10:30 a.m.–11:30 a.m. on July 24, 2019 in the Sequoia Room at the Board's offices at 2420 Del Paso Road, Sacramento, California, 95834. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its offices not later than 5:00 p.m. on July 24, 2019 or must be received by the Board at the hearing. The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312, 7406, 7407, 7408.1, and 7417

of the Business and Professions Code, and to implement, interpret or make specific Sections 7406, 7407, 7407.1, 7408.1, 7409, 7414, and 7353.4 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Section 974 of the California Code of Regulations (CCR) regarding the schedule of administrative fines and adopt Section 974.3 of the CCR regarding payment plans for fines exceeding \$500.

Business and Professions Code (BPC) Section 7312 authorizes the Board to "make rules and regulations in aid or furtherance" of Chapter 10 of Division 3 of the BPC, also known as the Barbering and Cosmetology Act. BPC Section 7353.4 requires that the Board set a fine for failure to post a notice regarding employee labor rights in California. BPC Section 7406 authorizes the Board to levy fines, while BPC Section 7407 requires that the Board create a schedule of administrative fines. BPC Section 7407.1 requires the Board to show in regulation when fines are assessed to the holder of the establishment license, an individual licensee, or both for the same violation. BPC Section 7408.1 requires the Board create regulations regarding payment plans for fines exceeding \$500. BPC Section 7409 gives the Board discretion as to whether a person may avoid a fine if a first offense is corrected. Section 7414 authorizes the Board to refuse to renew a license when fines are unpaid, and Section 7417 governs license renewals.

B. Policy Statement Overview/Anticipated Benefits of Proposal

1) New or Revised Fines

7404(I) — This fine, which is levied on licensees who seek to delay and/or prevent an inspection that is in progress needs to be increased in order to discourage licensees from interfering with inspections and hindering the board's primary mission to protect consumers.

7349 — Under BPC Section 7317, the board's fine schedule recognizes that although the law requires all individuals and establishments to have valid, current licenses while working or operating, there is a difference between someone performing barbering and cosmetology services without ever having had a license, or an establishment

never having had a license, and someone performing services, or an establishment operating, under a license that has expired. The board is seeking to make the same distinction for the employment of persons under BPC Section 7349 by adding a smaller fine for cases where the employee’s license is merely expired. The higher fine would be reserved for employing people who never obtained a license in the first place.

7353.4 — In 2016, the Legislature passed AB 2437, which was signed by the Governor and filed with the Secretary of State on September 14, 2016. The bill required the California Labor Commissioner to create a notice regarding workplace rights and wages and hour laws that would be posted in Barbering and Cosmetology establishments on or after July 1, 2017. The bill also requires the Board of Barbering and Cosmetology to set an administrative fine for establishments that fail to post the notice.

984(a), (b), (e) — These subsections are not new, nor do they create new fines. But in order to clearly identify whether it is the establishment license holder or the individual licensee who is responsible for the violation and fine pursuant to BPC 7407.1 (see (2) below), it is necessary to break up Section 984 in the existing fine schedule into its subparagraphs.

2) Fine Assessments

The Board is seeking to modify the fine schedule to list which fines are levied only against the holder of an establishment owner or the individuals working at the establishment, and those that may be levied against both for the same violation. This revision is designed to help licensees better understand the Board’s fining policies and meet the requirements of SB 1044.

3) Payment Plans

The Board is seeking to adopt CCR Section 974.3 that will set parameters for payment plans for fines exceeding \$500, as required under BPC Section 7408.1.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and found it is not inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board estimates it will issue an additional \$51,600.00 in fines under the revised fines. Typically, the Board only collects 63 percent of fines levied, but because the payment plans will make it easier for licensees to pay large fines, the Board expects that percentage to increase to 80 percent, which means the Board expects an increase in annual fine revenue of \$41,280.00. The rules regarding who is cited for a violation and payment plans are not expected to have any fiscal impact.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation will not have a significant adverse impact on small businesses because it only concerns fines for business owners who fail to follow the law.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it only affect businesses that fail to follow the law.

Benefits of Regulation:

The Board has determined that this regulatory proposal will help protect the health and safety of consumers by motivating licensees to follow the laws and regulations of the Board of Barbering and Cosmetology. While this proposal will not directly protect worker health and safety, it will protect workers by helping to ensure that they are informed about their rights in the workplace and the Board’s fining policies. This proposal will not affect the state’s environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation 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 proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contact Person named below.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written re-

quest to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100 Sacramento, CA 95834
Telephone No.: (916) 575-7100
Fax No.: (916) 928-6810
E-Mail Address: Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name: Patricia Garcia
Address: 2420 Del Paso Road, Suite 100 Sacramento, CA 95834
Telephone No.: (916) 575-7100
Fax No.: (916) 928-6810
E-Mail Address: Patricia.Garcia@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/lawsregs/prop_regs.shtml.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO CERTIFICATION PROCEDURES FOR VAPOR RECOVERY SYSTEMS FOR ABOVEGROUND STORAGE TANKS AT GASOLINE DISPENSING FACILITIES

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to Certification Procedures and Definitions for Vapor Recovery Systems for Aboveground Storage Tanks (AST) at Gasoline Dispensing Facilities (GDF).

DATE: July 25, 2019
TIME: 9:00 a.m.
LOCATION: California Environmental Protection Agency
California Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., July 25, 2019, and may continue at 8:30 a.m., on July 26, 2019.

Please consult the agenda for the hearing, which will be available at least ten days before July 25, 2019, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on June 7, 2019. Written comments not physically submitted at the hearing must be submitted on or after June 7, 2019, and received **no later than July 22, 2019**. CARB requests that, when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

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

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

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code § 41954. This action is proposed to implement, interpret, and make specific § 41954(a).

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

Sections Affected: Proposed amendment to California Code of Regulations, title 17, §§ 94010 and 94016.

Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)): The following documents would be incorporated in the regulation by reference in California Code of Regulations, title 17, §§ 94010 and 94016, respectively:

- D-200 — Definitions for Vapor Recovery Procedures [insert amendment date]
- CP-206 — Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks [insert amendment date]

The above listed documents are also being amended by this regulation and thus the amendment date would be the date that the regulation is adopted by CARB.

In addition, the following document would be incorporated in the regulation by reference in D-200:

- Underwriters Laboratories Inc. (UL). UL-2085 Standard for Safety — Protected Aboveground Tanks for Flammable and Combustible Liquids. Edition 2, Revision 3; September 29, 2010.

BACKGROUND AND EFFECT OF THE PROPOSED REGULATORY ACTION

Gasoline vapors contain reactive organic gases (ROG), which can lead to ozone and smog formation, and benzene, which is a toxic air contaminant. Reducing ROG emissions is an integral part of California's program for reaching its goal of attaining and maintaining federal and State ozone standards. In addition, reducing emissions is critical to reducing benzene health risk for people who live and work near GDFs.

To protect air quality and public health, CARB has adopted regulations to control gasoline vapor emissions at each step in the delivery of gasoline to end consumers. California's vapor recovery program controls emissions associated with the storage and transfer of gasoline from storage tanks at terminals or bulk plants to tanker trucks, from tanker trucks to storage tanks at GDFs, and from GDF tank to the vehicle's fuel tank during vehicle fueling. Phase I vapor recovery controls focus on emissions during transfer of fuel from cargo trucks to storage tanks. Phase II vapor recovery controls focus on reducing emissions during vehicle fueling by end consumers as gasoline travels from a storage tank, through a dispenser, and into a vehicle.

CARB and the air pollution control/air quality management districts (Air Districts) share responsibility for

implementing the vapor recovery program. CARB staff certifies prototype vapor recovery systems installed at operating GDFs. State law requires that throughout California only CARB-certified systems be offered for sale, sold, and installed. Air District rules require GDF operators to install and maintain vapor recovery systems to prevent release of gasoline vapors that contribute to the formation of ozone and to reduce the public's exposure to benzene, a toxic air contaminant. Air District staff also conduct regular inspections to check that systems are operating as certified.

CARB approved Enhanced Vapor Recovery (EVR) regulations for GDFs equipped with underground storage tanks (UST) in March 2000, and for GDFs equipped with aboveground storage tanks (AST) in June 2007. An AST is a gasoline storage tank that is intended for permanent installations, is unburied and exposed to atmosphere, and can be located above or below grade. EVR regulations established new standards for vapor recovery systems to reduce emissions during storage and transfer of gasoline and to increase reliability of vapor recovery components. Phase-in of EVR standards for GDFs equipped with USTs began in 2001 and completed in 2010, and for GDFs equipped with ASTs began in 2009 and is still ongoing. For GDFs equipped with ASTs, Phase II EVR means any system that complies with performance standards or specifications adopted by CARB in the *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks* (CP-206). GDFs with Phase II systems not complying with CP-206 are defined as pre-EVR Phase II systems.

As technology-forcing regulations, the EVR standards were designed to force the development of emission control technologies that meet regulatory requirements. However, industry has developed only one Phase II EVR system that is certified by CARB for use at GDFs equipped with ASTs. That system is only compatible with a small subset of GDFs, and the subset has a wide range of annual gasoline throughputs. A recent survey of Air Districts indicates there are about 187 GDFs required by Air District rules to install vapor recovery systems but have not yet upgraded to Phase II EVR systems. Compliance with existing regulations would require all AST GDFs with the prerequisite configuration upgrade to Phase II EVR by March 13, 2019, regardless of annual gasoline throughput. Reactive organic gases (ROG) and benzene emissions produced at AST GDFs are directly proportional to the amount of fuel the GDFs dispense.

The estimated cost to upgrade from pre-EVR Phase II to Phase II EVR is much higher than was estimated at the time of the EVR regulation adoption. Therefore, compliance with the Phase II EVR standards may place a disproportionate burden on AST GDF owners due to

varying annual gasoline throughputs and high equipment replacement costs. The high costs of the upgrade would be borne by all of the applicable AST GDFs, regardless of their annual throughput and ROG and benzene emissions.

On April 23, 2015, the Board approved regulatory amendments that allowed the continued use of pre-EVR Phase I systems based upon U.S. Environmental Protection Agency Federal 8-HR Ozone Standards Attainment status, population density, and annual gasoline throughput, to allow for more cost-effective implementation of the AST EVR regulations. The amendments allowed for certain ASTs below set annual throughput thresholds that are located in federal ozone non-attainment areas to continue to use their current pre-EVR Phase I systems unless they are replaced with Phase I EVR.¹ The Phase II EVR requirements could not be addressed during the April 2015 hearing because the first system had only recently been certified and there was not enough time nor data for a cost-effectiveness analysis.

CARB staff is now proposing to make amendments to one of the AST vapor recovery certification procedures (CP-206) and definitions (D-200) that affect applicability requirements for existing AST GDFs required to upgrade to Phase II EVR systems by March 13, 2019. The proposed amendments to CP-206 would establish a delayed compliance schedule for certain existing AST GDFs to upgrade to Phase II EVR systems based upon the AST GDF being located in federal ozone non-attainment areas, and based upon the annual gasoline throughput of the AST GDF. The proposed amendments to CP-206 would include:

- In attainment areas, existing AST GDFs required by state and Air District rules to have Phase II vapor recovery systems can continue to use pre-EVR Phase II systems until the end of useful life unless they are replaced by a Phase II EVR system.² Existing AST GDFs located in attainment areas are exempted from Phase II EVR requirements if vapor recovery is not required by the local Air District; and
- In nonattainment areas, existing AST GDFs required by state and Air District rules to have

¹ CP-206, Section 2.4.4, allows AST GDFs to maintain their pre-EVR Phase I equipment until the end of useful life in attainment areas, unless that system is replaced by a system that meets the performance standards or specifications of CP-206. The replacement may be voluntary or required by district rules.

² Proposed language for CP-206, Section 2.4.4, would allow AST GDFs to maintain their pre-EVR Phase II equipment until the end of useful life in attainment areas, unless that system is replaced by a system that meets the performance standards or specifications of CP-206. The replacement may be voluntary or required by district rules.

Phase II systems and with annual gasoline throughput of 480,000 gallons or less can continue to use pre-EVR Phase II systems until the end of their useful life. At the end of a system's useful life, the GDF must upgrade to a Phase II EVR system.

CARB staff proposes no changes to the compliance requirements for existing AST GDFs with an annual gasoline throughput greater than 480,000 gallons in nonattainment areas. These AST GDFs would continue to be required to upgrade to Phase II EVR systems by March 13, 2019.

The proposed amendments to CP-206 would address the concerns about Phase II EVR cost effectiveness and provide consistency with the changes made in 2015 to the Phase I EVR requirements.

In addition, CARB staff proposes amendments to D-200 that consist of four new definitions necessary to define terms used in the proposed amendments to CP-206 and within existing vapor recovery executive orders for ASTs. The proposed amendments include definitions for integral dispensing, remote dispensing, non-remote dispensing, and protected aboveground storage tank. The definition for protected aboveground storage tank refers to insulated ASTs that conform to the Underwriters Laboratories, UL-2085 Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids (September 29, 2010; Edition 2, Revision 3), and incorporates UL-2085 by reference. Defining these terms in D-200 provides clarity for implementation and enforcement.

CARB staff evaluated the difference between ROG emissions under existing EVR regulations and under the proposed amendments. The evaluation indicates the proposed amendments would allow a slight delay in emission reduction benefits compared to the implementation of the existing EVR regulations. Under existing EVR regulations, about 187 AST GDFs are required to upgrade to Phase II EVR by March 13, 2019, while under the proposed amendments, about 161 AST GDFs would be allowed to maintain their pre-EVR Phase II equipment until the end of useful life instead of being required to upgrade by March 13, 2019. Initially, the proposed amendments, as compared to the existing regulations, would see a short-term delay in the emission reduction benefits of the existing regulations. As pre-EVR Phase II systems on qualified AST GDFs reach the end of their useful life, they would be required to upgrade to Phase II EVR. CARB staff estimates that under the proposed amendments, annual ROG emission reductions would equal those of the existing regulations by 2024.

The proposed amendments would not lead to the creation of any new ROG and benzene emissions and would not increase emissions compared to existing

Phase II EVR regulations. The proposed amendments would require the AST GDFs with the highest throughput, and therefore the most emissions, to meet the existing compliance date of March 13, 2019. Of the approximately 187 AST GDFs that are currently required to upgrade to Phase II EVR by March 13, 2019, about 26 GDFs have an annual gasoline throughput greater than 480,000 gallons/year. These 26 GDFs account for the majority (approximately 68 percent) of gasoline throughput and associated emissions from the 187 GDFs currently required to upgrade to Phase II EVR. Requiring all 187 AST GDFs to spend approximately \$36,000 each to upgrade to Phase II EVR by March 13, 2019, would result in only about 23 percent more emission reductions before 2024, when the annual emission reductions of the proposed amendments are expected to equal that of the existing regulations.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION

The objective of the proposed amendments is to safeguard public health benefits by ensuring the emission rates envisioned for the Phase II EVR standards would be met while accomplishing the following benefits:

- Providing regulatory consistency between the Phase II EVR requirements and the Phase I EVR requirements, which were amended in 2015 to improve cost effectiveness; and
- Allowing more time for about 161 owners of AST GDFs with smaller emissions to comply with the Phase II EVR requirements, which would provide some financial relief.

The proposed amendments would provide financial benefits in the form of net cost-savings of approximately \$1.3 million for about 50 businesses and 111 government agencies that own GDFs equipped with ASTs. The cost-savings are due to delays in the timing of Phase II EVR system installations and avoiding costs due to value lost when GDFs replace pre-EVR systems before the end of their useful life.

For further discussion of non-monetary benefits such as protection of public health and safety, and worker safety, please see the "Non-Major Regulation: Statement of the Results of the Economic Impact Assessment" section below.

CARB staff's proposal was developed through public process, with extensive input from local Air District staff, equipment distributors and installers, and equipment manufacturers. Staff informed, involved, and updated public stakeholders on staff's progress developing the proposed amendments. In 2017 and 2018, CARB staff held two public workshops in Sacramento about study findings and CARB staff's early draft regulatory amendments. The workshops and informal pre-

rulemaking discussions engaged interested parties and provided staff with useful information that they considered during the development of the regulatory amendments. In addition, staff posted workshop materials to a public webpage and distributed announcements and workshop materials through the CARB list serves that, based on individual subscribers to the list serves, reach more than 4,000 individuals. Staff sent out multiple emails providing announcements to upcoming workshops, a description of the proposed amendments, and contact information for relevant staff.

COMPARABLE FEDERAL REGULATIONS

There are no federal regulations or programs directly comparable to California’s EVR program for GDFs with ASTs. California’s existing EVR regulations already exceed federal requirements.

**AN EVALUATION OF
INCONSISTENCY OR INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS
(Gov. Code § 11346.5, subd. (a)(3)(D))**

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

**DISCLOSURE REGARDING THE
PROPOSED REGULATION**

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

**FISCAL IMPACT/LOCAL
MANDATE DETERMINATION
REGARDING THE PROPOSED ACTION
(Gov. Code, § 11346.5, subds. (a)(5)&(6))**

Under Government Code §§ 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs and savings to any State agency, would not affect costs or savings in federal funding to the State, would create costs and savings (but not a mandate) to any local agency or school district, which are not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with § 17500),

and would not create other nondiscretionary costs or savings to State or local agencies.

Direct and indirect costs and cost–savings related to the proposed amendments result from the delayed timing of requirements for GDFs to upgrade pre–EVR Phase II systems to Phase II EVR systems by about one to five years (until the end of the useful life of their pre–EVR systems). The proposed amendments directly affect about 161 GDFs throughout California, those with annual throughput less than or equal to 480,000 gallons per year. About 21 percent (about 34) of these 161 GDFs are owned by state agencies. The proposed amendments would provide a net cost–savings for state agencies of about \$615,307 for fiscal years 2019/2020 through 2021/2022. The proposed amendments do not affect any federally funded State agency or program.

About 44 percent (about 71) of the 161 GDFs are owned by local governments. Upgrade delays would result in net cost–savings for the GDFs owned by local governments. Additionally, the proposed amendments could delay the timing of local Air District permitting activities for, and permit fee payments from, about 161 GDF owners by up to one to five years. The proposed amendments would provide a net cost–savings of about \$1,228,705 for fiscal years 2019/2020 through 2021/2022 for local governments. There is a net cost–savings of \$1,283,001 for local government–owned GDFs, and net cost of \$54,296 due to delayed permit fee revenue for local Air Districts, which is offset by additional revenue in later years. Should the Air Districts incur any costs, these costs are not reimbursable by the state because Air Districts can recover costs through services charges, fees, or assessments.

**HOUSING COSTS
(Gov. Code, § 11346.5, subd. (a)(12))**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**SIGNIFICANT STATEWIDE
ADVERSE ECONOMIC IMPACT
DIRECTLY AFFECTING BUSINESS,
INCLUDING ABILITY TO COMPETE
(Gov. Code, §§ 11346.3, subd. (a), 11346.5,
subd. (a)(7), 11346.5, subd. (a)(8))**

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

The proposed amendments directly affect about 161 retail and non–retail GDFs throughout California.

About 31 percent (about 50) of these GDFs are owned by businesses. The proposed amendments would reduce the cost of compliance with existing regulations for these businesses by delaying requirements to upgrade to Phase II EVR systems. The proposed amendments would provide a net cost-savings of about \$444,111 for these businesses.

The proposed amendments may adversely impact businesses that manufacture and install Phase II EVR system equipment. The proposed amendments would likely delay the timing of equipment sales and installation at about 161 facilities by up to one to five years. Per CARB Executive Order VR-501-B, there are four companies that manufacture components of the only Phase II EVR system certified by CARB for use in California by GDFs with ASTs with remote dispensing. Of the four companies, only one is based in California. Additionally, there are about 47 companies that could potentially be contracted by GDF owners to install Phase II EVR system upgrades. Costs due to delays in equipment manufacturer and installer revenues are fully offset by additional revenue in other years, resulting in no net cost difference under the proposed amendments. The proposed amendments are expected to have no noticeable effect on the ability of California businesses to compete with businesses in other states.

**RESULTS OF THE ECONOMIC
IMPACT ANALYSIS/ASSESSMENT
(Gov. Code, § 11346.5, subd. (a)(10))**

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter VIII of the ISOR.

**NON-MAJOR REGULATION:
STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)**

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Assessment in the ISOR.

Without the proposed amendments, the current Phase II EVR compliance schedule is anticipated to be economically infeasible for many GDFs, which could result in some businesses with ASTs reducing the number and salary of employees or going out of business. Under

the proposed amendments, about 161 businesses and agencies with delayed Phase II EVR upgrade requirements would receive some financial relief through delayed compliance costs and avoidance of enforcement penalties that might be assessed under the existing regulations. The financial relief could potentially result in additional job growth. The proposed amendments are feasible and enforceable, and are not anticipated to cause businesses with AST GDFs to go out of business. It is unlikely that the delay in the purchase requirements for Phase II EVR systems would substantially change the business models of businesses with AST GDFs to the extent that new businesses are created. Because of this, relative to the existing regulations, there is expected to be no effect or slight growth in industries with ASTs.

The proposed amendments may negatively impact manufacturers and installers of Phase II EVR equipment by delaying the timing of equipment sales to about 161 GDFs by one to five years. The impact is expected to be negligible for the large out-of-state manufacturers and for the installers because they provide equipment and services for a variety of AST and UST systems. The single California-based equipment manufacturer that is a small business could experience elimination of one or more jobs.

Benefits of the Proposed Regulation:

The proposed amendments would provide benefits in the form of net cost-savings of about \$1.3 million for businesses and government agencies that own GDFs equipped with protected ASTs, Phase I EVR systems, pre-EVR Phase II systems, and remote dispensing, that are required to upgrade their equipment by state and local Air District rules and have not yet done so. The proposed amendments would have no significant effect on emission reductions compared to existing regulations. The proposed amendments would allow more time for AST GDFs with smaller emissions to comply with Phase II EVR regulations and would improve regulatory consistency with the Phase I EVR regulations.

The proposed amendments would allow about 50 businesses and about 111 government agencies that own AST GDFs with annual gasoline throughput equal to or less than 480,000 gallons to delay upgrades to Phase II EVR systems until the end of the useful life of their pre-EVR systems. Such upgrade delays result in cost-savings for California GDFs associated with:

- Maintaining the value of pre-EVR Phase II systems that would have been lost if they were required to be replaced by March 13, 2019, about one to five years before the end of their useful life; and
- Delaying Phase II EVR equipment purchases, installation and permitting costs.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed amendments are not expected to have any health impact on California residents, worker safety, and the state's environment because the proposed amendments would not lead to the creation of any new ROG and benzene emissions and would not increase existing emissions over today's levels. The proposed amendments would cause a minor delay (by about five years) in the full emission reduction benefits that would be realized under the existing regulations.

The annual emission reduction benefits under the proposed amendments are expected to be the same as under existing regulations by 2024. The delayed emission reduction benefit would not have a significant impact on the health and welfare of California residents and worker safety because the proposed amendments would still require the largest GDFs, which have the most emissions, to continue to comply with the existing compliance date of March 13, 2019. About 187 AST GDFs are required to upgrade to Phase II EVR by March 13, 2019, and have not yet done so. Of these 187 AST GDFs, about 26 GDFs have throughput greater than 480,000 gallons/year. These 26 GDFs account for the majority (about 68 percent) of gasoline throughput and associated emissions from the 187 GDFs currently required to upgrade to Phase II EVR. CARB staff does not anticipate any cost or benefit to worker safety.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES
(Gov. Code, § 11346.5, subd. (a)(9))

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

The typical business affected by the proposed amendments is a GDF with a protected AST with a Phase I EVR system, a pre-EVR Phase II system, and with remote dispensing. The proposed amendments would allow about 50 business-owned GDFs to delay upgrades to a Phase II EVR system until the end of the useful life of the Phase II pre-EVR system. During 2019–2027, estimated costs for a typical business-owned GDF average \$1,911 per year. Given there also is a cost-savings of about \$2,897 per year per business on average, the net effect on a typical business is a cost-savings of about \$987 per year.

EFFECT ON SMALL BUSINESS
(Cal. Code Regs., tit. 1, § 4, subds. (a) and (b))

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

The typical small business affected by the proposed amendments is a GDF with a protected AST with a Phase I EVR system, a pre-EVR Phase II system, and with remote dispensing. The proposed amendments would allow about 30 small business owners of AST GDFs to delay upgrade to a Phase II EVR system until the end of useful life of the pre-EVR Phase II system. During 2019–2027, estimated costs for a typical business-owned GDF average \$1,911 per year. Given there also is a cost-savings of about \$2,897 per year per business on average, the net effect on a typical business is a cost-savings of about \$987 per year.

The proposed amendments may negatively impact one California small business that is a manufacturer of Phase II EVR equipment, and about 45 California small businesses that are equipment installers, that would experience delayed revenue under the proposed amendments. CARB staff estimated that the manufacturer and equipment installers would have costs due to delayed revenue in 2019 of \$1,594,560 and \$1,910,358, respectively. Costs due to revenue delays are fully offset by additional revenue in other years as AST GDFs allowed to maintain their pre-EVR Phase II equipment reach the end of the equipment's useful life and upgrade to Phase II EVR. CARB staff estimates that the delayed revenue costs for the California manufacturer and installers would be reconciled completely by 2024, resulting in no net cost difference under the proposed amendments compared to existing regulations.

CONSIDERATION OF ALTERNATIVES
(Gov. Code, § 11346.5, subd. (a)(13))

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. CARB staff considered reasonable alternatives to the proposed amendments, as described in Chapter IX of the ISOR.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed amendments, has prepared an environmental analysis (EA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The EA determined that the proposed regulatory amendments would not result in any significant adverse impacts on the environment. The basis for reaching this conclusion is provided in Chapter VI of the ISOR. Written comments on the EA will be accepted during a 45-day public review period starting on June 7, 2019 and ending on July 22, 2019.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code § 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; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

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

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

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Donielle Jackson, Air Pollution Specialist, Vapor Recovery Regulatory Development Section, at (916) 445-9308 or (designated back-up contact) Merrin Wright, Manager, Vapor Recovery In Use Section, at (916) 324-6191.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Proposed Amendments to Certification Procedures for Vapor Recovery Systems for Aboveground Storage Tanks at Gasoline Dispensing Facilities.*

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB’s website listed below, or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on June 4, 2019.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (916) 445-9564. CARB staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

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

**FINAL STATEMENT OF
REASONS AVAILABILITY**

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://www.arb.ca.gov/rulemaking/2019/ast2019>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

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

Lower Sugar Creek Floodplain Restoration Project
(Tracking Number: 1653-2019-037-001-R1)
Siskiyou County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 28, 2019, that the Scott River Watershed Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the restoration of 0.8 acres of floodplain adjacent to sugar creek by excavating and planting a terrace of mine tailings. The proposed project will be carried out on Sugar Creek, located at 9926 S Highway 3, near Callahan, Siskiyou County, California.

On April 2, 2019, 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 Lower Sugar Creek Floodplain Restoration Project. The Re-

gional 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. 1A190031WNSI; ECM PIN No. CW-857482) for coverage under the General 401 Order on May 15, 2019.

The Scott River Watershed Council 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 Scott River Watershed Council will have the opportunity to submit under Fish and Game Code section 1652.

**RULEMAKING PETITION
DECISION**

**DEPARTMENT OF
FOOD AND AGRICULTURE**

**NOTICE OF DECISION ON
PETITION FOR RULEMAKING
(Government Code Section 11340.7)**

By letter dated February 12, 2018, Dr. Stewart Townsend, Lyrical Foods, Inc., dba, Kite Hill (Petitioner), petitioned the Department of Food and Agriculture (Department) of the State of California in accordance with Government Code section 11340.6 and Food and Agricultural Code section 36632, for the approval of temporary standards for Almond Milk Cream Cheese and Almond Milk Ricotta for an initial period of one year.

The Department set the matter for a public hearing in accordance with Food and Agricultural Code sections 36632 and 36633. Food and Agricultural Code sections 36631-36638, pertain to consideration of a definition and standard for milk products and products resembling milk products that are not specified in existing statutes or regulations, and no legislative bill is currently intro-

duced to establish the definition and standard in the Food and Agricultural Code.

The Department published its response to the petition in the California Regulatory Notice Register, March 22, 2019, No. 12–Z, and accepted it in full for consideration for rulemaking. The matter was set for a public hearing conducted by written brief.

PROVISIONS OF THE
CODE OF REGULATIONS
REQUESTED TO BE AFFECTED

In the Department’s previous response to the petition [published in the above–noted California Regulatory Notice Register], the Department inadvertently referenced Article 7 of Chapter 1, Division 2 of Title 3 of the California Code of Regulations. The correct reference for the affected section would be under Article 9 of Chapter 1, Division 2 of Title 3 of the California Code of Regulations.

AUTHORITY AND REFERENCE

Authority: Sections 407, 36632, and 39872, Food and Agricultural Code.

Reference: Sections 38901 and 38903.5, Food and Agricultural Code.

CONTACT PERSON

Any interested person may obtain a copy of the petition, exhibits and the petition response and decision, by accessing the Department’s website: <http://cdfa.ca.gov/ahfss/regulations.html>, or by contacting the following person:

Anne Quilter, Assistant Chief
Department of Food and Agriculture
Milk and Dairy Food Safety Branch
1220 N Street, Sacramento, CA 95814
anne.quilter@cdfa.ca.gov

PUBLIC HEARING

As provided by Food and Agricultural Code section 36632(a) the Department scheduled a public hearing which has been properly noticed to all interested persons. The hearing was conducted exclusively by written brief with no oral hearing specifically requested by any interested person. The comment period to submit a written brief closed on April 15, 2019.

Following the hearing, as set forth in Food and Agricultural Code section 36633(b), the Department has completed its evaluation of the temporary standard request on the basis of all of the following: testimony submitted by interested persons; the health and safety conditions under which each proposed product will be processed and distributed; and definitions and standards established for comparable products, if they exist.

The Department notified the petitioner of its final decision on the petition no later than 30 days following the close of the hearing. The decision is printed below and is also posted on the Department’s website: <http://cdfa.ca.gov/ahfss/regulations.html>.

DEPARTMENT DECISION

The Department issued its final decision on May 10, 2019, denying the petition in full for the reasons set forth below.

REASONS SUPPORTING THE
DEPARTMENT’S DETERMINATION

The petition was considered and noticed for public comment according to the hearing procedures specified in Food and Agricultural Code section 36634. The comment period closed on April 15, 2019.

On May 10, 2019, the Department issued its final decision to the Petitioner specifying its findings as follows:

May 10, 2019

Dr. Stewart Townsend
Lyrical Foods/Kite Hill
3180 Corporate Place
Hayward, CA 94545

RE: TEMPORARY STANDARD PETITION FOR
ALMOND MILK CREAM CHEESE AND
ALMOND MILK RICOTTA

Dear Dr. Townsend,

The Department has completed its evaluation of your petition for a temporary standard for almond milk cream cheese and almond milk ricotta dated February 12, 2019. Pursuant to Food and Agricultural Code (FAC) section 36633, the temporary standard request was evaluated based on the following:

- (1) Written testimony submitted by all interested persons during the hearing conducted February 27, 2019 through April 15, 2019.
- (2) The health and safety conditions under which the proposed product will be processed and distributed.

- (3) Existing definitions and standards established for comparable products.

All testimony submitted by interested persons was in opposition to the proposed temporary standards of identity. Commenters included milk cooperatives, dairy product manufacturers, and trade associations representing sectors of the dairy industry both within California and nationally. Testimony submitted to the Department centered on three major areas of concern including, 1) objections to the use of regulated dairy product standards of identity or commonly used dairy product names to describe plant-based foods; 2) consumer confusion created by market use of dairy terms on nondairy foods, particularly with respect to the nutrient content or nutritional equivalence of dairy products compared with plant-based alternatives; and 3) the ability of firms to already market nondairy plant-based substitute cheese products labeled as “imitation” pursuant to the product resembling milk product provisions of existing law (FAC Division 15, Part 3, Chapter 6).

Facilities processing and packaging products resembling milk products are already subject to regulatory food safety inspection by the Department and must meet the same sanitary requirements of a licensed milk products plant. Thus, the health and safety conditions under which the proposed products would be processed and distributed would not differ from those required of existing milk products or products resembling milk products regulated by the Department and separate standards of identity are not needed to ensure consumer safety or the protection of public health.

Regarding existing standards for comparable products, the food “cream cheese” is defined under Title 21, Part 133.133 of the Code of Federal Regulations, and the dairy products “ricotta”, “part skim ricotta” and “whey-ricotta” have specifications for percent milk fat content and moisture content per Title 3, Division 2, section 415 of the California Code of Regulations (CCR). The food “Ricotta Cheese with Fruit Added” is also defined under Title 3, CCR section 415.03 requiring conformance with the same standards for moisture and milk fat as ricotta cheese or part skim ricotta cheese. Additionally, the Codex Alimentarius Standards cite “ricotta cheese” as an example of a “whey protein cheese” containing the protein extracted from the whey component of milk (CXS 192–1995, 01.6.6).

The Department finds the proposed temporary standards, being entirely non-dairy and plant-based, to differ significantly from all the above state, federal or international definitions of foods labeled as either cream cheese or ricotta, while proposing to use those names in conjunction with the term “almond milk”. Testimony submitted to the Department included the objection that the proposed temporary standards would utilize names defined under existing standards of identity for prod-

ucts that the dairy industry invests significant resources to manufacture in accordance with required state and/or federal quality and product specifications. The Department agrees that existing standards of identity for cream cheese and ricotta require the dairy industry to conform to specific ingredients and product formulations to avoid misbranding on product labeling in commerce, and that use of those terms for an entirely nondairy product as proposed could establish an unequal regulatory framework within the marketplace.

The Department also finds that the two proposed products may be freely marketed under existing law without temporary standards, provided they are labeled with appropriately descriptive terms such as “cream cheese substitute”, “cream cheese alternative” or “imitation cream cheese”.

Therefore, after careful consideration according to the criteria listed above, the Department pursuant to FAC sections 36633 and 36634 denies the petition to establish temporary standards for almond milk cream cheese and almond milk ricotta. Please be aware that FAC section 36635 allows an unsuccessful petitioner to resubmit not earlier than 60 days following the denial, provided the proposed standard has been modified so that a favorable ruling by the Secretary might reasonably be expected.

Should you have any questions please do not hesitate to contact us.

Sincerely,

Dr. Stephen Beam, Chief
Milk and Dairy Food Safety Branch

cc: Dr. Annette Jones, Director, AHFSS–CDFA

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2019–0517–04

CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

Community Services Infrastructure Grant Program

The California Health Facilities Financing Authority submitted this emergency readopt action to keep in ef-

fect emergency regulations that implement the Community Services Infrastructure Grant Program. The regulations establish eligibility and evaluation criteria, eligible costs, and application and reporting procedures for the award of grants to fund the operation of jail diversion programs providing mental health treatment, substance use disorder treatment, and trauma-centered services.

Title 4

ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429

Filed 05/28/2019

Effective 05/28/2019

Agency Contact: Sondra Jacobs (916) 653-2799

File# 2019-0513-01

CALIFORNIA HIGHWAY PATROL

Explosives Routes and Stopping Places

This action updates the existing list of safe stopping places, safe parking places, and inspection stops for commercial vehicles transporting explosives on highways in California.

Title 13

AMEND: 1153

Filed 05/23/2019

Effective 05/23/2019

Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2019-0418-01

CALIFORNIA STATE UNIVERSITY

Catastrophic Leave Donation Program

This action by the Board of Trustees of the California State University, submitted to OAL for a courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends several sections dealing with the Catastrophic Leave Donation Program. This action is exempt from the Administrative Procedure Act under Education Code section 89030(b) and takes effect upon filing with the Secretary of State under Education Code section 89030.1.

Title 5

AMEND: 42930, 42931, 42932, 42933

Filed 05/22/2019

Effective 05/22/2019

Agency Contact: Jason Taylor (562) 951-4500

File# 2019-0415-02

DEPARTMENT OF INSURANCE

California Automobile Assigned Risk Plan

In this file and print action, the California Department of Insurance amends the California Automobile Assigned Risk Plan Manual. This action is exempt from

the Administrative Procedure Act pursuant to Insurance Code section 11620(c) and Government Code section 11340.9(g).

Title 10

AMEND: 2498.5

Filed 05/28/2019

Effective 05/28/2019

Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0415-03

DEPARTMENT OF INSURANCE

California Automobile Assigned Risk Plan

In this file and print action, the California Department of Insurance amends the California Automobile Assigned Risk Plan Manual. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c) and Government Code section 11340.9(g).

Title 10

AMEND: 2498.5

Filed 05/28/2019

Effective 05/28/2019

Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0419-02

DEPARTMENT OF INSURANCE

Investigation and Prosecution of Workers' Compensation Fraud

This change without regulatory effect filing by the Department of Insurance amends two sections to update internal cross-references.

Title 10

AMEND: 2698.52, 2698.57

Filed 05/29/2019

Agency Contact: George Teekell (415) 538-4390

File# 2019-0415-05

DEPARTMENT OF JUSTICE

California Firearms Application Reporting System

In this rulemaking action, the Department moved its regulations related to the California Firearms Application Reporting System (CFARS) from Chapters 39 and 41 to newly adopted Chapter 12. The Department further amended its regulations to reflect the change in section numbering.

Title 11

ADOPT: 4340

AMEND: 5474, 5513

REPEAL: 5473, 5512

Filed 05/28/2019

Effective 05/28/2019

Agency Contact: Kelan Lowney (916) 227-7615

File# 2019-0416-01
 DEPARTMENT OF JUSTICE
 Dealer Record of Sale (DROS) Entry System (DES)

This action updates the instructions for using the Dealer Record of Sale Entry System (DES) for firearm dealers and ammunition vendors.

Title 11
 ADOPT: 4220
 AMEND: 4200, 4210, 4230, 4240
 REPEAL: 4220
 Filed 05/29/2019
 Effective 07/01/2019
 Agency Contact: Kamran Ali (916) 227-5419

File# 2019-0502-02
 DEPARTMENT OF JUSTICE
 Department of Business Oversight Bond

This action by the Department of Justice is a request to file with the Secretary of State the "Student Loan Servicing Act Licensee Bond" form of the Department of Business Oversight and to print the title of the adopted bond form in the California Code of Regulations.

Title 11
 ADOPT: 31.27
 Filed 05/22/2019
 Effective 05/22/2019
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2019-0514-01
 DEPARTMENT OF MOTOR VEHICLES
 Real ID: Driver's Licenses and Identification Cards

In this emergency rulemaking, the Department of Motor Vehicles ("DMV") is creating a process by which persons who presented only one proof of California residency prior to being issued a Real ID-compliant driver's license or identification card can submit a second proof to DMV to prevent the driver's license or identification card from no longer being Real ID-compliant.

Title 13
 AMEND: 17.00
 Filed 05/23/2019
 Effective 05/23/2019
 Agency Contact: Randi Calkins (916) 657-8898

File# 2019-0429-02
 DEPARTMENT OF REAL ESTATE
 Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 10
 AMEND: 3200
 Filed 05/22/2019
 Effective 06/21/2019
 Agency Contact: Daniel Kehew (916) 263-8681

File# 2019-0515-01
 DEPARTMENT OF REHABILITATION
 Conflict-of-Interest

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 9
 AMEND: 7400
 Filed 05/29/2019
 Effective 06/28/2019
 Agency Contact: Michele M. Welz (916) 558-5833

File# 2019-0416-03
 DEPARTMENT OF VETERANS AFFAIRS
 Veterans Homes of California Regulation Title Rename

This change without regulatory effect modifies a number of regulation section titles.

Title 12
 AMEND: 515, 515.1, 515.2, 515.3, 515.4, 515.5
 Filed 05/23/2019
 Agency Contact: Phil McAllister (916) 653-1961

**PRIOR REGULATORY
 DECISIONS AND CCR
 CHANGES FILED WITH THE
 SECRETARY OF THE STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.

