



California Regulatory Notice Register

REGISTER 2019, NUMBER 30-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JULY 26, 2019

PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Expanding Carbaryl Designation as a Restricted Material — Notice File Number Z2019-0716-04 1075

TITLE 5. BOARD OF EDUCATION

English Language Proficiency Assessment for California — Notice File Number Z2019-0716-01 1079

TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Conflict-of-Interest Code — Notice File Number Z2019-0711-01 1081

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Fish and Game Code Section 1653 Consistency Determination Request for Hamilton Road 5.76km Powderhouse Creek Fish Passage Improvement (Tracking Number: 1653-2019-040-001-R1), Del Norte County 1082

DEPARTMENT OF FISH AND WILDLIFE

Fish and Game Code Section 1653 Consistency Determination Request for Horse Creek Lawrence/Morgan Wood Loading Project (Tracking Number: 1653-2019-042-001-R1), Siskiyou County 1083

DEPARTMENT OF FISH AND WILDLIFE

Habitat Restoration and Enhancement Act Consistency Determination Number 1653-2019-039-001-R1, Lost River Groundwater and Streamflow Project, Mendocino County 1083

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Prospective Purchaser Agreement 1085

FISH AND GAME COMMISSION

Notice of Receipt of Petition to List Mountain Lion under California Endangered Species Act (CESA) 1086

(Continued on next page)

Time-Dated Material

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Notice of Extension of the Public Comment Period Concerning

Notice of 15-Day Modification to Text of Proposed Regulation Title 27,

California Code of Regulations — Proposed Amendment to

Sections 25821(a) and (c) Level of Exposure to Chemicals Causing

Reproductive Toxicity: Calculating Intake by the Average Consumer of a

Product (Previously Published in Notice Register 2019, Number 27–Z) 1086

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1087

2019 RULEMAKING CALENDAR

(Incorporated by Reference)

Special Note 1089

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 3. DEPARTMENT OF PESTICIDE REGULATION

Expanding Carbaryl Designation as a
Restricted Material
DPR Regulation No. 19-003

The Department of Pesticide Regulation (DPR) proposes to amend subsection 6400(c) and (e) of Title 3, California Code of Regulations (3 CCR). Pesticide products containing the active ingredient carbaryl are designated as California restricted materials, with some exemptions. The proposed action will make all carbaryl products California restricted materials, with the exception of baits labeled only for agricultural use.

SUBMITTAL OF COMMENTS

Any interested person, or his or her authorized representative, 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 September 10, 2019. Comments regarding this proposed action may also be transmitted via e-mail to <dpr19003@cdpr.ca.gov> or by facsimile at 916-324-1491.

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

EFFECT ON SMALL BUSINESS

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

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.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by promoting reduced-risk pest management. DPR's 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.

Pesticides are registered and licensed for use and sale with the U.S. Environmental Protection Agency (U.S. EPA) prior to being registered in California. DPR's pre-registration evaluation is in addition to U.S. EPA's evaluation. Before a pesticide is registered, both agencies require data on a product's toxicology and chemistry to evaluate how it behaves in the environment; its effectiveness against target pests and hazards it poses to non-target organisms; its effect on fish and wildlife; and its degree of worker and bystander exposure.

Carbaryl is a broad spectrum, carbamate insecticide that inhibits acetylcholinesterase in the nervous system of targeted insects. It is used in both agricultural and non-agricultural (including residential) settings for control of numerous insects and is effective through either ingestion or absorption through bodily contact. Carbaryl products are available in granule (including bait), liquid concentrate, liquid ready-to-use, and dust ready-to-use formulations.

Carbaryl products labeled for most agricultural uses are currently designated as California restricted materials under 3 CCR section 6400, with several exemptions. Under subsection 6400(c), carbaryl products are exempted from designation as California restricted materials if they meet all of the following criteria: (1) formulated as a dust, packaged in containers greater than 25 pounds, and labeled for outdoor use; (2) carbaryl is the only active ingredient; and (3) labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code, Subsection 6400(e) further exempts other formulations of carbaryl from designation as restricted materials, including: (1) products formulated as a bait; or (2) labeled only for one or more of the following uses: use directly on livestock or poultry, home use, structural pest control, industrial use, institutional use, or use by public agency vector control districts.

In accordance with FAC section 14015, restricted materials can only be possessed or used by, or under the direct supervision of, a certified private applicator or a certified commercial applicator. 3 CCR section 6000

defines certified commercial applicator to include a person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board. In California, a person is certified by taking and passing an examination to demonstrate they have the knowledge and proficiency required to use restricted materials, and by maintaining their certification through continuing education courses. Generally, the purchase, possession, and use of a restricted material are allowed only under a permit issued by a local county agricultural commissioner (CAC).

DPR publishes risk characterization documents (RCDs) for pesticide active ingredients to evaluate the extent and likelihood of adverse health effects on humans who may be exposed to a particular amount of a pesticide. In 2014, DPR's RCD for carbaryl identified several exposure scenarios of concern, including scenarios exempted from the restricted materials designation in subsections 6400(c) and (e). These exposures of concern were associated with the following scenarios: residential handler exposure during application of home use carbaryl products via backpack or dust application equipment; residential adult and toddler exposure via reentry onto turf treated with carbaryl products; and residential toddler exposure via hand-to-mouth transfer, object-to-mouth transfer, or soil ingestion.

FAC sections 14004.5 and 14005 authorize the Director to adopt a list of restricted materials based upon criteria, including danger of impairment of public health. A California-restricted material can only be sold in stores that have a DPR-issued dealer license authorizing the sale of restricted materials, and can only be purchased by certified applicators and, if purchasers are not structural pest control applicators, those with a restricted materials permit issued by the CAC. This proposed action will further limit the purchase and use of all carbaryl products to only certified applicators from a DPR-licensed pest control dealer, and will require a restricted materials permit for application of all products containing carbaryl, except when formulated as a bait and labeled only for the production of agricultural plant commodities.

DPR proposes to amend subsections 6400(c) and (e) to make all carbaryl products that could lead to residential and bystander exposure when applied in and around residences California restricted materials.

DPR proposes to delete carbaryl from subsection 6400(c)(2), thus removing the exemption for carbaryl products formulated as a dust and packaged in containers of more than 25 pounds from being designated as a restricted material. By removing carbaryl exemptions listed in subsection 6400(c)(2), inhalation and dermal exposure risks for residents and bystanders would be reduced or eliminated when products containing carbaryl are applied in and around homes; industrial sites, such

as restaurants and retail nurseries; institutional sites, such as schools and hospitals; or when it is applied for vector control. Such products would need to be applied by a certified applicator who is trained to be aware of the precautions and dangers related to use of the product.

DPR also proposes to narrow the exemptions in 6400(e) to just bait formulations labeled only for agricultural use. Most of the current, unrestricted products containing carbaryl are sold for home use only and are in a bait form that can be used on lawns. By making these non-agricultural baits California restricted materials, the risk of adults and toddlers being exposed to carbaryl-treated turf is reduced since these products will not be available for homeowners and other untrained individuals in such areas, and will only be used by a certified applicator who is trained to be aware of reentry restrictions for carbaryl-treated turf.

By making products labeled for home use, structural pest control, or institutional use California restricted materials, the potential for residential and bystander exposure will be reduced for scenarios such as reentry onto carbaryl-treated turf; loading and application by non-supervised applicators (such as homeowners or residents) of carbaryl products using a dust formulation; and residential toddler exposure via hand-to-mouth transfer, object-to-mouth transfer, or soil ingestion. As carbaryl products would only be applied by trained and certified applicators, exposures from these scenarios will either be completely eliminated or significantly lowered.

This proposed action will also make products labeled for use on livestock or poultry, industrial use, or use by public agency vector control districts California restricted materials, since there are no currently registered carbaryl products labeled for these uses. If a new use for livestock, poultry, industrial sites, or vector control is submitted to DPR, product evaluation would be completed to determine if the product can be used safely.

By making all carbaryl products California restricted materials (except baits labeled only for agricultural use), these products can only be sold to, purchased by, possessed by, and used by persons holding a restricted materials permit issued by their local CAC (with the exception of structural pest control operators who will not be required to obtain a permit pursuant to FAC section 14006.6). The permit requirement provides an effective way for CACs to oversee the use of carbaryl by all other certified applicators. This permit system is unique to California and allows for more specific restrictions, in addition to state restrictions, to be put in place based on site-specific characteristics to address issues that may vary based on site.

In addition to eliminating direct general consumer use of carbaryl, designating most carbaryl products as California-restricted materials will allow DPR to collect critical information to help fulfill its responsibility to continuously evaluate the impact of carbaryl use and take additional steps to mitigate exposure, if necessary. General consumers have no obligation to report pesticide use. However, certified applicators that use carbaryl under a permit or apply products used for the production of an agricultural commodity and applicators licensed by the Structural Pest Control Board must report use as required by Business and Professions Code section 8505.17. Such reports, to the extent that they indicate who, where, and in what amount these products are being used, could inform decisions to further mitigate any reported adverse impacts.

The specific benefit anticipated from the regulation is increased protection of public health through the reduction of potential unintended exposures to residential bystanders. Eliminating most current exemptions to the restricted materials designation for carbaryl would ensure that only trained applicators are utilizing these products, reducing the likelihood of unintended exposures to homeowners and children, and residential handlers who currently use carbaryl.

During the process of developing these regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. DPR is the only California state agency that has the authority to regulate the sale and use of pesticides. No other California state agency has the authority to designate pesticides as restricted materials. DPR is not aware of any California state agencies regulating the use of carbaryl.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code, because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts are expected to result from the proposed regulatory action.

CAC offices will be the local agencies responsible for enforcing the proposed regulations. DPR anticipates that there will be no fiscal impact to these agencies. DPR establishes an annual work plan with the CACs, which already requires the CACs to conduct pesticide use inspections and investigations and to enforce compliance with California pesticide laws and regulations.

COSTS OR SAVINGS TO STATE AGENCIES

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

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has 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 has made an initial determination that the adoption of this regulation is unlikely to have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private business would necessarily incur in reasonable compliance with the proposed action. However, DPR recognizes that when homeowners no longer have access to carbaryl products, they may have to buy alternative products, which will cost an additional \$0.20 per individual annually over the lifetime of the regulation. These additional costs faced by homeowners should not significantly affect or have any adverse economic impact on their entire disposable household income.

RESULTS OF THE
ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR has determined the proposed regulatory action will create an additional 1.9–3.9 jobs, but not eliminate any jobs in California; is unlikely to result in the creation of new businesses or the elimination of existing businesses; and has the potential to create more business for businesses currently selling alternative products and for pest control businesses within the State of California.

Benefit to the environment, worker safety, and the health of California residents: Eliminating most current exemptions to the restricted materials designation for carbaryl would ensure that only trained applicators are utilizing these products, reducing the likelihood of unintended exposures to homeowners and children, and residential handlers who currently use carbaryl.

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 14004.5 and 14005.

REFERENCE

The proposed regulations implement, interpret, or make specific FAC sections 14004.5 and 14005.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons and has 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 below:

Anna Bellini, Environmental Scientist
Worker Health and Safety Branch
916–445–3270

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 5. BOARD OF EDUCATION

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

**AMENDMENTS TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5, REGARDING
ENGLISH LANGUAGE PROFICIENCY
ASSESSMENTS FOR CALIFORNIA (ELPAC)**

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

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

PUBLIC HEARING

AUTHORITY AND REFERENCE

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 8:30 a.m. on September 9, 2019, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

Authority: Sections 306, 313, 33031, and 60810, Education Code.

References: Sections 306, 313, 37200, 51210, 51220, 56034, 56345, 60640, 60810, 60812, and 60900, Education Code; 20 U.S.C. Sections 1400 et seq., 1401, 1412, 6311, 6312, 6821, 6823, 6825, 6826, 6841, 6843, and 7801; 29 U.S.C. Section 794 and 34 Code of Federal Regulations Parts 200.6 and 300.160.

WRITTEN COMMENT PERIOD

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

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

Education Code section 313 requires school districts, county offices of education and charter schools, collectively referred to as local educational agencies (LEAs), to assess English language proficiency (ELP) of their pupils to the extent required by federal and state law. Assessment of a pupil's ELP is required upon initial enrollment after a survey of a pupil's language indicates a primary or native language other than English, and annually thereafter until a pupil is redesignated as English proficient. The CDE is responsible for the oversight of the state test of ELP, as set forth in Education Code sections 313 and 60810.

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

Assembly Bill (AB) 124 (Chapter 605, Statutes of 2012) required the State Superintendent of Public Instruction, in consultation with the SBE, to update, revise, and align English Language Development Standards (ELD Standards) to the State's English language arts standards. As required by AB 124, the SBE adopted the updated and revised ELD Standards in November 2012.

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

Comments must be received by the Regulations Coordinator prior to or on September 9, 2019. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

Education Code section 60810, subdivisions (d) and (f), requires two separate assessments: (1) an initial assessment to determine if a pupil is an English learner (EL), as defined by Education Code section 306; and

(2) an annual summative assessment to identify an EL’s level of ELP, and also to measure an EL’s progress in learning English. Combined, these assessments are described as the English Language Proficiency Assessments for California (ELPAC). The initial and summative ELPAC are aligned to the 2012 ELD Standards, as required by Education Code section 60810, subdivisions (c)(5) and (e)(7) (SB 201, section 6). The ELPAC assessments replaced the California English Language Development Test, as specified in Education Code section 60810(f) (SB 201, section 5) and Education Code section 60810(h) (SB 201, section 6).

The ELPAC regulations were approved by the Office of Administrative Law (OAL) on June 5, 2017, and became effective on October 1, 2017. Based on educator and test examiner feedback from the field test and operational administrations, information from cognitive labs, and changes deemed necessary by the test contractor and the CDE, the CDE proposed amendments to the regulations to the SBE in July 2018. The SBE approved emergency regulations as well as the commencement of the rulemaking process for amendments to the ELPAC regulations. A 45–day public comment period from July 27, 2018, through September 10, 2018 was held. No public comments were received during this public comment period nor during the public hearing held on September 10, 2018. In November 2018, the SBE re–adopted the emergency regulations and approved the permanent rulemaking that was submitted to OAL for final approval. The OAL approved the regulations on January 1, 2019.

Anticipated Benefits of the Proposed Regulation

The benefits of the proposed regulations include statewide consistency for the administration and scoring of the initial and summative ELPAC to all eligible pupils. Also, this would align the administrative procedures of the ELPAC to the California Assessment of Student Performance Program, including the procedures for alternate assessments, which reduces burdens on local educational agencies. The proposed regulations include additional definitions and assessment–specific language resulting from the transition from a paper–pencil based administration to an online test delivery system, substantial expansion of resources to increase equitable access for pupils, revision of language for electronic score reporting, and revisions to clarify the transition to electronic agreement to testing security forms.

These regulations propose a consistent procedure for statewide administration of the ELPAC by local educational agencies so all eligible pupils have access to valid and reliable assessments of ELP, consistent with state and federal law.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to ELPAC and found that none exist that are inconsistent or incompatible with these regulations regarding ELPAC testing.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

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

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

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

Other non–discretionary costs or savings imposed on local agencies, including local educational agencies: None.

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

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

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would have no effect on any small business because the regulations apply to and impact only public LEAs and do not apply to or impact businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

Benefits of the Proposed Action: The proposed regulations will benefit LEAs by establishing consistent language throughout the regulations, provide clarification

on roles for administration of the initial assessment, communicate approved accommodations, and clean up language based upon changes in test development.

CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

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

Johanna Harder
Education Programs Consultant
Assessment Development &
Administration Division
California Department of Education
1430 N Street, Room 4401
Sacramento, CA 95814
Telephone: 916-319-0651

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded

from the CDE's website at <http://www.cde.ca.gov/re/rr/rr/>.

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

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

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

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Johanna Harder, Assessment Development & Administration Division, 1430 N Street, Room 4401, Sacramento, CA, 95814; telephone, 916-319-0651. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (Department), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment of its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department proposes amending its conflict-of-interest code to include employee positions that involve making decisions or participating in making decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

These amendments delete position titles that are no longer in use and add position titles that involve making

governmental decisions by (1) voting on a matter, (2) obligating or committing the Department, or (3) entering into contractual agreements for the Department. The amendments also add position titles that participate in the making of governmental decisions by (1) negotiating on behalf of the Department or (2) advising or making recommendations to the decision maker by (a) conducting research or (b) preparing reports, analyses or opinions.

These amendments will update the interests in real property certain designated positions are required to disclose to harmonize the required disclosure with regulatory changes adopted by the Fair Political Practices Commission.

Copies of the proposed amended conflict-of-interest code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than September 9, 2019, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than August 26, 2019, by contacting the Contact Person set forth below.

The Department has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department has determined that adopting the proposed amendments:

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

In making these proposed amendments, the Department must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the code is proposed or would be as

effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment of the conflict-of-interest code and any communication required by this notice should be directed to:

Elliot Block
Legal Office
Department of Resources Recycling and
Recovery (CalRecycle)
1001 I Street, MS-24B
Sacramento, CA 95814
Telephone: (916) 341-6080
Fax: (916) 319-7138
e-mail: Elliot.Block@CalRecycle.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
Hamilton Road 5.76km Powderhouse Creek
Fish Passage Improvement
(Tracking Number: 1653-2019-040-001-R1)
Del Norte County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 8, 2019, that California State Parks proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves replacing a failing culvert with a structurally engineered bridge. The proposed project will be carried out on a tributary to the East Fork of Mill Creek, informally named Powderhouse Creek. The project site is located adjacent to Hamilton Road, 5.76 km from the intersection of Hamilton Road and Highway 101, south of Crescent City, Del Norte County, California.

On June 20, 2019, California State Parks submitted to the North Coast Regional Water Quality Control Board (Regional Water Board) 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 Hamilton Road 5.76km Powderhouse Creek Fish Passage Improvement. The Regional Water Board is currently reviewing the Project, as described in the NOI, to determine if it is categorically exempt from California Environmental Quality Act (CEQA) review

(section 15333 — Small Habitat Restoration Projects) and meets the eligibility requirements for coverage under the General 401 Order. The Regional Water Board may issue a Notice of Applicability for coverage under the General 401 Order.

California State Parks 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, California State Parks will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
Horse Creek Lawrence/Morgan
Wood Loading Project
(Tracking Number: 1653-2019-042-001-R1)
Siskiyou County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 15, 2019, that the Mid Klamath 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 installation of 15 Large Woody Debris jams to create salmonid spawning habitat. The proposed project will be carried out on Horse Creek, located 2.5 miles upstream for the confluence with the Klamath River, Siskiyou County, California.

On July 1, 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 Horse Creek Lawrence/Morgan Wood Loading Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under

the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A190083WNSI; ECM PIN No. 1A190083WNSI) for coverage under the General 401 Order on July 10, 2019.

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

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2019-039-001-R1**

Project: Lost River Groundwater and Streamflow Project

Location: Mendocino County

Applicant: April Newlander, Sanctuary Forest Inc.

Background

Project Location: The Lost River Groundwater and Streamflow Project (Project) is located approximately 5.6 miles southeast of the intersection of Briceland Thorn Road and Shelter Cove Road, at a property owned by Sanctuary Forest Inc., Assessor Parcel Number (APN) 051-160-01, and affects South Fork Lost River, tributary to Lost River. The South Fork Lost River supports populations of Coho Salmon.

Project Description: Sanctuary Forest Inc. (Applicant) proposes to enhance habitat within South Fork Lost River to provide a net conservation benefit for Coho Salmon (*Oncorhynchus kisutch*) and winter Steelhead trout (*O. mykiss*). The Project includes installation of approximately 30 instream constructed log and boulder and/or post-assisted structures using approximately 104 pieces of wood along a reach of South Fork Lost River. The structures will incorporate fish passage utilizing a step pool design that mimics beaver dams as well as naturally occurring bedrock and wood structures in Mattole streams. Secondary structures will be

installed as needed to provide cover and complexity in the short term and scour pools in the long term as aggradation occurs.

The Project also includes construction of an off-channel groundwater recharge and stream flow enhancement pond. The pond is intended to catch rainwater and enhance stream flows into the summer and fall seasons for juvenile salmonids. The 300,000 gallon pond will be constructed within the footprint of the first phase access road.

The Project will occur in the South Fork of Lost River, a fish-bearing watercourse that is known to contain coho salmon and steelhead. Lost River experiences very low or intermittent flows during the late summer and fall. In the reach downstream of the project, juvenile coho salmon were rescued from Lost River in 2015 and 2018 due to pools drying up. The entire Lost River watershed is conserved and there are no human use diversions; therefore, the only strategy for improving stream flows is to address land use impacts.

The Project design that was reviewed and approved by NMFS Engineering and CDFW's Fisheries staff. Detailed Project plans, discussion of proposed work, species protection measures, site photos, and maps are on file with CDFW's Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 2.29 acres and 461 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 30 in-stream constructed log and boulder and/or post-assisted structures using approximately 104 pieces of wood.

Project Timeframes:

Start date: July 2019

Completion date: October 31, 2023

Work window: July 10–October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve salmonid habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small

Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B190062WNHU, Electronic Content Management Identification (ECM PIN) No. CW-858703) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Coho Salmon and Steelhead trout.

Receiving Water: South Fork Lost River, tributary to Lost River, tributary to Mattole River.

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 2.29 acres maximum

Length permanently impacted: none

Length temporarily impacted: 461 linear feet

Project Size: 2.29 acres and 461 linear feet

Discharge Volume: 135 cubic yards (cy) of rock, 104 logs, 10 bales of rice straw, 2.5 rolls of burlap or coir at 8 feet x 112 feet each, 540 wooden posts, 62 cy soil/clay, 120 cy native vegetation, 120 feet of rebar, 48 nuts and washers

Project Location: Latitude: 39.9886 degrees N / Longitude: -123.915 degrees W

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 17, 2019, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 18, 2019, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0618-01) on June 28, 2019. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a

regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, Appendix B of the *Basis of Design Report for Lost River Groundwater and Streamflow Enhancement Project* with further mitigation measures listed in the NMFS's Biological Opinion attached separately.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, Appendix B of the *Basis of Design Report for Lost River Groundwater and Streamflow Enhancement Project* with further monitoring measures listed in the NMFS's Biological Opinion attached separately.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

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

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and

ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: scott.monday@wildlife.ca.gov.

Project Authorization

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

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

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

NOTICE OF PUBLIC COMMENT PERIOD

**July 26, 2019 to August 26, 2019
PROSPECTIVE PURCHASER
AGREEMENT NP OAKLEY LLC.
6000 Bridgehead Road, Oakley, California 94561
Para información en español por favor
comuníquese con Veronica Lopez-Villasenor al
número (916) 255-3651.**

WHAT IS BEING PROPOSED? — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a Prospective Purchaser Agreement (PPA) with NP Oakley, LLC and Chemours Company FC, LLC (Chemours) regarding the Chemours Oakley Site located at 6000 Bridgehead Street, Oakley, CA 95461. Under the proposed PPA, Chemours will continue to conduct corrective action at the Site under the 2003 corrective action consent agreement. NP Oakley LLC will perform other tasks, including addressing soil vapor intrusion subject to certain conditions as described in the PPA. In return, a covenant not to sue will be granted to NP Oakley by DTSC. The proposed PPA includes contribution protection provid-

ed in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 113(f)(2), 42 U.S.C. § 9613(f)(2).

HOW CAN I GET INVOLVED? — DTSC will consider public comments on the PPA that are post-marked or received by August 26, 2019. DTSC may withdraw consent to enter into the PPA if such comments disclose facts or considerations that indicate the PPA is inappropriate, improper or inadequate. **Comments should be addressed to:**

Carrie Tatoian–Cain, DTSC Project Manager
(Please include “NP OAKLEY LLC.” in the subject line of your letter or email)

Department of Toxic Substances Control
8800 Cal Center Drive, Sacramento, CA 95826
Carolyn.Tatoian-Cain@dtsc.ca.gov

WHERE DO I GET INFORMATION?

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

In Person (By Appointment only):
DTSC Sacramento Regional Office
Filing Room
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-3758 (call for appointment)

By Internet:

DTSC Envirostor Website
https://www.envirostor.dtsc.ca.gov/public/profile/report?global_id=60002740
Please click on the Community Involvement tab

By Mail (Per your request):

Carrie Tatoian–Cain
DTSC Project Manager
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on June 25, 2019, received a petition from the Center for Biological Diversity and the Mountain Lion Foundation to list an evolutionarily significant unit (ESU) of mountain lions (*Puma concolor*) in

southern and central coastal California as threatened or endangered under the California Endangered Species Act.

Mountain lions require large areas of relatively undisturbed habitats with adequate connectivity to allow for dispersal and gene flow. They have large home ranges which often consist of a mix of habitat types including coniferous forests, riparian and oak woodlands, streams, chaparral, grasslands, and desert.

Pursuant to Section 2073 of Fish and Game Code, on July 5, 2019, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its August 7–8, 2019, meeting in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento. It is anticipated that the Department’s evaluation and recommendation relating to the petition will be received by the Commission at its October 9–10, 2019, meeting in San Diego County.

Interested parties may contact Ms. Esther Burkett, California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244–2090 or email Esther.Burkett@wildlife.ca.gov, or telephone (916) 445–3764 for information on the petition or to submit information to the Department relating to the petitioned species. Submission of information via email is preferred.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

PROPOSITION 65

**NOTICE OF EXTENSION OF THE
PUBLIC COMMENT PERIOD FOR THE
NOTICE OF MODIFICATION TO
TEXT OF PROPOSED REGULATION**

**PROPOSED AMENDMENTS TO SECTIONS
25821(A) AND (C) LEVEL OF EXPOSURE TO
CHEMICALS CAUSING REPRODUCTIVE
TOXICITY: CALCULATING INTAKE BY THE
AVERAGE CONSUMER OF A PRODUCT**

(Posted on OEHHA’s website on July 12, 2019)

A Notice of Modification of Text of Proposed Regulation announcing modifications to the text of the proposed amendments to Article 8 of Title 27 of the California Code of Regulations, section 25821 was published in the California Regulatory Notice Register on July 5, 2019. The July 5th notice initiated a 15–day public comment period that was scheduled to close on July 22, 2019.

At the request of the Grocery Manufacturers Association, California Chamber of Commerce, and a coalition of interested entities (“Coalition”) OEHHA hereby extends the public comment period. The comment period will now close on **Monday, August 5, 2019**. The public is encouraged to submit written comments electronically via e-mail or through our website at <https://oehha.ca.gov/comments> rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include “Calculating Exposure” in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the address below.

Monet Vela
 Office of Environmental Health Hazard Assessment
 P. O. Box 4010, MS 23 11F
 Sacramento, California 95812-4010
 Telephone: 916-323-2517
 Fax: 916-323-2610
 E-mail: monet.vela@oehha.ca.gov

<p>SUMMARY OF REGULATORY ACTIONS</p>
--

**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# 2019-0531-04
 BOARD FOR PROFESSIONAL ENGINEERS,
 LAND SURVEYORS AND GEOLOGISTS
 Geology Education

This action clarifies educational and experience requirements for applicants seeking licensure as a professional geologist or professional geophysicist, certification in a specialty in geology or geophysics, and certification as a geologist-in-training.

Title 16
 ADOPT: 3022, 3022.1, 3022.2
 AMEND: 3031
 Filed 07/11/2019
 Effective 10/01/2019
 Agency Contact: Kara Williams (916) 263-5438

File# 2019-0606-02
 BOARD OF BEHAVIORAL SCIENCES
 Update Supervision-Related Requirements and Forms

This change without regulatory effect aligns a number of regulations and incorporated forms concerning requirements for supervisors with recent changes made to the Business and Professions Code by Assembly Bill 93 (Stats. 2018, Ch. 743).

Title 16
 AMEND: 1821, 1822, 1833.1, 1870, 1870.1
 REPEAL: 1874
 Filed 07/17/2019
 Agency Contact: Christy Berger (916) 574-7817

File# 2019-0530-04
 BOARD OF EDUCATION
 California Assessment of Student Performance & Progress

This certificate of compliance action by the State Board of Education makes permanent OAL File No. 2019-0122-03E, which amended the regulations that govern the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized testing guidelines of the Smarter Balanced Assessment Consortium.

Title 5
 AMEND: 850, 851, 854.1, 854.2, 854.3, 854.4, 859, 862, 863
 Filed 07/11/2019
 Effective 07/11/2019
 Agency Contact: Hillary Wirick (916) 319-0860

File# 2019-0604-01
 CALIFORNIA DEPARTMENT OF TAX AND FEE
 ADMINISTRATION
 Application of the Fee Collection Procedures Law

The California Department of Tax and Fee Administration (Department) submitted this file and print action to add a California battery fee, a manufacturer battery fee, a cannabis excise tax, and a cannabis cultivation tax to a regulation that sets forth fees and taxes collected by the Department under the Fee Collection Procedures Law (Rev. & Tax. Code section 55001 et seq.). The Department is authorized to collect these additional fees and taxes under the Fee Collection Procedures Law pursuant to the enactment of various statutes in A.B. 2153 (Stats.2016, ch. 666) and Proposition 64 (2016). The Department is also adding two reference citations to the regulation that relate to the collection of these additional fees and taxes.

Title 18
AMEND: 3500
Filed 07/10/2019
Effective 07/10/2019
Agency Contact: Richard Bennion (916) 455-2130

File# 2019-0627-06
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Pilot Program — Indecent Exposure

This action to repeal section 3999.24 of Title 15 of the California Code of Regulations (CCR) is exempt from the Administrative Procedure Act pursuant to Penal Code section 5058.1(b). At the request of the Department of Corrections and Rehabilitation, OAL filed this repeal with the Secretary of State and will publish it in the CCR.

Title 15
REPEAL: 3999.24
Filed 07/15/2019
Effective 07/15/2019
Agency Contact: Jon Struckmann (916) 445-2276

File# 2019-0605-02
DEPARTMENT OF INDUSTRIAL RELATIONS
Order Regulating Wages and Hours in Agricultural Occupations

This action amends Wage Order 14-2001 regarding minimum wages for shepherders employed on a regularly schedule 24-hour shift on a seven-day-a-week on-call basis. The Department of Industrial Relations submitted this action for filing and printing pursuant to Labor Code section 1182.13(d).

Title 8
AMEND: 11140
Filed 07/15/2019
Effective 07/15/2019
Agency Contact: Laura Moskowitz (415) 703-5252

File# 2019-0711-01
DEPARTMENT OF JUSTICE
Revised Tobacco Escrow Agreement

This emergency rulemaking action readopts amendments to the requirements for establishing and maintaining qualified tobacco escrow accounts to ensure that Non-Participating Manufacturers (NPMs) of tobacco products and their escrow agent banks properly hold, track, and monitor tobacco escrow funds on deposit for the benefit of California.

Title 11
AMEND: 999.12
REPEAL: 999.13
Filed 07/17/2019
Effective 07/25/2019
Agency Contact: Barry Alves (916) 210-7838

File# 2019-0528-02
DEPARTMENT OF MANAGED HEALTH CARE
Financial Solvency of Risk-Bearing Organizations

This rulemaking action by the Department of Managed Health Care (Department) amends seven sections in title 28 of the California Code of Regulations to update the definition of “organization,” update financial solvency standards, and revise requirements for the reporting of financial solvency. The Department is also adopting three new financial survey forms to be used by risk-bearing organizations.

Title 28
AMEND: 1300.75.4, 1300.75.4.1, 1300.75.4.2, 1300.75.4.5, 1300.75.4.7, 1300.75.4.8, 1300.76
Filed 07/10/2019
Effective 10/01/2019
Agency Contact: Jennifer Willis (916) 324-9014

File# 2019-0606-01
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
Administrative Certification for Reusable Grocery Bags

The Department of Resources Recycling and Recovery proposed this action to adopt seven regulations under a new article that establish an administrative certification fee and procedures for certifying reusable grocery bags by reusable grocery bag producers manufacturing, importing, distributing, or selling reusable grocery bags in California.

Title 14
ADOPT: 17988.1, 17988.2, 17988.3, 17988.4, 17988.5, 17988.6, 17988.7
Filed 07/17/2019
Effective 07/17/2019
Agency Contact: Kate Nitta (916) 341-6067

File# 2019-0611-01
STATE ALLOCATION BOARD
Full-Day Kindergarten Facilities Grant Program

This action makes permanent the emergency regulations implementing the Full-Day Kindergarten Facilities Grant Program which appropriated \$100,000,000 from the General Fund to the State Allocation Board to provide one-time grants to school districts to construct

new or retrofit existing school facilities for the purpose of providing full-day kindergarten classrooms.

Title 2

ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21

Filed 07/17/2019

Effective 07/17/2019

Agency Contact: Lisa Jones (916) 376-1753

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

2019 RULEMAKING CALENDAR

Special Note

In an effort to conserve resources, the 2019 Rulemaking Calendar is being incorporated by reference into this edition of the California Regulatory Notice Register (CRNR).

The 2019 Rulemaking Calendar is accessible through the following means:

1. Electronic copies are available from the Office of Administrative Law upon request by emailing staff@oal.ca.gov.
2. Your nearest depository library. Go to <http://www.library.ca.gov/government-publications/state-document-depository-program/depositories/> for a list of California depository libraries.
3. Hard copies are available. Please contact Thomson Reuters at 1-888-728-7677. The cost of the printed calendar is \$30.00. Subscribers of the Notice Register may obtain at no extra charge a hard copy of the Rulemaking Calendar upon request.

