



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. 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: Turlock Unified School District

A written comment period has been established commencing on August 2, 2019 and closing on September 16, 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 his 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 his 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 September 16, 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) 324-5854.

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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
DEVELOPMENTAL SERVICES**

**AMENDMENT TO HOME AND COMMUNITY
BASED SERVICES (HCBS) WAIVER FOR THE
DEVELOPMENTALLY DISABLED**

(<https://www.dds.ca.gov/waiver/index.cfm>)

The Department of Health Care Services (DHCS) in partnership with the Department of Developmental Services (DDS) is seeking to amend the 1915(c) Home and Community-Based Services (HCBS) Waiver for Persons with Developmental Disabilities.

Description of Waiver Amendment

The HCBS waiver is available statewide to provide individuals with developmental disabilities the desired services and supports needed to implement their Individual Program Plan (IPP). The proposed amendment will include the following changes:

- Time-Limited Rate Increase
 - Time-limited rate increases for specified service providers.
 - Chapter 28, Statutes of 2019 (SB 81, Committee on Budget and Fiscal Review), provided DDS with time-limited funding to provide supplemental rates increases for specified service providers effective January 1, 2020 through December 31, 2021. The rate increases shall be suspended at the end of this period unless certain conditions, as specified in SB 81, apply.

The aggregate fiscal impact of this amendment is estimated to be \$569,453,000 for waiver years 3 and 4.

The DDS is soliciting input on the proposed amendment to the 1915(c) HCBS Waiver for Persons with Developmental Disabilities under the Social Security Act. The waiver amendment application will be posted on the DDS website at <https://www.dds.ca.gov/waiver/index.cfm>. The public comment period will begin on August 2, 2019. Public comments will be considered through September 1, 2019. Comments or requests to review/receive a hardcopy of the application can be submitted via email to Carie.Powell@dds.ca.gov or in writing to the Department of Developmental Services,

Attention Federal Program Operations Section, 1600 Ninth Street, Room 310, MS 3-8, Sacramento, CA 95814.

If you have any questions please contact Carie Powell, Chief, Federal Programs Operations Section at (916) 654-1972 or Carie.Powell@dds.ca.gov.

**DEPARTMENT OF
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2019-007-03**

Project: Sonoma 101 North of Pepper Road Slide Repair Project

Location: U.S. Highway 101, Sonoma County

Applicant: California Department of Transportation, District 4

Background

The California Department of Transportation (Applicant) proposes to repair several hillside slip outs along northbound U.S. 101 at Post Mile (PM) 9, near the city of Petaluma in Sonoma County, California. The storm-damage related erosion within its right of way (ROW) has resulted in ongoing maintenance and traveler safety issues. The storm damaged embankment is located on a steep slope above the northbound Sonoma U.S. 101 shoulder repair. Repair will include regrading of an area with three on-going earthen slides, lining an existing v-shaped ditch at the top of the slope with concrete, and replacing a failing sub-surface down drain pipe that conveys stormwater flows from the top of the slope to a culvert that drains under and perpendicular across Sonoma U.S. 101.

The Project will include the following activities at each location:

- (1) Site preparation to include delineating the designated work area with either high visibility fencing or staking and completing biological survey;
- (2) Excavation and regrade of the northbound embankment slope. Excavation into the slope will extend from the edge of pavement to the existing bench at the existing v-ditch;
- (3) Regrading of the existing v-ditch and conversion into a concrete lined trap ditch. The lined trap ditch will be approximately 280 feet long and 11 feet wide;
- (4) Replacement of the sub-surface, 12-inch diameter down drain;
- (5) Installation of the appropriate erosion control measures, such as fiber rolls and hydroseed with native vegetation.

Construction will not require tree removal. Existing vegetation, in the form of grasses and shrubs, will be removed during clearing and grubbing. Staging and access will be primarily from the Sonoma U.S. 101 roadway. If needed, Applicant has identified an approximately 0.17-acre staging area immediately adjacent to the road shoulder on the south end of the project footprint. Preparation of this staging area may require minor grading work. Excavation activity will be confined to the embankment and the existing v-ditch at the top of the side slope. Work will be completed with standard construction equipment including loaders, excavators, and concrete trucks. Concrete washout facilities will be portable. Large equipment will work from the road shoulder. The project is expected to begin construction in 2019 and will likely require 6 to 9 months to complete.

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*) (CTS) where those activities take place within the Applicant ROW and upland slope repair locations near PM 9 along Sonoma U.S. 101. In particular, CTS could be incidentally taken as a result of excavation and other ground disturbing activities that could result in killing and injuring CTS as well as capture and relocation of CTS. CTS is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

CTS individuals are documented as present 2.1 miles from the proposed Project site and there is suitable CTS habitat within and adjacent to the Project site. The repair sites are on a hillside slope with upland grassland habitat. Because of the proximity of the nearest documented CTS, dispersal patterns of CTS, and the presence of suitable CTS habitat within the Project site, the United States Fish & Wildlife Service (Service) determined that CTS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS.

According to the Service, the Project will result in the temporary disturbance of 1.8 acres of upland CTS habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA,

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

the Applicant has consulted with the Service as required by the ESA. On April 3, 2018, the Service issued a biological opinion (Service file No. 08ESMF00–2018–F–0668–1) to the Applicant. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The BO also requires the Applicant to implement and adhere to measures contained within the Project Biological Assessment.

On June 17, 2019 the Director of the Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2019, No. 26–Z, p. 955.)

Determination

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and CTS because the mitigation measures contained in the BO and ITS as well as the conditions in the Biological Assessment, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of CTS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO, ITS, and Biological Assessment will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of CTS. The mitigation measures in the BO, ITS and Biological Assessment include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- **Habitat Compensation.** The proposed project is within an area mapped in the Santa Rosa Plains Conservation Strategy (SRPCS) as being within 1.3 miles of a known Sonoma CTS breeding site. Following SRPCS guidance, Applicant will compensate at 1:1 for disturbance of 1.8 acres by purchasing 1.8 acres of Service-approved conservation banking credits for the Sonoma CTS. Applicant will purchase the banking credits and provide documentation of such to the Service prior to ground-breaking on the proposed Project.
- **Biological Monitor Approval.** The names and qualifications of the proposed biological monitor(s) will be submitted to the Service for approval at least 30 calendar days prior to the start of construction. The Service-Approved

Biological Monitor will keep a copy of this Biological Opinion in their possession when onsite. The Service–Approved Biological Monitor will be onsite during all work that could reasonably result in take of the Sonoma CTS. The Service–Approved Biological Monitor will have the authority to stop work that may result in the unauthorized take of special–status species through communication with the Resident Engineer. If the Service–Approved Biological Monitor exercises this authority, the Service will be notified by telephone and e–mail message within one working day.

- Pre–Construction Sonoma CTS Surveys. Pre–construction clearance surveys will be conducted by a Service–Approved Biological Monitor for Sonoma CTS immediately prior to initial vegetation removal and excavation, and before the start of work each morning of any other ground disturbance activity. The Service–Approved Biological Monitor will check for tiger salamanders under equipment, such as vehicles and stored pipes. The Service–Approved Biological Monitor will check excavated steep–walled holes or trenches in order to relocate trapped Sonoma CTS to appropriate habitat outside the work area. Safety permitting, the biological monitor will investigate areas of disturbed soil for signs of Sonoma CTS within 30 minutes following initial disturbance of the given area.
- Cover Boards. The Service–Approved Biological Monitor will place cover boards in strategic locations throughout the project footprint during the pre–construction surveys. During construction, these cover boards will be checked on a daily basis for the Sonoma CTS when the Service–Approved Biological Monitor is onsite.
- Reporting Discovery. The Service will be notified within one working day if a Sonoma CTS is discovered within the construction site.
- Worker Environmental Awareness Training. Construction personnel will attend a mandatory environmental education program delivered by the Service–Approved Biological Monitor prior to any ground disturbing activity, including vegetation clearing. The program will focus on the conservation measures and will include information as how to best avoid take of the Sonoma CTS. At a minimum, the training will include a description of the Sonoma CTS; how they might be encountered within the project area; their status and protection; and the relevant *Conservation Measures* and *Terms and Conditions*

of the Biological Opinion. A fact sheet conveying this information will be prepared and distributed to all construction and project personnel. Distributed materials will include cards with distinctive photographs of the Sonoma CTS, compliance reminders, and relevant contact information. Documentation of the training, including sign in sheets, will be kept on file and made available to the Service upon request.

- Seasonal Avoidance. To the maximum extent feasible, grading and clearing will be scheduled during the dry season between April 15 and October 15.
- Work Boundary. The work limits will be identified with high–visibility fencing, flagging, or other obvious means. Limits will also be defined near other environmentally sensitive locations, such as bird nests, as needed. The materials used to identify work boundaries will be removed at the end of construction.
- Exclusion Fencing. Prior to construction and following clearance surveys, fencing will be installed to discourage Sonoma CTS from entering the project construction site.
- Avoidance of Entrapment. To prevent inadvertent entrapment of Sonoma CTS during construction, all excavated, steep–walled holes or trenches more than 1 foot deep will be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Escape ramps will be set at an angle less than 33 degrees to ensure that tiger salamanders can climb out. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. Pipes and culverts greater than 4 inches in diameter will be covered and stored to prevent tiger salamanders and other wildlife from taking refuge. If covering and storage are not possible, the Service–Approved Biological Monitor will be consulted to develop an alternative. An inspection for Sonoma CTS and other wildlife will be conducted prior to moving the materials.
- Erosion Control Matting: Plastic monofilament netting (erosion control matting) or similar material will not be used because Sonoma CTS may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackifier hydroseeding compounds.
- Revegetate Disturbed Areas. Applicant will restore temporarily disturbed areas to the preconstruction ecological function and values to the maximum extent practicable. Exposed slopes

and bare ground will be reseeded with native species to stabilize and prevent erosion.

- Service Access. If requested, before, during, or upon completion of groundbreaking and construction activities, Applicant will allow access by Service personnel into the project footprint to inspect the project and its activities

Monitoring and Reporting Measures

- Notification of injured or dead listed species will be made to the Coast–Bay Division Chief of the Endangered Species Program at the Sacramento Fish and Wildlife Office (SFWO) at (916) 414–6623. When an injured or dead individual of the listed species is found, Applicant shall follow the steps outlined in the following *Disposition of Individuals Taken* section.
- Sightings of any listed or sensitive animal species should be reported to the California Natural Diversity Database (CNDDDB) (<https://www.wildlife.ca.gov/Data/CNDDDB>).
- Construction compliance reports will be addressed to the Coast–Bay Division Chief of the Endangered Species Program at the SFWO.
- Applicant shall submit post–construction compliance reports prepared by the Service–approved biologist to the Service within 60 calendar days following completion of each construction season or within 60 calendar days of any break in construction activity lasting more than 60 calendar days. This report shall detail (1) dates that relevant project activities occurred; (2) pertinent information concerning the success of the project in implementing avoidance and minimization measures; (3) an explanation of failure to meet such measures, if any; (4) known project effects on the Sonoma CTS; (5) occurrences of incidental take of any listed species; (6) documentation of employee environmental education; and (7) other pertinent information.

Financial Assurances

- The Applicant provided a funding assurance letter committing the Applicant to the necessary funds needed to complete on–site restoration of temporary impacts.
- The Applicant also submitted a California Transportation Improvement Program System Allocation History that notes the commitment by the Applicant of the necessary funds to implement on–site restoration of temporary impacts.
- The Applicant shall provide a copy of the bill of sale and payment receipt to USFWS upon the purchase of the CTS credits from an approved

USFWS mitigation/conservation bank prior to the initiation of construction. Applicant has already provided to CDFW a copy of the bill of sale and payment receipt related to the purchase of CDFW–approved CTS credits.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of CTS, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO, ITS, and the Biological Assessment. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, ITS, or the Biological Assessment, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
Calistoga Elementary School Biotechnical
Streambank Stabilization Project
(Tracking Number: 1653–2019–044–001–R3)
Napa County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 16, 2019 that the Calistoga Joint Unified School District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project will attempt to stabilize the severely eroded and actively eroding riverbank. The proposed project involves creating a stable slope composed of vegetated rock slope protection with integrated large wood structures along the toe of the bank and vegetated soil lifts higher on the bank where there are lower velocities. The proposed project will be carried out on the Napa River, located at 1327 Berry Street, Calistoga, Napa County, California.

In 2017, the Calistoga Joint Unified School District submitted to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) a Notice of Intent (NOI) to enroll the Calistoga Elementary School Biotechnical Streambank Stabilization Project for coverage under the General Certification for Regional General Permit 5 for Repair and Protection Activities in Emergency Situations. However, the Region-

al Water Board determined that the Project, as described in the NOI, met the eligibility criteria under the Statewide General Water Quality Certification for Small Habitat Restoration Projects (General 401 Order). The Regional Water Board issued a Notice of Applicability (CIWQS Place ID 836598, CIWQS Reg. Meas. 414317) for coverage under the General 401 Order on July 17, 2017.

The Calistoga Joint Unified School District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

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

**DEPARTMENT OF
FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
Van Duzen Pool Bank Project
(Tracking Number: 1653-2019-043-001-R1)
Humboldt County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on July 16, 2019, that Darleene Sampson proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves removal of invasive plant species, stabilization of the bank, and replanting with native vegetation. The proposed project will be carried out on the Van Duzen River, located at 7088 State Highway 36, Carlotta, Humboldt County, California.

On June 18, 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 Van Duzen Pool Bank 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. 1B190074WNHU; ECM PIN No. CW-859169) for coverage under the General 401 Order on June 27, 2019.

Darleene Sampson 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, Darleene Sampson will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
SOCIAL SERVICES**

NOTICE TO INTERESTED PARTIES

The California Department of Social Services (CDSS) is required by federal law to submit an updated State Plan for the Temporary Assistance to Needy Families program. Notice is hereby given that a copy of California's proposed updated plan is available upon request for public review and comment.

Copies of the proposed State Plan are available from the office listed below. Comments relating to the proposed plan may be submitted in writing to the address/number listed below. All comments must be received no later than September 16, 2019.

CONTACT

Ms. Julie Coates
CalWORKs Engagement Bureau
TANF State Plan Renewal
California Department of Social Services
744 P Street, MS 8-8-33
Sacramento, CA 95814
(916) 654-1461

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING AND
BUSINESS MEETING OF THE OCCUPATIONAL
SAFETY AND HEALTH STANDARDS BOARD**

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

PUBLIC MEETING

On **September 19, 2019**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

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

BUSINESS MEETING

On **September 19, 2019**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

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

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language inter-

preter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

DECISION NOT TO PROCEED

**DEPARTMENT OF
PUBLIC HEALTH**

**NOTICE OF DECISION NOT TO PROCEED
Pursuant to Government Code section 11347**

**California Department of Public Health
DPH-11-009 Medical Information Breach**

Pursuant to Government Code Section 11347, The California Department of Public Health hereby gives notice that it has decided not to proceed with the rule-making action published in the California Regulatory Notice Register (CRNR), October 19, 2018, No. 42Z. The proposed rulemaking concerned medical information breaches.

Any interested person with questions concerning this rulemaking should contact Anita Shumaker at either 916-440-7718 or Anita.Shumaker@CDPH.ca.gov.

The Department will also publish this Notice of Decision not to proceed on its website.

**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# 2019-0607-01
AIR RESOURCES BOARD
Specifications for Vehicle Fill Pipes and Openings

This rulemaking action amends existing specifications for fill pipes and openings of 2015 and newer motor vehicle fuel tanks to ensure compatibility with new

recovery nozzles that are certified for use at California gas stations.

Title 13
AMEND: 2235
Filed 07/22/2019
Effective 10/01/2019
Agency Contact: Bradley Bechtold (916) 322-6533

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# 2019-0717-01
BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
AB 705 Regulations — Curriculum and Instruction

The Board of Governors of the California Community Colleges submitted to OAL this action dealing with curriculum and instruction as a print only file. Pursuant to Education Code section 70901.5, this action was filed with the Secretary of State by the Board on July 17, 2019, is exempt from the Administrative Procedure Act and OAL review, and was submitted to OAL only for the purpose of publishing the regulations in the California Code of Regulations.

Title 5
AMEND: 55002, 55003, 55063, 55500, 55522
Filed 07/17/2019
Effective 08/16/2019
Agency Contact: Tanya Bosch (916) 445-4826

File# 2019-0619-02
CALIFORNIA ENERGY COMMISSION
Appliance Efficiency Regulations

This change without regulatory effect filing by the California Energy Commission removes minimum Energy Efficiency Ratio standards for split system heat pumps to align with federal law.

Title 20
AMEND: 1605.1
Filed 07/24/2019
Agency Contact: Corrine Fishman (916) 654-4976

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# 2019-0606-01
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# 2019-0625-02
FAIR POLITICAL PRACTICES COMMISSION
Advice

This action by the Fair Political Practices Commission (the "Commission") revises the process by which the Commission will provide formal written advice and informal assistance to persons subject to the Political Reform Act of 1974 (commencing with Government Code section 81000).

Title 2
ADOPT: 18329
REPEAL: 18329
Filed 07/22/2019
Effective 08/21/2019
Agency Contact: Amanda Apostol (916) 324-3854

File# 2019-0625-03
FAIR POLITICAL PRACTICES COMMISSION
Non-Substantive Changes (Clean-up)

This action by the Fair Political Practices Commission (the "Commission") makes various formatting and stylistic changes to existing regulations. Additionally, the Commission is amending regulations regarding various areas, including campaign disclosure and conflicts of interest.

Title 2
AMEND: 18117, 18215.1, 18215.3, 18217, 18219, 18225.4, 18225.7, 18238.5, 18308.1, 18308.3, 18404.1, 18466, 18531.61, 18535, 18741.1, 18944
Filed 07/22/2019
Effective 08/21/2019
Agency Contact: Amanda Apostol (916) 324-3854

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.