



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: Kings River Watershed Coalition Authority
 North Coast Schools' Insurance Group
 Santa Cruz-Monterey-Merced Managed Medical Care Commission dba Central California Alliance for Health

ADOPTION

MULTI-COUNTY: Northern California Energy Authority
 Napa/Solano Area Agency on Aging Oversight Board
 Delta Conveyance Finance Authority

A written comment period has been established commencing on February 8, 2019, and closing on March 25, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public

hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than March 25, 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 Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

ORD #0119-02

ITEM #1: Nonambulatory Children Language Repeal

The California Department of Social Services (hereafter known as the Department or CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on March 27, 2019, at the following address:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 27, 2019.

Following the public hearing the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at CDSS Public Hearings for Proposed Regulations (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT California Department of Social Services
Office of Regulations Development
744 P. Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2856,
Fax: (916) 654-3286
Email: ord@dss.ca.gov

CHAPTERS

Section 101161, Limitations on Capacity and Ambulatory Status

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Child Care Center (hereinafter "CCC") regulations prevent nonambulatory children from being enrolled in licensed CCCs approved for ambulatory children only and prohibit them from using rooms or areas within CCCs restricted to ambulatory children. The proposed regulatory repeals are necessary to bring Section 101161 into conformity with fire safety requirements administered by the State Fire Marshal and local fire authorities. Sections 101161(b), (b)(1), and (b)(2)

prevent nonambulatory children from being enrolled in licensed CCCs approved for ambulatory children only and prohibit them from using rooms or areas within CCCs restricted to ambulatory children. These limitations are not necessary and historically served the purpose of fire safety in CCCs. Section 101161(b)(1) and (b)(2) are proposed to be repealed because they conflict with fire safety requirements adopted and administered by the State Fire Marshal and local fire authorities that sufficiently protect nonambulatory children. Furthermore, there are no additional safety concerns requiring the separation of nonambulatory children from ambulatory children in CCCs and rooms within CCCs.

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: the proposed action will make it less burdensome for CCCs to enroll nonambulatory children and provide care and supervision for them. Parents and guardians of nonambulatory children will be able to enroll their children in CCCs more readily.

The Department evaluated whether there were any other regulations in this area and has determined that these are the only regulations concerning limitations on capacity and ambulatory status of children enrolled in child care centers. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting

businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there is no impact on small businesses because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: the proposed action will make it less burdensome for CCCs to enroll nonambulatory children and provide care and supervision for them. Parents and guardians of nonambulatory children will be able to enroll their children in CCCs more readily.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Section 1596.81, Health and Safety Code.

Subject regulations implement and make specific Sections 1596.72, 1596.73, 1596.81(b), and 1596.95, Health and Safety Code.

**DEPARTMENT REPRESENTATIVE REGARDING
THE RULEMAKING PROCESS OF THE
PROPOSED REGULATION**

Contact Person:

Sylvester Okeke
(916) 657-2586

Backup:

Everardo Vaca
(916) 657-2586

**TITLE 22. DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**Amending Section 66272.62, Determining the
Initial Penalty for Each Violation**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, Title 22, Division 4.5, Chapter 22, Article 3, Section 66272.62.

PUBLIC HEARING

DTSC will hold two public hearings on the proposed regulation at the following times and locations:

DATE: March 29, 2019

TIME: 0900-1200

LOCATION: Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

DATE: March 29, 2019

TIME: 0900-1200

LOCATION: Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

At the times and locations listed above, any person(s) may present statements or arguments, orally or in writing, relevant to this proposal described in the Informative Digest. The public hearings will convene at 0900 PDT and will remain open until 1200 PDT, or until no attendees present testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. DTSC requests persons who wish to speak to please register before the hearing. Pre-hearing registration is

conducted at the location of the hearing from 0840 PDT until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in prior to attending any hearing at the Visitor Center located just inside of the building's public entrance. Please allow adequate time to sign in and receive a visitor badge before the public hearing begins.

**NOTICE PERTAINING TO ACCESSIBILITY AND
REASONABLE ACCOMMODATION**

All documents related to this regulation can be made available in an alternate format (*i.e.* Braille, large print, etc.) or in another language, as requested, in accordance with State and Federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact **Litiana Patino at (916) 324-3095 or Litiana.Patino@dtsc.ca.gov** as soon as possible, but no later than 10 business days prior to the scheduled hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

WRITTEN COMMENT PERIOD

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

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

Ms. Jackie Buttle
Office of Legislation
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806
Fax Number: (916) 324-1808

The written comment period will close at 1700 PDT on March 25, 2019. Only comments received at the DTSC office by that date and time will be considered.

AUTHORITY AND REFERENCE

Authority

This regulation is being adopted under the following authorities:

- Health and Safety Code sections 25150 and 58012

Reference

This regulation implements, interprets, or makes specific the following statutes:

- Health and Safety Code sections 25187, 25188, 25189, and 25189.2.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Policy Statement Overview

Existing law and regulations permit DTSC or an authorized agency, known as a unified program agency, to implement and enforce the California Hazardous Waste Control Law (HWCL; Health & Saf. Code § 25100 et seq.) These laws and regulations allow DTSC and the unified program agencies to perform inspections of hazardous waste facilities and hazardous waste generators. Inspections may result in administrative or civil penalties for certain violations of any permit, rule, regulation, standard, or requirement issued or adopted pursuant to the HWCL.

Prior to the enactment of Assembly Bill No. 245 (AB 245; Chapter 499, Statutes of 2017), a person who failed to comply with a schedule for compliance or who violated hazardous waste laws was liable for a civil or administrative penalty not to exceed \$25,000 for each separate violation or, for continuing violations, for each day that the violation continues. DTSC’s regulations for assessment of administrative penalties, utilized by DTSC and authorized agencies, state that any “penalty assessed . . . shall not exceed the maximum penalty specified in statute.” (Cal. Code Regs., tit. 22, §§ 66272.61, 66272.63, subd. (d), 66272.67, subd. (e), 66272.69 [The final penalty shall not exceed the statutory maximum.])

Effective January 1, 2018, AB 245 amended Health and Safety Code sections 25188, 25189, and 25189.2 to increase administrative and civil penalties from a maximum of \$25,000 per violation per day of violation to a maximum of \$70,000 per violation per day of violation. Since the existing penalty regulations apply only to administrative penalties, the statutory changes to the civil penalties are self-implementing upon the effective date of the statutory changes.

The statutory changes to the administrative penalties enacted by AB 245 resulted in a conflict between the statutory language and the regulations governing the administrative penalties, which still provided a maximum administrative initial penalty of \$25,000 per violation per day of violation. Therefore, DTSC determined that this conflict posed an emergency situation necessitating immediate action to amend the penalty

regulations to avoid serious harm to public peace, health, safety, and general welfare. DTSC’s proposed emergency regulation increasing the maximum administrative initial penalty to \$70,000 per violation per day of violation was approved by OAL and became effective on July 5, 2018. On December 31, 2018, OAL approved the re-adoption of this emergency regulation with an effective date of January 3, 2019 and an expiration date of April 3, 2019.

This rulemaking proposal would address the statutory changes made by AB 245 and finalize the emergency regulation re-adopted on January 3, 2018. The proposed amendment to the penalty regulation would increase the administrative initial penalty to a maximum of \$70,000 per violation per day of violation to be consistent with the statutory changes. The amendment to the regulation is intended to provide consistency, and promote fairness and transparency, to the regulated community and the regulatory agencies.

Proposed regulation

The proposed regulation would increase the maximum administrative initial penalty for hazardous waste violations in California from \$25,000 to \$70,000 per violation per day of violation.

Benefits of the Proposed Action

Amendment of the regulation would provide an added deterrent to the regulated community and encourage compliance with the HWCL. As a result, it would better protect California’s people and environment from harmful effects of toxic substances by enforcing hazardous waste laws, reducing hazardous waste generation, improving worker safety, and encouraging the manufacture of chemically safer products.

Summary of Existing Statutes and Regulations

Effective January 1, 2018, Health and Safety Code sections 25188, 25189, and 25189.2 were amended to provide for the assessment of administrative and civil penalties up to a maximum of \$70,000 per violation per day of violation.

The existing regulation, California Code of Regulations, title 22, section 66272.62, uses a matrix that evaluates potential for harm and extent of deviation to calculate penalty amounts. On July 5, 2018, the Office of Administrative Law approved an Emergency Rulemaking package submitted by DTSC to increase the maximum penalty from \$25,000 per violation per day of violation, to \$70,000 per violation per day of violation. On December 31, 2018, OAL approved the re-adoption of this emergency regulation with an effective date of January 3, 2019 and an expiration date of April 3, 2019.

Emergency Regulations are effective for 180 days and can be extended twice for 90 days each time. DTSC must complete a Certificate of Compliance pursuant to

Government Code section 11346.1, subdivision (e), on or before April 2, 2019. If no emergency regulation extension is filed and a Certificate of Compliance is not completed, the emergency regulations will expire causing the regulation to revert to a maximum administrative initial penalty of \$25,000 per violation per day of violation.

Relation to Existing Federal Regulations

Penalties under federal law can be found in Code of Federal Regulations, Title 40, Chapter I, Subchapter A, Part 19, Section 19.4. The amendment of this regulation would not conflict with, or modify, any federal law. Rather, it would harmonize and make the proposed regulation consistent with federal law and regulations.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The authority to assess penalties under State regulations can be found in California Code of Regulations, title 22, section 66272.60 et seq. The amendment of this regulation would ensure consistency between federal law and regulations and State law and regulations. The amendment of this regulation would not conflict with State law or other State regulations. After conducting a review for any regulations that would relate to or affect this area, DTSC has concluded that these are the only regulations that concern determining the initial penalty for each violation. Therefore, the proposed regulation is neither inconsistent or incompatible with existing State regulation.

Incorporated By Reference

The regulation does not incorporate any references.

DISCLOSURE REGARDING THE
PROPOSED ACTION

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DTSC determined that the proposed changes to this regulation would not impose a local mandate or result in costs subject to reimbursement pursuant to Part 7 of Division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES, OR SCHOOL DISTRICTS SUBJECT TO REIMBURSEMENT

Health and Safety Code section 25187, subdivision (j)(1) and (2) provide that all administrative penalties collected from an action brought by DTSC shall be placed in separate DTSC subaccounts for expenditure by DTSC upon appropriation by the Legislature. As previously indicated in the Economic Impact Statement and based on assumptions from prior years, DTSC an-

icipates the increased penalty amount may result in a 2.8 factor increase in the amount of total penalties DTSC collects. The projected annual increase in settled administrative actions is calculated as approximately \$1,643,518.08 and \$336,085.14 annually for the State and unified program agencies (local governments), respectively.

However, due to the increased penalty amount, DTSC anticipates that there may be an increase in litigation costs for businesses contesting the increased penalty, which would offset an increase in collected penalties. An increase in litigation may result in additional costs to DTSC defending any increased litigation due to the increased penalty.

Health and Safety Code section 25187, subdivision (k) provides that all administrative penalties collected from an action brought by a unified program agency, or its participating agencies such as a local health officer or local public officer, shall be deposited into a special account that shall be expended to fund enforcement activities of the unified program agency. As previously indicated in the Economic Impact Statement and based on assumptions from prior years, DTSC anticipates the increased penalty amount may result in a 2.8 factor increase in the total penalties a unified program agency collects. The projected annual increase in penalties based on the regulation amendment is \$336,085.14.

However, due to the increased penalty amount, DTSC anticipates that there may be an increase in litigation costs for businesses contesting the increased penalty, which would offset an increase in collected penalties. An increase in litigation may result in additional costs to local agencies to defend any increased litigation due to the increased penalty.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

DTSC has determined that there would be no fiscal impact to federal funding to the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

EFFECT ON SMALL BUSINESSES

Government Code section 11346.3 defines a small business as any business that employs fewer than 100 employees. According to the 2016 labor market information by the California Employment Development Department (the most current full year of data available), 98.3 percent of all businesses in California employ fewer than 100 employees. DTSC does not have information that indicates whether these data apply to businesses impacted by the proposed regulation. There-

fore, DTSC estimates that 98.3 percent of the businesses impacted by the proposed regulation are small businesses.

EFFECT ON HOUSING COSTS

DTSC has determined the proposed changes to regulation would not have an effect on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

In accordance with Government Code section 11346.3, subdivision (b), DTSC completed an economic impact assessment. DTSC determined the proposed regulatory action has no significant statewide adverse economic impact directly affecting business. In theory, the proposed action does not impose new or revised duties or burden on businesses that handle hazardous waste. Based on prior years of penalty collection, DTSC estimates that the economic impact of this regulation on businesses would be less than \$2 million annually. Any economic impact of this regulation would be considered a benefit to the State.

DTSC has determined the proposed regulation would not create jobs and new businesses, nor would it eliminate jobs and existing businesses. The proposed regulation would not create an expansion of jobs and businesses currently doing business within the State.

As stated in the Form 399, the regulation amendment provides an added deterrent to the regulated community and encourages compliance with the HWCL. As a result, the regulation protects California’s people and environment from harmful effects of toxic substances by enforcing hazardous waste control laws, reducing hazardous waste generation and encouraging the manufacture of chemically safer products.

Calculations for state government (DTSC):

Average DTSC settled penalties (annual year 2013–2017) = \$913,065.60
 (5 year average settled penalties) × (% penalty increase) = Total projected penalty settlements annually for State of California after penalty increase – (Initial five year average) = Projected increase in penalties received by the state annually
 $\$913,065.60 \times 2.8 = \$2,556,583.68 - \$913,065.60 = \$1,643,518.08$

Calculations for local government (Certified Unified Program Agencies (CUPA)):

Average CUPA settled penalties (annual year 2013–2017) = \$186,713.96
 (Five year average settled penalties) × (% penalty increase) = Total projected penalty settlements annually for local governments after penalty increase – (Initial five year average) = Projected increase in penalties received by local governments annually
 $\$186,713.96 \times 2.8 = \$522,799.10 - 186,713.96 = \$336,085.14$

Summary:

Average administrative penalties settled annually 2013–2017:
 State of California: \$913,065.60
 Local governments: \$186,713.96
 Total = \$1,099,779.56

Projected administrative penalties settled annually after amending 66272.62:
 State of California: \$2,556,583.68
 Local governments: \$522,799.10
 Total: \$3,079,382.78

Projected increase in settled administrative penalties annually:
 State of California: \$1,643,519.08
 Local governments: \$336,085.14
 Total = \$1,979,603.22

DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT

As stated above, DTSC determined the proposed regulatory action has no significant statewide adverse economic impact directly affecting business. Based on prior years of penalty collection, DTSC estimates that the economic impact of this regulation on businesses would be less than \$2 million annually. Any economic impact of this regulation would be considered a benefit to the State.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose 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.

OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The Department of Toxic Substances Control has completed a Notice of Exemption (NOE) because the proposed regulation would not result in a change in land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The proposed regulation is covered by the general rule that the California Environmental Quality Act applies only

to projects which have the potential for causing a significant effect on the environment. DTSC finds with certainty that there is no possibility that the proposed regulation would have a significant effect on the environment.

CONTACTS

Inquiries regarding technical aspects of the proposed regulation or CEQA documents may be directed to Shawn Cox at (916) 322-7527 or Shawn.Cox@dtsc.ca.gov; or Maria Salomon at (916) 322-5919 or Maria.Salomon@dtsc.ca.gov. If unavailable, contact Jackie Buttle at (916) 324-8286 or regs@dtsc.ca.gov. However, such oral inquiries are not part of the rule-making record.

The public comment period for this rulemaking file, as described above, will commence on February 8, 2019 and close on March 25, 2019 at 1700. During this time, DTSC will accept statements, arguments, or contentions and/or supporting documents regarding this rulemaking that must be submitted in writing, or may be presented orally or in writing at the public hearing. Comments must be received by March 25, 2019 at 1700 in order for them to be considered before DTSC adopts, amends, or repeals this regulation.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND INITIAL STATEMENT OF REASONS

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

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial changes are made, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulation, attend the hearing and provide oral comments, or provide written comments on this specific regulation will be sent a copy of the modified text if substantive changes are made.

Once the regulation has been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed public comments, and includes other materials required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Jackie Buttle at the address listed be-

low. A copy of the Final Statement of Reasons along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulation will also be posted on DTSC's Internet site at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

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

Please direct all written comments, procedural inquiries, and requests for documents by mail, e-mail, or fax to:

Ms. Jackie Buttle
Office of Legislation
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806
E-mail address: regs@dtsc.ca.gov
Fax number: (916) 324-1808
Phone number: (916) 324-8286

If Ms. Buttle is unavailable, please call Shawn Cox at (916) 322-7527 or Shawn.Cox@dtsc.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2018-015-02

Project: High Priority Canal and Culvert Deferred Maintenance Project

Location: Sutter County

Applicant: California Department of Water Resources

Background

The California Department of Water Resources (Applicant) proposes to replace three corrugated metal culverts, conduct sediment removal, and spread spoil piles along the collecting canals of the Sutter Bypass. The collecting canals are located within the Sutter Basin, east of the Sutter Bypass, south of the Sutter Buttes, and southwest of Yuba City.

The High Priority Canal and Culvert Deferred Maintenance Project (Project) includes deferred maintenance of sediment removal and associated vegetation removal on 12 miles of collecting canals, deposition of

excavated sediment in upland areas adjacent to the collecting canals, grading deposited sediment piles when sediment piles are dry, and replacing three culverts along the collecting canals.

The Applicant will replace three culverts which will include establishing staging areas, constructing earthen cofferdams upstream and downstream of the existing culverts, excavation of the existing culverts, installing new box culverts at each site, placing new revetment around inlets and outlets of new culverts, removing any temporary fill in the canals, and planting disturbed upland areas with native grass seed. The Project activities may also include handling, capturing, and relocating giant garter snake (*Thamnophis gigas*; hereafter GGS). Construction equipment may include, but is not limited to, pickup trucks, dump trucks, excavator, grader, vibrator compactor, cement truck, backhoe, and hand tools.

The Project activities described above are expected to incidentally take¹ GGS. In particular, GGS could be incidentally taken as a result of excavation, construction, handling, and crushing/entombing of individuals on the surface and in burrows by vehicles/equipment and by sediment deposition. GGS 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)(4)(E).)

Because GGS individuals are known to occur at all Project sites, and GGS habitat surrounds all Project sites, the United States Fish & Wildlife Service (Service) determined that Project activities are expected to result in the incidental take of GGS.

According to the Service, construction of the Project will result in the permanent loss of 29.083 acres of upland GGS habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the United States Army Corps of Engineers (USACE) consulted with the Service as required by the ESA. On November 15, 2018, the Service issued a biological opinion (Service file No. 08ESMF00-2019-F-0020) (BO) to the USACE. The BO describes the Project, requires the Applicant to comply with the terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The BO also requires the Appli-

cant to implement and adhere to measures contained within the Project's Biological Assessment (BA).

On December 28, 2018, the Director of the Department of Fish and Wildlife (CDFW) received a complete notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, the ITS, and the BA are consistent with CESA for purposes of the Project and GGS. (Cal. Reg. Notice Register 2019, No. 2-Z, p. 72.)

Determination

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

Avoidance, Minimization, and Mitigation Measures

- Applicant will minimize disturbance within the project area by implementing the following measures:
- Use existing staging sites, maintenance toe roads, and levee crown roads to the extent practicable for staging and access to avoid affecting previously undisturbed areas.
- Where feasible and practicable clearly mark work area limits (e.g. with flagging or fencing), including access roads and staging and equipment storage areas. Work will occur only within the marked limits. This measure is intended to apply to the sediment removal and the culvert replacement.
- Limit the number of access routes and the size of staging and work areas to the minimum necessary to conduct the activity.
- Project related vehicles will observe a 15-mile-per-hour speed limit within Project area.
- Inspect under all vehicles and heavy equipment for the presence of wildlife before the start of each workday when equipment is staged overnight. Additionally, look for wildlife in all pipes, culverts, and similar structures that have been

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”).

stored on-site for one or more nights before being buried, capped, or moved.

- Furnish trenches with one or more escape ramps constructed of earth fill or wooden planks to provide escape ramps for wildlife.
- Ensure that all project-related trash items, such as wrappers, cans, bottles, and food scraps, are collected in closed containers, removed from maintenance sites each day, and disposed of at an appropriate off-site location to minimize attracting wildlife to work areas.
- Keep the clearing of vegetation and blading for temporary vehicle access to the minimum necessary; especially minimize the clearing of native riparian vegetation and native oaks to the extent practicable.
- Where feasible and consistent with maintenance requirements, avoid removal of native trees with a trunk >4-inches diameter at breast height. Work will be done in a manner that ensures, to the extent feasible, that living native riparian vegetation within the vegetation-clearing zones is avoided and left undisturbed, where this can reasonably be accomplished without compromising maintenance requirements.
- The amount of revetment and similar materials used for culvert replacement will be limited to the amount necessary to ensure proper flood protection system integrity and function.
- Remove temporary fill, construction debris, and refuse, and properly dispose of these materials following completion of any maintenance activities. Where feasible, disturbed areas will be restored to pre-project conditions and planted with native grass seed.
- To mitigate the effects on GGS and their habitat, Applicant will purchase credits at a GGS conservation bank as described in Table 1 and provide a copy of the bill of sale and payment receipt to the Service. CDFW requests that the Applicant also provide CDFW with a copy of the bill of sale and payment receipt.

Culvert Replacements	0.003	3:1	0.009
Total	29.083		29.089

- Applicant will provide environmental awareness training by a qualified biologist to all maintenance personnel and to new field-based personnel before engaging in maintenance activities. Environmental awareness training will include descriptions of all special-status wildlife species potentially occurring in the Project area, their habitats, and methods of identification, including visual aids as appropriate. Although not a condition of the BO, CDFW requests the Applicant report any sighting or take of GGS to the Service and CDFW immediately by telephone at (916) 414-6541 and (916) 358-2930, respectively, and email CDFW at R2CESA@wildlife.ca.gov.
- A qualified biologist will be available on an on-call basis during all Project-related activities. Three monitors will be on-site, one at the culvert replacement and two at the sediment removal activities.
- If giant garter snakes are observed in a maintenance area, Applicant will stop work until the snake is out of the area of maintenance activity and will notify a qualified biologist immediately. If possible, the snake will be allowed to leave on its own, and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the snake is not harmed. Alternatively, with prior Service and CDFW approval and appropriate handling permits, a qualified biologist may capture and relocate the snake unharmed to suitable habitat at least 200 feet from the maintenance area. Applicant will notify the Service and CDFW immediately by telephone (Service (916) 414-6541 and CDFW (916) 358-4353) and in writing within 24 hours of GGS observation during maintenance activities. If the snake does not voluntarily leave the maintenance area and cannot be captured and relocated unharmed, maintenance activities within about 200 feet of the snake will stop to prevent harm to the snake, and the Service and CDFW will be consulted to identify next steps. In that case, Applicant will implement the measures recommended by the Service and CDFW prior to resuming maintenance activities in the area.
- Applicant staff will lightly brush the excavator bucket across the water surface and any associated aquatic vegetation (prior to lowering the excavator

Table 1. GGS Mitigation

Activity	Acreage Affected	Ratio	Credits to be Purchased
Sediment Spoiling and Spreading	29.080	1:1	29.080

bucket into the channel) in an effort to encourage GGS to leave the area. The equipment will then be slowly lowered into the aquatic habitat until the bottom of the aquatic habitat is encountered and raised vertically so that the canal banks and bank vegetation are not disturbed to the maximum extent possible, consistent with the intended purpose of the maintenance activity.

- When feasible, Applicant maintenance staff will deposit spoils in areas that do not provide suitable GGS upland habitat. Such areas include compacted or gravel roadbeds, orchards, and recently disked farm fields.
- Where biological sensitive areas (BSAs) exist in planned maintenance areas, excavated spoils will be placed to avoid these BSAs as much as possible. There are far too many cracks to flag all of them, so the primary goal is to train the excavators to place the soil as far from the bank as possible.
- Immediately preceding grading deposited spoils piles, a qualified biologist will survey planned work areas for GGS and burrows. Additionally, a qualified biologist trained to identify garter snakes will monitor all work as it occurs. Grading of deposited spoils piles will only occur once the soil has dried enough to spread. Grading the spoils sooner instead of waiting for the active season is likely to reduce the chance of impact by reducing the amount of time for a snake to move into this area and use it for brumation. Although not a condition of the BO, CDFW requests the qualified biologist flag burrows prior to grading deposited spoils piles.

Monitoring and Reporting Measures

- A qualified biologist will be available on an on-call basis during all Project-related activities. Three monitors will be on-site, one at the culvert replacement and two at the sediment removal activities.
- Although not a condition of the BO, CDFW requests a copy of construction and monitoring reports. The reports should include dates construction occurred, sightings of species, and the success of revegetation and restoration activities.

Financial Assurances

- The Applicant has provided CDFW with documentation that provides assurances that \$1,671,640.00 of General Fund sourced funding has been budgeted for off-site compensatory mitigation (i.e., GGS mitigation credits) and to implement avoidance and minimization measures, monitoring, and reporting.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of GGS 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 BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, ITS, or the BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2019-031-001-R1**

Project: Novy Rice Zenkus Fish Passage Improvement Project

Location: Siskiyou County

Applicant: Shasta Valley Resource Conservation District

Background

Project Location: The Novy Rice Zenkus Fish Passage Improvement Project (Project) is located at 2426 County Highway A-12, Grenada, CA 96064, at a property owned by Ms. Judy Novy, Assessor Parcel Numbers (APN) 038-220-030-000, 038-190-010-000, 038-190-090-000, 038-180-060-000, 038-210-020-000, 038-170-170-000, 038-230-040-000, 038-180-050-000, 038-210-030-000. The project affects the Shasta River, which supports populations of Coho salmon, bald eagle, Swainson’s hawk, sandhill crane, and American badger.

Project Description: The Shasta Valley Resource Conservation District (Applicant), in conjunction with three water rights holders (Novy, Rice, and Zenkus), proposes to enhance or restore habitat within the Shasta River to provide improved fish passage and screening. The conservation benefits from the proposed Project will be realized through improving the diversion facilities to meet irrigation needs for the three landowners’ ranch lands, while addressing the current fish passage velocity barrier at the flashboard dam diversion on the Shasta River, and providing adequate

fish screening for the diversion. The proposed Project includes three components described in detail below: a fish passage/irrigation dam, a fish screen, and an irrigation pipeline for irrigation conveyance efficiency improvements. Moving the fish screen to the point of diversion will reduce fish entrainment in the irrigation canals and avoid the need for the bypass (fish return) channel that is currently in place, which results in warm water return to the river, as well as possible fish stranding. Piping of irrigation water will also reduce ditch loss in the system, reducing Shasta River diversions by up to 40 percent.

Fish Passage/Irrigation Dam:

The project will re-design the current diversion structure to allow for year-round volitional fish passage, including meeting criteria for juvenile and adult Coho salmon, while also allowing for diversion under the range of flow volumes expected. The project will remove and regrade the existing diversion structure and realign the low flow channel to accommodate the new intake structure. A roughened boulder riffle structure will maintain a stable channel alignment through the project reach, maintain water levels for operation of the intake facilities, prevent sediment deposition near the screen, and prevent formation of secondary channels within the floodplain that may lead to avulsion of the main channel. The hydraulic characteristics through the project reach were designed to allow downstream and upstream migration of adult and juvenile salmonids. The existing diversion structure will be removed and regraded, and the low flow channel will be realigned to accommodate the new intake structure. The new structure will be placed generally over the existing structure. California Department of Fish and Wildlife’s (CDFW) Engineering approved the hydraulic stability, fish passage, and fish screening components of the project design on November 2, 2018.

Fish Screen:

The existing fish screen does not meet CDFW’s or the National Oceanic and Atmospheric Administration’s Fish Screening Criteria, largely due to the screen’s distance down ditch (approximately 1,700 feet) and the existing by-pass pipe. A five-foot diameter cone screen, with interior baffles, will maintain consistent operation and accommodate the diversion volume. The intake structure to receive the fish screen will be a concrete-formed alcove, installed along the right stream bank. The intake structure will be 21 feet long (linear with the stream bank) and nine feet wide (at the widest cross section) and six feet tall. At the center of the floor of the intake structure, a 30-inch buried intake PVC pipe elbow, encased in concrete, will be flush mounted to divert the screened water to the diversion and act as the initial reach of piping. The cone screen will be centered over

the intake pipe inlet, located at an elevation near the re-constructed stream channel bottom, where the formed concrete housing will protect the screen from debris during high flows, but also allow for the flow of the river to provide sweeping flows on the outer third of the screen.

Irrigation Conveyance:

Once fish passage and fish protection efforts are conducted, a new pipeline will be installed to improve delivery and irrigation efficiency. Following the piping of the conveyance ditches, the water diverters will reduce their maximum diversion from ten cubic feet per second (cfs) to six cfs. This will allow up to four cfs to be conserved and left instream at the point of diversion. The instream and water quality benefit of this component of the project is significant as base flows through this reach of the Shasta River are between 40–55 cfs, resulting in conservation of up to ten percent of base flows. A flow volume adjustment valve and flow meter will be installed on the pipeline where it exits the intake structure. The pipeline will follow the alignment of the existing irrigation ditch system. A 27-inch diameter pipe will replace the primary conveyance ditch. An 18-inch diameter pipe will replace the Zenkus lateral ditch as well as the Rice Ditch. All buried pipeline will be covered with approximately 30 inches of soil. The pipeline will be laid in the profile of the existing ditch grade but will not be laid in the ditch itself. Most of the ditches will be abandoned in place.

Project Size: The total area of ground disturbance associated with the Project is approximately 4.622 acres and 420 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: soil, rip-rap, native vegetation, erosion control fabric, concrete, and steel pipe.

Project Timeframes:

- Start date: August 1, 2019
- Completion date: October 1, 2121
- Work window for instream work:
August 31 — November 1
- Work window for pipeline:
November 1 — February 1

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration

intended to improve the quality of waters in California by improving habitat conditions, water quality, and fish passage on the main-stem of the Shasta River, 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. 1A180167WNSI, Electronic Content Management Identification (ECM PIN) No. CW-853996) 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, bald eagle, Swainson’s hawk, Sandhill crane, and American badger.

Receiving Water:

Shasta River

Filled or Excavated Area:

Permanent area impacted: 0.122 acres
 Temporary area impacted: 4.5 acres
 Length temporarily impacted: 300 linear feet
 Length permanently impacted: 120 linear feet

Dredge Volume:

None.

Discharge Volume: 5,624 cubic yards (cy) of soil, 180 cy of rock rip rap and boulder clusters, 113 native plants and seven willow wattles, 130 feet of erosion control fabric, 14 cy of concrete, and 250 feet of steel pipe.

Project Location:

Upstream: Latitude: 41.6344°N
 Longitude: 122.49°W
 Downstream: Latitude: 41.6345°N
 Longitude: 122.4907° 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 January 4, 2019, the Director of 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 January 8, 2019 for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0108-04) on January 18, 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 the 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) General Protection Measures, (2) Protective Measures relating to Equipment Use, (3) General Erosion Control during Construction, (4) Guidelines for Temporary Stockpiling, (5) Pre-Rainstorm and Post-Construction Erosion Control, and (6) Protective Measures for Coho Salmon Relocation and Dewatering Activities. The specific avoidance and minimization requirements and a dewatering plan for the Project are found in two attachments to the NOI.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included information on the Project’s monitoring and reporting plan. Specific requirements of the plan are found in section VIII of the NOI, and the in NOA issued by the Regional Water Board for the project on December 21, 2018.

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: Suzanne.Turek@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).)

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION/CALIFORNIA DEPARTMENT OF EDUCATION

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

On November 30, 2018, the California Department of Education (CDE) published a Notice of Proposed Rulemaking concerning the Regional Parent Advisory Council (RPAC). (California Regulatory Notice Register 2018, No. 48-Z, November 30, 2018, p. 2091.)

The original written comment period deadline for this action was January 14, 2019. The CDE is now extending the written comment deadline to March 1, 2019.

As a courtesy, the CDE is providing an unofficial Spanish translation of the RPAC regulations at the following link: <https://www.cde.ca.gov/sp/me/mt/spacmep.asp>.

Please note: The English version is the official version.

Please submit all written comments to:

Patricia Alverson, Regulations Coordinator
California Department of Education
Administrative Support and Regulations Adoption
1430 N Street, Room 5319
Sacramento, California 95814
Telephone: (916) 391-0860
Fax: (916) 391-0155
Email: palverson@cde.ca.gov

If you have any questions, please contact Ms. Alverson.

DECISION NOT TO PROCEED

CALIFORNIA PRISON INDUSTRY AUTHORITY

Pursuant to Government Code section 11347

Re: Inmate Work/Training & Education; Participation

Pursuant to Government Code Section 11347, the California Prison Industry Authority (CALPIA) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on October 12, 2018, Register 2018, No. Z-2018-0824-01. The proposed rulemaking concerned the participation and termination of inmate assignments with CALPIA.

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

M. Doherty, Regulatory Analyst
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
Telephone (916) 358-1711

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

C. Pesce, Administrative Assistant
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
Telephone (916) 358-1711

CALPIA will also post this Notice of Decision Not to Proceed on its website at <http://oag.ca.gov/meetings/public-participation>.

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**CALIFORNIA GAMBLING
CONTROL COMMISSION**

Re: Government Code section 11425.60,
subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedent decisions can be viewed, by appointment, at the Commission's office at the address listed below. For subscription or additional information, or to schedule an appointment to view precedent decisions, contact:

Russell Johnson, Staff Counsel
Legal Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, California 95833-4231
Telephone: (916) 263-1523
Facsimile: (916) 263-1365
E-Mail: rjohnson@cgcc.ca.gov

The index and text of the precedential decisions also can be viewed on the Internet at http://www.cgcc.ca.gov/?pageID=Precedential_Decisions.

**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# 2018-1214-01
BOARD OF PHARMACY
Compounded Drug Preparations

This timely certificate of compliance action by the Board of Pharmacy makes permanent emergency regu-

lations regarding beyond use dates for compounded drug preparations. In addition, this action amends definitions and standards related to compounding equipment and facilities.

Title 16
AMEND: 1735.1, 1735.2, 1735.6, 1751.1, 1751.4
Filed 01/30/2019
Effective 01/30/2019
Agency Contact: Lori Martinez (916) 574-7917

File# 2018-1213-02
CALIFORNIA PRISON INDUSTRY AUTHORITY
Inmate Worker Hiring Standards and Requirements

In this regular rulemaking, the California Prison Industry Authority ("CalPIA") is revising inmate worker hiring standards and requirements so that (1) inmates are required to meet the minimum qualifications to perform the essential job functions instead of being required to obtain a Test of Adult Basic Education score of 7.0; and (2) certain inmates are permitted to be concurrently enrolled in classes to obtain a General Education Diploma ("GED") or high school diploma while in a CalPIA work assignment instead of being required to obtain a GED or high school diploma within two years of their initial CalPIA assignment.

Title 15
AMEND: 8004.1
Filed 01/28/2019
Effective 04/01/2019
Agency Contact: Moira Doherty (916) 358-1612

File# 2019-0103-01
CANNABIS CONTROL APPEALS PANEL
Conflict-of-Interest Code

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

Title 16
ADOPT: 6020
Filed 01/29/2019
Effective 02/28/2019
Agency Contact:
Christopher Phillips (916) 653-4090

File# 2018-1207-07
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Milestone Completion Credit Schedule

This certificate of compliance action makes permanent the prior emergency action amending the Milestone Completion Credit Schedule to add new programs, discontinue programs that are no longer available to inmates, amend the number of credits earned for

some programs, and reorganize the schedule. (See OAL File No. 2018-0608-02EON.)

Title 15
AMEND: 3043.3
Filed 01/23/2019
Effective 01/23/2019
Agency Contact: Josh Jugum (916) 445-2228

File# 2019-0115-01
DEPARTMENT OF JUSTICE
Revised Tobacco Escrow Agreement

This emergency rulemaking action amends the requirements for establishing and maintaining qualified tobacco escrow accounts and incorporates by reference a revised Approved Tobacco Escrow Agreement (Agreement) 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. These amendments address issues which have arisen since the prior revision of the Agreement, such as NPMs prematurely accessing escrow principal, the status of reversionary interests in escrow accounts which have been abandoned by NPMs, and failures of NPMs to appoint successor escrow agents after the resignations of their escrow banks.

Title 11
AMEND: 999.12
REPEAL: 999.13
Filed 01/25/2019
Effective 01/25/2019
Agency Contact: Barry Alves (916) 210-7838

File# 2019-0104-01
DEPARTMENT OF MOTOR VEHICLES
Gender Categories

This action by the Department of Motor Vehicles amends gender category request requirements for original and renewal driver's licenses and identification cards to allow the applicant to choose their preferred gender category option of male, female, or nonbinary using the newly adopted Gender Category Request Form, DL 329S (New 1/2019).

Title 13
AMEND: 20.05
Filed 01/28/2019
Effective 01/28/2019
Agency Contact: Randi Calkins (916) 657-8898

File# 2018-1220-01
DEPARTMENT OF PESTICIDE REGULATION
Toxic Air Contaminants — Chlorpyrifos

This action adds chlorpyrifos to the list of toxic air contaminants (TACs) in section 6860 of title 3 of the California Code of Regulations.

Title 3
AMEND: 6860
Filed 01/30/2019
Effective 04/01/2019
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2018-1211-03
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; CTEFP — Tie Breakers

In this regular rulemaking action, the State Allocation Board amends two sections in the California Code of Regulations. The amendments establish the conditions to extend the ten-year repayment plan for applicants who received a loan for its matching share. The regulatory changes also establish additional criteria in the ranking for funding order when a tie exists among two or more Career Technical Education Facilities Program applications.

Title 2
AMEND: 1859.194, 1859.196
Filed 01/24/2019
Effective 01/24/2019
Agency Contact: Lisa Jones (916) 376-1753

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 29, 2018 TO
January 30, 2019**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
01/24/19 AMEND: 1859.194, 1859.196
01/22/19 AMEND: 1859.51(e)
01/14/19 AMEND: 18756
01/07/19 AMEND: 60802, 60803, 60807, 60808,
60824, 60825, 60827, 60831, 60832,

60833, 60835, 60840, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855, 60856, 60858, 60860, 60861, 60863, 61120	8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608, 8609
12/18/18 AMEND: 1859.76	01/07/19 AMEND: 3439
12/14/18 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	12/18/18 ADOPT: 4921
12/12/18 AMEND: 2970	11/29/18 AMEND: 3899
12/12/18 AMEND: 18545, 18700, 18730, 18940.2	11/06/18 AMEND: 3435(b)
12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445	10/08/18 AMEND: 3591.12
12/04/18 AMEND: 1897	10/02/18 AMEND: 3591.12
11/29/18 ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97	09/13/18 AMEND: 6502
11/27/18 AMEND: 1897	09/12/18 AMEND: 3591.13
11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17	09/12/18 AMEND: 3591.12
10/29/18 AMEND: 1896.99.100, 1896.99.120	09/06/18 AMEND: 3601
10/22/18 ADOPT: 18215.4	
10/11/18 AMEND: 1859.51(e)	Title 4
09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009	01/22/19 AMEND: 1374, 1374.3
09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1	01/16/19 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
09/26/18 AMEND: 59760	01/16/19 AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600 REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590
09/24/18 AMEND: 18700.2	01/02/19 AMEND: 12200, 12201, 12220, 12221
09/20/18 AMEND: 559.885	12/17/18 ADOPT: 10092.1, 10092.2, 10092.3 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
09/20/18 ADOPT: 211.2 AMEND: 211	12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7
09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5	11/26/18 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329
09/11/18 AMEND: 1859.77.3	11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429
Title 3	11/20/18 AMEND: 1632
01/30/19 AMEND: 6860	11/20/18 AMEND: 1843.3
01/17/19 REPEAL: 1305.00, 1305.01, 1305.02, 1305.03, 1305.04, 1305.06, 1305.07, 1305.08, 1305.09, 1305.10, 1305.11, 1305.12	11/20/18 AMEND: 8078.3, 8078.15
01/16/19 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205,	11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
	11/02/18 AMEND: 8078.8, 8078.10
	10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
	10/18/18 AMEND: 1843.2
	10/18/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.14

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09/26/18 AMEND: 12205.1
09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15

Title 5

12/31/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5
12/05/18 AMEND: 19810
10/22/18 ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 20119, 20158, 20125, 20216, 20217, 20251, 20251, 20255, 20251, 20260, 20265
10/17/18 AMEND: 18600

Title 8

01/07/19 AMEND: 11140
01/03/19 AMEND: 336
12/26/18 AMEND: 9789.19
11/26/18 AMEND: 9789.25
11/15/18 AMEND: 344, 344.1, 344.2
11/06/18 ADOPT: 9789.19.1 AMEND: 9789.12.1, 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.12, 9789.12.13, 9789.13.2, 9789.16.1, 9789.16.7, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.11, 9789.19
11/01/18 AMEND: 14300.35, 14300.41
10/30/18 ADOPT: 9792.24.5 AMEND: 9792.22
10/10/18 AMEND: 344.18
10/08/18 ADOPT: 13850, 13851, 13853, 13855, 13856, 13857, 13858, 13859, 13860, 13861, 13862, 13863, 13864, 13865, 13866, 13867, 13868, 13870, 13871, 13872, 13873, 13874

Title 9

01/15/19 ADOPT: 4011, 4012, 4013, 4014, 4014.1, 4015
10/04/18 AMEND: 4350

Title 10

01/14/19 AMEND: 2318.6, 2353.1, 2354

01/14/19 AMEND: 2318.6
12/31/18 AMEND: 2632.5, 2632.11
12/26/18 ADOPT: 2238.10, 2238.11, 2238.12
11/29/18 ADOPT: 2509.80, 2509.81, 2509.82
11/27/18 AMEND: 3704
11/20/18 AMEND: 8000, 8030
11/19/18 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007
09/25/18 AMEND: 2498.4.9
09/25/18 AMEND: 2498.5
09/25/18 AMEND: 2498.6
09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
08/31/18 ADOPT: 2218.80, 2218.81, 2218.82, 2218.83

Title 11

01/25/19 AMEND: 999.12 REPEAL: 999.13
01/08/19 ADOPT: 5460
12/31/18 AMEND: 2084, 2086, 2088, 2089, 2090, 2092, 2095, 2107
12/28/18 AMEND: 5505, 5507, 5509, 5510, 5511, 5513, 5514, 5516, 5517
10/24/18 AMEND: 1953, 1955
09/26/18 AMEND: 44.2

Title 12

01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)
01/03/19 AMEND: 553.70
11/07/18 AMEND: 505.2
09/27/18 AMEND: 500 (renumbered to 501), 501 (renumbered to 505), 501.1 (renumbered to 501.3), 501.2 (renumbered to 505.2), 501.3 (renumbered to 505.1), 501.4 (renumbered to 505.11), 502 (renumbered to 505.3), 502.1 (renumbered to 505.6), 502.2 (renumbered to 505.12), 502.3 (renumbered to 505.4), 503 (renumbered to 501.2), 503.1 (renumbered to 505.7), 504 (renumbered to 505.8), 504.1 (renumbered to 505.9), 505 (renumbered to 510.1), 506 (renumbered to 500), 507 (renumbered to 510.9), 508 (renumbered to 510.10), 509 (renumbered to 520.2)
09/25/18 AMEND: 600

Title 13

01/28/19 AMEND: 20.05

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01/16/19	AMEND: 550, 551.8, 551.12, 590	4970.10.3, 4970.10.4, 4970.11, 4970.13,
01/08/19	ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)	4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2
01/03/19	AMEND: 553.70	
12/26/18	AMEND: 2025	
12/26/18	AMEND: 1152.7, 1152.7.1	12/13/18 AMEND: 2975
12/20/18	ADOPT: 1217.2, 1263.2	12/10/18 ADOPT: 126.1 AMEND: 125.1, 126 [renumbered to 126.1]
12/12/18	AMEND: 1961.2, 1961.3	
12/04/18	ADOPT: 425.01	11/28/18 ADOPT: 716 AMEND: 300
11/29/18	AMEND: 17.00	11/28/18 ADOPT: 42 AMEND: 43, 651, 703
11/27/18	AMEND: 1157.21	11/20/18 AMEND: 699.5
10/22/18	AMEND: 551.14, 551.24, 555.1, 584	11/15/18 AMEND: 632
10/18/18	AMEND: 551.12	11/15/18 AMEND: 632
10/10/18	AMEND: Appendix (Article 2.0)	11/15/18 AMEND: Subsection 120.7(m) REPEAL: Appendix A Form DFG-120.7 (10/87)
09/24/18	AMEND: 2222	
09/24/18	ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4	11/13/18 AMEND: 1038, 1038.1, 1038.2
08/30/18	AMEND: 1213	11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015
08/30/18	AMEND: 1239	11/05/18 ADOPT: 29.11
Title 13, 17		10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2, 132.3
01/04/19	ADOPT: title 17: 95483.2, 95483.3, 95486.1, 95486.2, 95488, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95500, 95501, 95502, 95503 AMEND: title 13: 2293.6; title 17: 95481, 95482, 95483, 95483.1, 95484, 95485, 95486, 95487, 95489, 95491, 95492, 95493, 95494, 95495 REPEAL: title 17: 95483.2, 95488, 95496	10/30/18 AMEND: 11600
		10/29/18 AMEND: 17041, 17042, 17043, 17044, 17045, 17046
		10/29/18 AMEND: 1038
		10/16/18 AMEND: 890
		10/16/18 AMEND: 1038
		10/15/18 AMEND: 895, 895.1, 912.9, 932.9, 952.9
		09/17/18 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23
		09/06/18 AMEND: 1104.1
Title 14		Title 15
01/02/19	AMEND: 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10, 150.16	01/28/19 AMEND: 8004.1
12/28/18	ADOPT: 15064.3, 15234 AMEND: 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, Appendix G, Appendix M, Appendix N	01/23/19 AMEND: 3043.3
12/17/18	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797	01/15/19 AMEND: 3177, 3315
12/17/18	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07	01/09/19 AMEND: 3043, 3043.3, 3043.4, 3043.5
12/17/18	ADOPT: 820.02	01/07/19 AMEND: 3999.98, 3999.200
12/17/18	ADOPT: 817.04 AMEND: 790	01/07/19 AMEND: 8000
12/14/18	ADOPT: 4970.17.1 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2,	12/26/18 ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497 AMEND: 2449.1, 3490, 3491
		11/14/18 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356,

- 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378
- 11/13/18 ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299
- 11/01/18 ADOPT: 3999.25
- 10/30/18 ADOPT: 3329.5
- 10/29/18 REPEAL: 3999.20
- 10/22/18 ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157
- 10/17/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
- 10/08/18 AMEND: 3352.2, 3352.3, 3354, 3355.1
- 10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
- 10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
- 09/13/18 AMEND: 1006, 1029, 1041, 1050, 1069, 1206
- Title 16**
- 01/30/19 AMEND: 1735.1, 1735.2, 1735.6, 1751.1, 1751.4
- 01/29/19 ADOPT: 6020
- 01/16/19 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5007.1, 5007.2, 5008, 5009, 5010, 5010.1, 5010.2, 5010.3, 5011, 5012, 5013, 5014, 5015 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5024.1, 5025, 5026, 5027, 5028, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5040.1, 5041, 5041.1, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5052.1, 5053, 5054, 5300, 5301, 5302, 5303, 5303.1, 5304, 5305, 5305.1, 5306, 5307, 5307.1, 5307.2, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5402, 5403, 5403.1, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5415.1, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5426, 5427, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5506.1, 5507, 5600, 5601, 5602, 5603, 5604, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5900, 5901, 5902, 5903, 5904, 5905
- 01/15/19 ADOPT: 1483.1, 1483.2, 1486 AMEND: 1480, 1481, 1482, 1483, 1484
- 12/21/18 ADOPT: 1399.515
- 12/05/18 AMEND: 1380.3, 1380.6, 1381, 1381.1, 1381.4, 1381.5, 1381.7, 1382, 1382.3, 1382.4, 1382.5, 1382.6, 1386, 1387.3, 1387.4, 1387.5, 1387.7, 1388, 1389.1, 1390.1, 1390.3, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.11, 1393, 1394, 1395, 1395.1, 1396.5, 1397, 1397.35, 1397.50, 1397.51, 1397.53, 1397.54, 1397.55, 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 REPEAL: 1381.6, 1397.63, 1397.64, 1397.65, 1397.66, 1397.68, 1397.71
- 12/03/18 AMEND: 18
- 11/28/18 AMEND: 1399.514
- 11/20/18 AMEND: 2450
- 10/25/18 AMEND: 1300.1, 1300.2, 1300.4, 1355, 1355.1, 1355.3 REPEAL: 1333, 1333.1, 1333.2, 1333.3, 1362, 1362.1
- 10/16/18 AMEND: 2070, 2071
- 10/15/18 AMEND: 1417
- 10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430
- 09/17/18 AMEND: 1735.2
- 09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355

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08/30/18	AMEND: 1399.573	30601, 30602, 30603, 30604, 30605,
08/29/18	AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886	30606, 30607, 30701, 30702, 30703, 30704, 30705, 30706, 30707
		12/27/18 ADOPT: 3702
		12/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5266, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256
Title 17		11/20/18 AMEND: 25137-1, 17951-4
01/16/19	ADOPT: 40100, 40101, 40102, 40105, 40115, 40116, 40118, 40120, 40126, 40128, 40129, 40130, 40131, 40132, 40133, 40135, 40137, 40150, 40152, 40155, 40156, 40159, 40162, 40165, 40167, 40175, 40177, 40178, 40179, 40180, 40182, 40184, 40190, 40191, 40192, 40194, 40196, 40200, 40205, 40207, 40220, 40222, 40223, 40225, 40230, 40235, 40240, 40243, 40246, 40248, 40250, 40253, 40255, 40258, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40295, 40297, 40300, 40305, 40306, 40308, 40315, 40330, 40400, 40401, 40403, 40404, 40405, 40406, 40408, 40409, 40410, 40411, 40412, 40415, 40417, 40500, 40505, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40551, and 40570	
01/10/19	AMEND: 3030	10/23/18 ADOPT: 35201
12/31/18	AMEND: 94506, 94509, 94513, 94515	09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5
12/27/18	ADOPT: 95371, 95372, 95373, 95374, 95375, 95376, 95377	09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1,
10/10/18	AMEND: 35095	
10/09/18	ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196	
09/24/18	ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4	
09/24/18	AMEND: 60201, 60205, 60210	
09/05/18	ADOPT: 100650	
08/29/18	AMEND: 60065.18, 60075.17	
Title 18		
01/03/19	AMEND: 1533.2, 1598	
01/02/19	ADOPT: 30000, 30101, 30102, 30103, 30104, 30105, 30106, 30201, 30202, 30203, 30204, 30205, 30206, 30207, 30208, 30209, 30210, 30211, 30200.5, 30212, 30213, 30213.5, 30214, 30214.5, 30215, 30216, 30217, 30218, 30219, 30220, 30221, 30222, 30223, 30224, 30301, 30302, 30303, 30304, 30310, 30311, 30312, 30313, 30314, 30315, 30316, 30401, 30402, 30403, 30404, 30405, 30410, 30411, 30412, 30420, 30421, 30430, 30431, 30432, 30433, 30501, 30502, 30503, 30504, 30505,	

- 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256
- 09/10/18 ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
- Title 19**
11/30/18 ADOPT: 4010
- Title 20**
12/05/18 ADOPT: 1751, 1769.1, 1937, 1941, 1942, 2300 AMEND: 1201, 1209, 1211.5, 1211.7, 1212, 1231, 1232, 1232.5, 1233.1, 1233.2, 1233.3, 1233.4, 1234, 1240, 1704, 1706, 1708, 1709, 1710, 1714, 1714.3, 1714.5, 1720.2, 1745.5, 1748, 1768 (renumbered to 1749), 1769, 1936, 1940, 1943, 1944, 1945, 1946, 2308 (renumbered to 2300.1) REPEAL: 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2309
- 09/26/18 AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609
- Title 22**
12/31/18 AMEND: 66272.62
12/19/18 AMEND: 66262.41
12/19/18 AMEND: 72329.2
12/13/18 ADOPT: 51002.5 AMEND: 51003.1
12/04/18 ADOPT: 69511.3 AMEND: 69511
12/04/18 AMEND: 20100.5
11/29/18 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087
- 10/31/18 ADOPT: 66264.121, 66265.121, 66270.28 AMEND: 66264.90, 66264.110, 66265.90, 66265.110, 66270.1, 66270.14
- 10/31/18 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248
- 10/24/18 ADOPT: 66720.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57 AMEND: 66260.10, 66264.16, 66264.101, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147
- 10/22/18 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75 REPEAL: 66273.90, 66273.91, 66273.100, 66273.101
- 09/04/18 ADOPT: 68400.5, 69020, 69021, 69022
09/04/18 AMEND: 51490.1
- Title 22, MPP**
01/15/19 ADOPT: 35064 AMEND: 31-002, 35000, 35001, 35129, 35129.1, 35152.1, 35152.2, 35177, 35179, 35181, 35183, 35211, 35215, 35315
- 01/08/19 AMEND: 87224, 87412
01/02/19 ADOPT: 85175, 85318, 85320, 85340, 85342, 85364, 85368.1, 85368.4, 85370, 85387, 85390, 85102, 85161, 85168, 85168.3, 85169 AMEND: 85000, 85068.2, 85375, 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190, 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369
- 11/15/18 AMEND: 35000, 35011, 31-005, 31-405, 31-420, 31-425
- Title 23**
01/15/19 AMEND: 597
12/19/18 AMEND: 315, 316
12/13/18 ADOPT: 3939.56
12/13/18 ADOPT: 3939.55
11/29/18 ADOPT: 335, 335.2, 335.4, 335.6 [renumbered to 335.16], 335.8 [renumbered from 335.12(a)], 335.10 [renumbered to 335.12], 335.12 [335.12(a) renumbered to 335.8; 335.12(b)-(c) renumbered to 335.6],

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	335.14 [renumbered to 335.10], 335.16	11/27/18	AMEND: 25603
	[renumbered to 335.14], 335.18, 335.20	08/30/18	REPEAL: 25601, 25602, 25603,
	AMEND: 310		25603.1, 25603.2, 25603.3, 25604,
11/29/18	ADOPT: 3919.18		25604.1, 25604.2, 25605, 25605.1,
11/14/18	AMEND: 3006		25605.2.
11/05/18	AMEND: 2200, 2200.4, 2200.6	Title MPP	
11/01/18	AMEND: 1062, 1063, 1064, 1066, 1068	01/09/19	AMEND: 42-207, 42-213, 42-215,
09/24/18	ADOPT: 3979.10		42-221, 80-310
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Title 27			REPEAL: 40-026
12/27/18	AMEND: 27001	09/26/18	AMEND: 31-206, 31-525

