



# 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:**

Twin Rivers Unified School District

A written comment period has been established commencing on May 21, 2021 and closing on July 5, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 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 proposed conflict-of-interest code(s). Any written comments must be received no later than July 5, 2021. 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 Daniel Vo, 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 Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

#### **TITLE 4. HORSE RACING BOARD**

##### **NOTICE OF PROPOSAL TO ADD RULE 1415. PUBLIC PARTICIPATION AT MEETINGS**

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

##### **PROPOSED REGULATORY ACTION**

The Board proposes to add Board Rule 1415, Public Participation at Meetings, to specify meeting processes in regulation to make meetings more efficient and establish a clear set of expectations for the Board, stakeholders, and the public.

##### **PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

##### **WRITTEN COMMENT PERIOD**

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **July 5, 2021**. The Board must receive all comments by that time. However, written comments may still be submitted at the public hearing. Submit comments to:

Nicole Lopes-Gravely, Policy and Regulations  
Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6022  
Email: [nlgravely@chrb.ca.gov](mailto:nlgravely@chrb.ca.gov)

##### **AUTHORITY AND REFERENCE**

Authority cited: Section 19440, Business and Professions Code (BPC) and section 11125.7 of the

Government Code (GC). Reference: Sections 11121 and 11125.7, Government Code (GC).

BPC section 19440 and GC section 11125.7 authorizes the Board to adopt the proposed regulation, which would implement, interpret, or make specific section 19440 of the BPC, and sections 11121 and 11125.7 of the GC.

##### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

BPC section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Chapter 4, BPC. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering.

Currently, the Board does not have regulations on public comment and instead relies on existing informal meeting processes. The proposed addition of Board Rule 1415 will allow the Board to establish rules and procedures governing public comment at meetings of the Board and its committees, subject to the Bagley-Keene Open Meeting Act (Bagley-Keene) (GC section 11120 et seq.). All state boards and commissions are subject to Bagley-Keene, which facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. The existing law requires that a state body must provide an opportunity for members of the public to directly provide comment on each agenda item for discussion or consideration, with specific exceptions. While ensuring the broad public right to be heard at public meetings, Bagley-Keene implicitly recognizes the need for efficiency in the conduct of the people's business through limitations on public comment and through the establishment of meeting frameworks. These practices are reasonable and have been adopted by other governmental bodies and upheld by California courts. Public comment and overall meeting frameworks promote transparency of process and efficiency of board and committee meetings to help ensure the public's business is not delayed or incomplete. The proposed addition of Board Rule 1415 will ensure that the Board and its committees are able to conduct transparent, efficient, and orderly meetings.

Subsection (a) of the proposed regulation sets time limits for public comment and allows the Chairperson to modify or limit the total amount of time allocated for public comments. Specifically, subsection (a) (1) provides that a member of the public will have a maximum of two minutes to speak per agenda item. This is necessary to provide adequate timeframes for members of the public to address the Board, while also

accommodating the Board's need to complete its work efficiently.

Subsection (a)(2) provides that a member of the public who requires translation or interpretive services will have a maximum of four minutes to speak per agenda item. This is necessary to comply with GC section 11125.7(c)(1), which requires a state body to provide at least twice the allotted time to a member of the public who uses a translator.

Subsection (a)(3) provides that the Chairperson may modify the amount of time members of the public are allocated for individual comments, depending on the number of speakers. A change to the amount of time allocated for individual comments will apply equally to all speakers. This is necessary to ensure those individuals that wish to speak during public comment will have an equal opportunity to address the Board, as the number of speakers at Board meetings can fluctuate depending on the agenda for that meeting. There have been instances in which there have been only a few public comments at meetings, and 20 or more public comments at other meetings due to the topics being discussed. Allowing the Chairperson the flexibility to modify the amount of time members of the public are allocated for individual comments will allow him or her to adjust in these instances.

Subsection (a)(4) provides that a member of the public may not transfer his or her unused time for public comment to another member of the public. This is necessary to prevent individuals from unfairly giving only certain people more time to speak, when the time allocated for individual comments must be applied equally to all speakers.

Subsection (a)(5) provides that the Chairperson may limit the total amount of time allocated for items not on the agenda, or for a particular agenda item, and may publish such limitations in advance on the agenda for the meeting. This is necessary because it serves the public interest in conserving time at Board meetings, ensuring that the Board is able to complete the work on its agendas in a reasonably efficient manner, and will allow individuals time to prepare in advance so they may get their most important points across within the time allocated during public comment.

Subsection (a)(6) provides that if the total amount of time allocated for public comments is limited by the Chairman, individuals who do not receive the opportunity to speak due to the expiration of the allocated time may submit comments in writing during the meeting, and such comments will be made part of the record. This is necessary to ensure that all members of the public are afforded an equal opportunity to address the Board even if the allocated time for public comment has expired.

Subsection (b) of the proposed regulation provides rules of organization and order. Specifically, subsection

(b)(1) provides that, except as otherwise directed by the Chairperson, public comments at meetings shall be received on a "first come, first serve" basis. This is necessary as it is the most reasonable method of receiving comments at meetings and would not require the Board to receive comments based on name for alphabetical order or other information that is not required to be provided by the speaker pursuant to GC section 11124.

Subsection (b)(2) provides that the Chairperson may take comments out of order. This is necessary because the Board may want to hear from certain stakeholders regarding a specific agenda item which could influence the comments that follow and possibly eliminate any questions.

Subsection (b)(3) provides that a speaker shall address only the Board during public comments and shall not direct comments at other members of the public in attendance, except with express, advance permission of the Chairperson. This is necessary because a speaker's purpose is to address the Board. If a speaker directs comments to other members of the public, it would be counterproductive to the purpose of the meeting and could intimate others from speaking.

Subsection (b)(4) provides that a speaker shall yield the floor to any member of the Board who wishes to ask a question or otherwise speak during the speaker's comment. Yielding the floor to a Board member will toll the speaker's allotted time. This is necessary because it will allow the Board to gain information or insight from the speaker that may help the Board make a decision regarding an agenda item. Tolling a speaker's time is necessary because any questions or comments made by a Board member and any subsequent dialogue between Board member and speaker may extend the speaker's time beyond the original allotment.

Subsection (b)(5) provides that a speaker shall refrain from profane, lewd, abusive, or repetitious commentary to the extent that such commentary is disruptive to the meeting. This is necessary to prevent a speaker from intimidating others that may wish to speak but do not due to the type of the language used by another speaker. Every person has the right to attend or speak at a meeting without disruption.

Subsection (b)(6) provides that a speaker shall limit comments to the subject matter of the agenda item being heard and to matters that are subject to the Board's jurisdiction. This is necessary to ensure public comments stay on point to allow meetings to be conducted within the time allotted.

Subsection (b)(7) provides that a member of the public may not disrupt any other attendee(s) from viewing, hearing, or legitimately participating in any material portion of the meeting. This is necessary

because all members of the public have the right to participate without interference from other individuals.

Subsection (b)(8) provides that a member of the public shall not bring signs, flags, banners, exhibits, marquees, or other demonstrative objects into the meeting room. A member of the public may carry and/or display paper materials no larger than letter-sized paper in the meeting room, provided that such paper materials are displayed below shoulder height, and do not otherwise obstruct the view of any other attendee(s). This is necessary because all members of the public have the right to participate without interference from other individuals. This will allow individuals that wish to carry and/or display paper materials the opportunity to do so within the guidelines described.

Subsection (b)(9) provides that the Chairperson may require a member of the public to leave the meeting, or limit that individual's opportunity to provide public comment, if that individual has purposely violated this Regulation or otherwise purposefully disrupted the meeting, or expressly encouraged another to do so. This is necessary to provide an opportunity for all members of the public to speak and to not deny them this opportunity because of the disruptive activities of others.

Subsection (b)(10) provides that the Board may not prohibit a public comment or otherwise enforce this Regulation based on any view expressed, which may include criticism of acts, omissions, policies, programs, or services of the Board. This is necessary to ensure the Board does not prohibit public criticism of the Board. As long as the public criticisms of the Board are not personal attacks or insults, individuals have the right to express their opinions which may affect the Board's decision-making regarding agenda items. Additionally, this subsection is necessary to ensure compliance with GC section 11125.7(d), which states the state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

#### **POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF THE PROPOSED REGULATION**

The proposed addition of Board Rule 1415 will allow the Board to establish various rules regarding public comments, including limitations on the time allocated to individual speakers, and provide clarity on organization and order. This will ensure that all members of the public are afforded an equal opportunity to address the Board during public comment. It will also provide clarity about the rules applicable to public comment and serve the public interest in conserving

time at Board meetings, ensuring that the Board is able to complete the work on its agendas in a reasonably efficient manner.

#### **CONSISTENCY EVALUATION**

During the process of developing the proposed addition of Board Rule 1415, the Board has conducted a search for any similar regulation on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

#### **DISCLOSURES REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

Mandate on local agencies or school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with GC sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed addition of Board Rule 1415 will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

#### **RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed addition of Board Rule 1415 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) benefit worker safety or the state's environment. The adoption of the proposed regulation will benefit the health and welfare of California residents by facilitating participation by members, stakeholders, and other members of the public by establishing a regulation over public comment and will ensure that the Board and its committees can complete their work efficiently.

Effects on small businesses: none. The proposal to add Board Rule 1415 does not affect small businesses because horse racing is not a small business under GC section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affective private persons and equally effective in implementing the statutory policy or other provision of law.

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

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Nicole Lopes–Gravely, Policy and Regulations  
Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263–6397  
Fax: (916) 263–6022  
E-mail: [nlgravely@chr.ca.gov](mailto:nlgravely@chr.ca.gov)

If the person named above is not available, interested parties may contact:

Amanda Drummond, Manager  
Policy and Regulations  
Telephone: (916) 263–6033  
Email: [amdummond@chr.ca.gov](mailto:amdummond@chr.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice

Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, may be obtained by contacting Nicole Lopes–Gravely or the alternative contact person at the address, phone number, or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Nicole Lopes–Gravely at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Nicole Lopes–Gravely at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board’s website address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

#### TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

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

#### PUBLIC HEARING

The Department has not scheduled a public hearing. However, any interested person or his or her authorized

representative may request a hearing no later than fifteen (15) calendar days prior the end of the written comment period. Submit a request to Phil McAllister at the address below.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to [phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov). The written comment period closes **on July 6, 2021 at 12:01 a.m.** CalVet will consider only comments received at CalVet offices by that date. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 300  
Sacramento, California 95814

#### AUTHORITY AND REFERENCE

Military and Veterans Code sections 1023, 1023.1, and 1023.2 authorize CalVet to adopt this proposed regulation and are also the statutes being implemented, interpreted, and made specific.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### A. Policy Statement Overview

The purpose of these proposed regulations is to clarify how the Veterans Homes lease, lets, licenses, or grants easements to third parties for the use of Veterans Homes' property in accordance with Sections 1023, 1023.1, 1023.2, and 1043 of the California Military and Veterans Code (MVC). Amendments to MVC Sections 1023, 1023.1, 1023.2, and 1043, made by the California State Legislature (Legislature) through Assembly Bill 240 (AB 240) in 2020, provide new statutory requirements for CalVet's Secretary to consent to the lease or let of any real property held by the Veterans Homes by setting time limitations and restrictions on the purpose of such uses. Amendments to MVC Section 1023.2 provides new statutory requirements restricting the use of property unless the use provides substantial and direct benefits to the Homes and their members. The statute mandates that uses are appropriate with the nature of the Home, and that in certain third party uses, the third party carries appropriate insurance to protect the state against liability. Finally the statute mandates that CalVet receives fair market value for such uses. MVC 1023.2 further requires all uses, other than easements,

to be governed by written agreement between the third party and CalVet, or the Department of General Services (DGS).

While the amendments made to the MVC by AB 240 address most third party uses of Veterans Homes property, easements are not addressed. Accordingly, to address most common third party usage of Veterans Home property, CalVet must also address the manner in which it grants easements to third parties, in accordance with MVC Section 1023(a). CalVet generally disfavors grants of easements to Department property other than utility easements necessary for Veterans Home operations. The exception to this policy is an easement of the limited scope supporting state housing efforts.

The proposed regulation amendments address the changes authorized by AB 240, and exercise pre-existing authority to change CalVet's criteria to grant easements to third parties.

##### B. Informative Digest

The specific purpose for each proposed amendment or adoption of 12 CCR 501.5 would provide as follows:

Subsection (a): This subsection is necessary to clarify third party use of Veterans Home property and the requirements that must be met to qualify for such use.

Subsection (b): This subsection is necessary to clarify what CalVet considers a benefit to the Home and its members.

Subsection (c): This subsection is necessary to clarify how CalVet determines fair market values to be used in these regulations.

Subsection (d): This subsection is necessary to clarify the requirement for a written finding from CalVet.

Subsection (e): This subsection is necessary to clarify the requirement for CalVet Secretary's approval and a written agreement between the potential lease and CalVet.

Subsection (f): This subsection is necessary to clarify the types of use that are subject to these regulations.

Subsection (g): This subsection is necessary to clarify that all leases are subject to the requirements of DGS standards and processes for leases of State property, as long as the DGS requirements do not conflict with MVC 1023.1 or 1023.2.

Subsection (h): This subsection is required to clarify the information that a request for a lease must contain to be considered by CalVet.

Subsection (i): This subsection is required to clarify what constitutes a license for use versus a lease for use.

Subsection (j): This subsection is required to clarify the requirement for a licensed use.



Subsection (k): This subsection is required to clarify the information that must be contained in a request for licensed use.

Subsection (l): This subsection is required to clarify the requirements for easements requests on Veterans Home properties.

Subsection (m): This subsection is required to clarify some uses related to veterans affordable housing development may be exempted from these regulations.

#### EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

CalVet has researched existing regulations and determined that the proposed regulation is consistent and compatible with all state statutes and regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*CalVet has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Cost impacts on a representative private person or businesses: Unknown. While the cost of leasing at a Veterans Home property will likely increase, the additional costs may deter businesses from contemplating such leases.

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

Significant effect on housing costs: None.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

In accordance with Government Code section 11346.5(a)(10), the results of the EIA (full EIA found in the Initial Statement of Reasons) are as follows:

- The proposed regulations will not create or eliminate jobs in California.
- The proposed regulations will not create or eliminate businesses in California.
- The proposed regulations will not affect the expansion of existing businesses in California.

#### BENEFITS OF THE PROPOSED REGULATION

The benefits of the regulation are limited to the potential revenue impacts to the general fund. To the extent future leases contain terms more favorable to the department, additional revenue to the General Fund may be realized. This may be offset to the extent future lease opportunities are more limited due to the new use restrictions and five-year term lease limitation.

The residents of the Veterans Home will benefit from the protection of Veterans Home property interests, as third party property uses are required to be exclusively for the use and benefit of the Home.

#### SMALL BUSINESS DETERMINATION

The costs small businesses may incur to comply with this regulation over its lifetime is unknown but likely minimal. The proposed regulations codify the requirements of MVC sections 1023, 1023.1, and 1023.2 as amended by AB 240 (2020)<sup>1</sup> and will mirror the fiscal impacts of these statutes. Future lease opportunities may be more limited due to the new use restrictions and five year term required by statute. The proposed regulations require CalVet to obtain fair market value (FMV) for third party use of property. Given the requirement for FMV, and the limited Home property available for lease, the proposed regulations are unlikely to cause any substantial effect on potential licensees or lessees. This is because the proposed regulations do not inherently increase costs for the use of Home property; the proposed regulations codify the requirements under applicable statutes which require the payment of FMV and limit the period which Home property may be utilized to five years or less.

Those businesses and individuals interested in utilizing Home property may find the requirements imposed under MVC sections 1023, 1023.1, and 1023.2 more onerous CalVet cannot identify a tangible cost borne by future third parties imposed by the proposed regulations. CalVet cannot reasonably identify the fiscal impact to future third party users of Home property as such users represent a relatively small market who will likely face minimal fiscal impacts from the proposed regulations. The extent which potential third party users of Home property may be discouraged from using Home property as a result of the proposed regulations is unknown.

<sup>1</sup>AB 240 implemented several recommendations of the state auditor in an effort to improve the policies and procedures governing third party uses of Veterans Home property. In January 2019, the California State Auditor released an audit of CalVet and DGS subtitled "The Departments' Mismanagement of the Veterans Home Properties Has Not Served the Veterans' Best Interests and Has Been Detrimental to the State."

**BUSINESS REPORT**

The proposed regulation does not require a business report.

**CONSIDERATION OF ALTERNATIVES**

CalVet 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.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

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

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

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

CalVet will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons. Copies may be obtained by contacting Phil McAllister at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet makes modifications which are sufficiently related to the originally proposed text, it will make the modified

text (with the changes clearly indicated) available to the public for at least 15 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Phil McAllister at the above address.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

**TITLE 13. HIGHWAY PATROL**

**AMEND DIVISION 2, CHAPTER 6,  
ARTICLE 1, SECTION 1153  
EXPLOSIVES STOPS  
(CHP-R-2021-06202)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Section 1153, Safe Stopping and Parking Places, related to the designation of safe stopping places, safe parking places, inspection stops, and required inspection stops for commercial vehicles transporting explosives on highways in the state.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Pursuant to Section 31616, Designation of Routes, of the California Vehicle Code (CVC), the CHP shall prescribe, by regulation, a list of safe stopping places for commercial vehicles transporting explosives on highways. Section 31616 CVC further requires the CHP to revise the list and keep it current. The proposed amendments will update the list of safe stopping places in the regulation.

The CHP’s field commands conduct annual surveys on the explosives routes and safe stopping places to determine if changes are necessary. The CHP field commands inspected the locations of business

establishments serving as safe stopping and parking places. Business owners expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place, or CHP 114A, Designation as Safe Parking Place.

The proposed amendments will update the list of safe stopping places to be used by carriers transporting explosives along the designated explosives routes. These updates are due to permissions received, denied, or a change of business information or ownership. The CHP has received concurrence with the proposed regulation amendments from the State Fire Marshal.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. The proposed changes update and clarify safe stopping places designated for carriers transporting explosives, and contribute to transportation safety and public health.

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

#### PUBLIC COMMENT

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

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

Written comments must be received by July 5, 2021.

#### PUBLIC HEARINGS

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

#### AVAILABILITY OF INFORMATION

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

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

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

#### CONTACT PERSON

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

#### ADOPTION OF PROPOSED REGULATIONS

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

#### FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new

mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500–17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Benefits of the Proposed Action:** The proposed regulations updating safe stopping places designated for carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

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

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

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

#### **EFFECT ON SMALL BUSINESSES**

The CHP has determined the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, they will be deleted from the list of safe stopping and safe parking places. However, due to the very limited amount of commercial vehicles transporting explosives on the designated routes in the state, no foreseeable economic impact is projected for a small business to be removed from the list.

#### **ALTERNATIVES**

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

to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### **AUTHORITY**

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

#### **REFERENCE**

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

### **TITLE 15. PRISON INDUSTRY AUTHORITY**

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2800, 2802, 2807, 2808, and 2809, in order to implement, interpret and make specific Penal Code 2808, propose to repeal Sections 8111 and 8112 of the California Code of Regulations (CCR), Title 15, Division 8, concerning reasonable accommodation and light duty assignments.

#### **PUBLIC HEARING**

At this time, no public hearing has been scheduled concerning the proposed regulatory action. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than June 20, 2021.

#### **SPECIAL ACCOMMODATION REQUEST**

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided, including any of the following:

- An interpreter to be available at a hearing.
- Documents made available in an alternate format or another language.
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact Roxanna Leffel at CALPIA at (916) 358–1721 or [Roxanna.Leffel@calpia.ca.gov](mailto:Roxanna.Leffel@calpia.ca.gov) as soon as possible, but no later than 10 business days before a scheduled hearing.

Para solicitador estas adaptaciones especiales o servicios de idioma, puede contactar a CALPIA at (916) 358–1721 or [Roxanna.Leffel@calpia.ca.gov](mailto:Roxanna.Leffel@calpia.ca.gov) lo

más pronto possible y a más tarder 10 días hábiles antes de la fecha de la audiencia de la Junta (Board).

PUBLIC COMMENT PERIOD

The public comment period will close on July 5, 2021, 45 days after the publication in the Notice Register on May 21, 2021. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

**MAIL or HAND DELIVER**  
Regulatory Manager  
CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

**FAX**  
(916) 358-2709

**E-MAIL**  
[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

Due to limitations of the email system, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CALPIA. Therefore, emails larger than 15 MB should be submitted in several separate emails or another form of delivery should be used.

CALPIA requests but does not require that reports or articles in excess of 25 pages submitted with any comments include a summary of the reports or articles. This summary should include a concise overview of the report or article, describe the reason for submitting the report and describe the relevance of the reports or articles to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 6250, *et. seq.*, your written and oral comments, attachments, and associated contact information (*e.g.*, your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

CONTACT PERSONS

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action, or for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the above-referenced persons to:

M. Doherty, Regulatory Manager  
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:

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

AUTHORITY AND REFERENCE

**Penal Code Section 2800:** In 1982, the California Legislature restructured the Department of Corrections’ industries and vocational training program for incarcerated individuals abolishing the Correctional Industries Commission and replacing it with the newly created Prison Industry Authority (PIA) (subsequently renamed CALPIA) under the direction of the Prison Industry Board.

**Penal Code Section 2807(a):** Section 2807(a) provides that CALPIA is authorized and empowered to operate industrial, agricultural, and service enterprises which provide products and services needed by the state, or any political subdivision thereof, or by the federal government, or any department, agency, or corporation thereof, or for any other public use. By giving CALPIA these duties and power by statute, rulemaking authority is implicitly delegated to adopt those rules and regulations necessary for the due and efficient exercise of a duty or power expressly granted.

**Penal Code Section 2802:** Section 2802 provides for the existence of a Prison Industry Board (PIB).

**Penal Code Section 2808:** Section 2808 provides the PIB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do.

State Departments have been given “Quasi-Legislative” powers to adopt rules (regulations) that are consistent with state law so that they can run the programs they that are responsible for. One court opinion described this as the power to “fill in the details” of the state statute(s) that empower a department to operate a program. *Helene Curtis, Inc. v. Assessment Appeals Bd.* (1999) 76 Cal.App.4<sup>th</sup> 124. By the implied terms of Penal Code Sections 2802, 2807, 2808 and 2809, CALPIA and the PIB have the authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of these statutes.

INFORMATIVE DIGEST

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The California Prison Industry Authority (CALPIA) and the California Prison Industry Board (PIB) propose to repeal sections 8111 and 8112 of Title 15. Originally enacted in 2015, Sections 8111 and 8112 have not had any substantial regulatory changes made since that time. These regulations have been determined to be unclear, cumbersome, outdated, potentially confusing, inconsistent, and duplicative. Existing laws, regulations and court decisions address the topics covered in Section 8111 and 8112. For these reasons, it is necessary to repeal Sections 8111 and 8112. This proposed regulatory action is intended to address these issues by repealing the older and duplicative version.

POLICY STATEMENT OVERVIEW

The repeal of Sections 8111 and 8112 is necessary to ensure consistency with the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA) to remove duplicative regulations, and to reduce the possibility of confusion with the regulated community.

**Anticipated Benefits of the Proposed Regulation:**

The repeal of these regulations will result in consistency, clarity, and eliminating duplicative regulations providing for a more streamlined and efficient regulatory scheme. The proposed regulatory change will modernize, clarify, and streamline existing regulations to repeal unnecessary regulations. Removing Sections 8111 and 8112 benefit those affected, CALPIA employees, by eliminating unnecessary regulations which are not consistent with or are duplicative of existing laws, regulations, and court decisions. As a result, no CALPIA regulations are required to apply the requirements of Sections 8111 and 8112. Repeal will also reduce confusion that could result from inconsistent regulatory provisions concerning reasonable accommodation and modified duty assignments.

**Evaluation of Inconsistency/Incompatibility with Existing Regulations:**

After conducting a review for regulations that would relate to or affect this area, CALPIA has concluded that deleting these regulations eliminates inconsistent and/or incompatibility with existing laws and regulations and is therefore necessary.

**Mandated by Federal Law or Regulations:**

The proposed deletion of Sections 8111 and 8112 is not federally mandated.

**Local Mandates:**

Mandate on local agencies and school districts: None. This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

**Fiscal Impact Statement:**

Cost or savings to any state agency: None.

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Cost impact on a representative private person or business: None.

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

**Significant Statewide Adverse Economic Impact on Business:**

CALPIA has initially determined 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.

**Effect of Housing Costs:**

CALPIA has determined that the proposed action will have no significant effect of housing costs.

**Results of the Economic Impact Analysis/Assessment:**

CALPIA concludes that it is unlikely that the proposed regulatory action will: (1) create or eliminate any jobs (2) create or eliminate any businesses; or (3) will result in the expansion of businesses currently doing business within the state.

In accordance with the Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation.

**Benefits of Proposed Action:**

As stated above under the Informative Digest and Policy Statement Overview, the benefits of the regulatory action include eliminating potential inconsistencies with and duplication of existing laws and regulations on the topics of reasonable accommodation and light duty assignments. Thus, this proposed action benefits the public and general welfare.

**Creation or Elimination of Jobs within the State of California:**

CALPIA has determined that these regulatory changes will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the operations of CALPIA regarding personnel.

**Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California:**

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because these jobs are not affected by CALPIA's proposed regulatory changes any differently than exists presently or there is no impact on existing jobs and therefore there is no impact with the repeal of Sections 8111 and 8112.

**Reports Relied Upon:**

None.

**Cost Impacts on Representative Private Persons or Businesses:**

CALPIA 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:**

CALPIA has determined that this action has no significant adverse economic impact on small business they are not affected by the management of CALPIA's employees.

**Consideration of Alternatives:**

In accordance with Government Code section 11346.5, subdivision (a)(13), CALPIA 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 or would be as effective and less burdensome to affected private person 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.

Interested persons may present statements or arguments with respect to alternatives to the proposed regulatory action to the contact persons.

**Availability of Statement of Reasons, Text of Proposed Regulatory Action, and Rulemaking Documents, and other information upon which the rulemaking is based:**

CALPIA will have the rulemaking file available for inspection and copying throughout the rulemaking process through its aforementioned contact persons at the office location identified above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all rulemaking documents (includes Form 399 and Form 400, special notice requests.)

As noted above, the Proposed Text, Initial Statement of Reasons, *and all the information upon which this proposal is based* have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**Availability of Changes to Proposed Text:**

After considering all timely and relevant comments received, the PIB may approve the proposed regulatory action substantially as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**Availability of the Final Statement of Reasons:**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**Availability of the Documents on the Internet:**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, other information upon which the rulemaking is based and the text of the regulations in underline and strikethrough can be accessed through the website at [www.calpia.ca.gov](http://www.calpia.ca.gov).

**TITLE 19. UNDERGROUND  
FACILITIES SAFE EXCAVATION  
BOARD/STATE FIRE MARSHAL**

45-DAY PUBLIC COMMENT PERIOD  
MAY 21, 2021 THROUGH JULY 5, 2021  
**SECTIONS 4010, 4011**

The California Underground Facilities Safe Excavation Board (“Board”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for 45 days **beginning May 21, 2021 through July 5, 2021**. All written comments received through the end of July 5, 2021 will be considered and responded to as part of the compilation of the rulemaking file and are subject to disclosure under the Public Records Act. Written comments should be directed to:

- **Email:** [digsaferegs@fire.ca.gov](mailto:digsaferegs@fire.ca.gov) (include in the subject line of the email “Comments: Dig Safe Regulations — Ticket and Billing Fees”).
- **Mail to:**  
Cal Fire/Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460  
Attn: Diane Arend, Code Development & Analysis
- **Hand-delivered between 8:00 a.m. and 5:00 p.m. (PT) to:**  
Cal Fire/Office of the State Fire Marshal  
2251 Harvard Street, 4th Floor  
Sacramento, California 95815  
Attn: Diane Arend, Code Development & Analysis

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing to accept comments if a written request is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the 45-day written comment period, pursuant to Government Code section 11346.8. Submit requests to the contact person indicated below.

**AUTHORITY AND REFERENCE**

Government Code section 4216.22 authorizes the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 4216.16 of the Government Code.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This rulemaking action implements, interprets, clarifies, and makes the specific the fees each member or a regional notification center shall pay to the Board.

*Summary of Existing Laws:*

Government Code section 4216.1 requires every operator of a subsurface installation, except for the Department of Transportation, to become a member of, or participate in, and share in the costs of, a regional notification center. Government Code section 4216.16 authorizes the Board to obtain funding for its operational expenses from a fee charged to the members of the regional notification centers not to exceed the reasonable regulator cost incident to the enforcement of Government Code section 4216, et seq., and apportion the fee in a manner consistent with formulas used by the regional notification centers. Government Code section 4216.22 provides that the Board may prescribe the rules and regulations as may be necessary or proper to carry out the purposes and intent of Article 2 of Chapter 3.1, Division 5, of Title 1 of the Government Code (sections 4216 to 4216.24), and to exercise the powers and duties conferred upon the Board by the Act.

*Summary of Regulations:*

The Board is proposing to modify section 4010, and add section 4011, under the California Code of Regulations, Title 19, Division 4, Chapter 1, prescribing the rules and regulations pursuant to Government Code section 4216.16. The regulations proposed in this rulemaking action would establish and specify the amount of the fees, including late fees, the members of the regional notification centers must pay to the Board, as well as payment deadlines and instructions.

*Summary of Effect:*

The proposed regulations will have a negligible effect on operators who are required to be members of regional notification centers and respond to any local request transmission from a regional notification center regarding excavation near the operator’s subsurface installation; and pay a fee to support the operational expenses of the California Underground Facilities Safe Excavation Board. The largest effect these regulations have are to adjust an update business practices for the regional notification centers through the coordination of the Board.



*Comparable Federal Regulations or Statute:*

There are no comparable federal regulations or statutes.

*Objective and Anticipated Benefits of the Proposed Regulations:*

The broad objective of the proposed regulation is to ensure that the Board has sufficient funding for its operational expenses to carry out the purposes and intent of the Dig Safe Laws.

The specific benefits anticipated from the proposed regulation include (1) coordination of education and outreach activities that encourage safe excavation practices, (2) development of standards for safe excavation, (3) investigations of violations of Dig Safe Laws, and (4) enforcement of Dig Safe Laws which benefits the public health and welfare of California residents, worker safety, and the environment.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations:*

The Board has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area of law, the Board has concluded that the proposed regulations are the only regulations that concern investigation and enforcement processes under the Dig Safe Law, and onsite meeting and agreement requirements for areas of continual excavation near high priority subsurface installations.

*Documents Incorporated by Reference:*

No documents are incorporated into these regulations by reference.

OTHER MATTERS PRESCRIBED BY  
STATUTE APPLICABLE TO THE AGENCY

There are no other matters prescribed by statute applicable to the Board, or to any specific regulation. There are no other matters to identify.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Board has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**
2. Cost or savings to any state agency: Negligible. Although the proposed action will directly affect a state agency that is an excavator or operator, the Board concludes that any cost will not be significant. Costs depend on a state agency's violation of the Dig Safe Law. A state agency, which is an excavator or operator, that negligently violates the Dig Safe Law is subject to a monetary

fine of up to \$10,000; or knowingly and willfully violates the Dig Safe Law is subject to a monetary fine of up to \$50,000. (Gov. Code, § 4216.6.)

3. Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: **None.**
4. Other nondiscretionary cost or savings imposed on local agencies: **None.**
5. Cost or savings in federal funding to the state: **None.**
6. Significant statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action may have an impact on businesses statewide that are operators, including such small businesses, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant. The Board has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.
7. Significant effect on housing costs: **None.**
8. Cost impacts on a representative private person or business: Cost impacts on a representative private person or business: Pursuant to Government Code section 4216.16, subdivision (b), the Board "shall apportion the fee in a manner consistent with formulas used by the regional notification centers." The fee in the proposed regulation is only about one-third of the fee charged by the regional notification centers to its members for each transmission initiated at the request of the member.

BUSINESS REPORT

The proposed regulations require the call centers to report to the Board electronically certain member contact information and certain billing and revenue information. The Board finds that these requirements are necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

RESULTS OF THE ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT

The Board concludes that it is (1) unlikely that the proposed regulations will eliminate any jobs, (2) unlikely that the proposed regulations will create jobs, (3) unlikely that the proposed regulations will create new businesses, (4) unlikely that the proposal will

eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

*Benefits of the Proposed Action:* The Board believes the proposed amendments will benefit California residents by funding the operational expenses of the Board to carry out the purposes and intent of the Act and to exercise the powers and duties conferred upon the Board by the Act, including 1) coordination of education and outreach activities that encourage safe excavation practices, 2) development of standards for safe excavation, 3) investigations of possible violations of Government Code section 4216 et seq., and 4) enforcement of Government Code section 4216 et seq. which benefits the public health and welfare of California residents, worker safety, and the environment.

#### SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations may affect small businesses. These regulations establish procedures that must be followed by interested parties which may include small businesses that own, operate, or maintain a subsurface installation.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board 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 described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

#### CONTACT PERSONS

Inquiries or specific questions concerning the proposed rulemaking action may be directed to the following contact persons:

#### **General inquiries:**

Diane Arend, Regulations Coordinator  
CAL FIRE/Office of the State Fire Marshal  
2251 Harvard Street, Suite 400  
Sacramento, CA 95815  
[diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)  
(916) 568-2917

#### **Substantive or technical questions:**

Tony Marino, Executive Officer  
California Underground Facilities Safe Excavation Board  
2251 Harvard Street, Suite 400  
Sacramento, CA 95815  
[digsaferegs@fire.ca.gov](mailto:digsaferegs@fire.ca.gov)  
(916) 767-3370  
or  
Jeff Brooks, Legal  
[Jeffrey.brooks@fire.ca.gov](mailto:Jeffrey.brooks@fire.ca.gov)  
(916) 568-2969

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the contact person(s).

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests for copies to the contact person listed above. Due to COVID-19 restrictions please contact Diane Arend at [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov) or (916) 568-2917 to make an appointment to review the rulemaking file in person.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received by the Board, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the Board will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person(s) listed above. The

Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by making a written request to the contact person(s) listed above or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of the Proposed Action, the Initial Statement of Reasons, and the text of the regulations and any other materials or documents concerning this rulemaking can be accessed via the Office of the State Fire Marshal’s website at: <http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>.

**TITLE 23. DEPARTMENT OF WATER RESOURCES**

ADD SECTION 306 TO ARTICLE 1 AND ADD ARTICLES 7 AND 7.1 TO CHAPTER 1, DIVISION 2

The Department of Water Resources (Department), Division of Safety of Dams (DSOD) implements the regulatory program established in Part of 1 of Division 3 of the Water Code. To implement this program, the Department has adopted regulations that govern several aspects of the program, including construction and enlargement of dams, inundation map requirements, and fees. These statutes and the Department’s regulations comprise what is commonly referred to as the Dam Safety Program. To address violations of the Dam Safety Program requirements, the Department proposes to adopt regulations that will govern its administrative enforcement procedures and its assessment of administrative civil penalties. The Department also proposes to adopt a regulation that will interpret, clarify, and reinforce the Department’s information-request process to gather information from dam owners and suspected dam owners.

The Department will conduct a public hearing at the time and in the manner noted below to receive comments on the proposed regulations.

PUBLIC HEARING

Interested members of the public may present comments on the proposed regulations orally or in writing at the hearing. The hearing will be held in accordance with the requirements in Government Code section 11346.8, and the hearing details are as follows:

Date: Monday, July 12, 2021  
 Time: 10:00 a.m.  
 Location: Remote Hearing  
 Remote: Instructions on how to attend remotely will be made available at least 10 days before the hearing at the following website:  
[www.water.ca.gov/damsafety](http://www.water.ca.gov/damsafety)

Any questions related to attending the hearing remotely may be directed to the Department contact person listed below.

The hearing will commence at 10:00 a.m. and conclude after the last speaker has been heard. Attendees, especially those intending to provide oral comments at the hearing, are encouraged to access the remote public hearing no later than 10:00 a.m. in the event few or no commenters testify and/or the testimony that is given is brief. Attendees are encouraged to familiarize themselves with the remote instructions, which will be posted on the website identified above, and ensure that they have the appropriate technology to attend before the hearing begins.

WRITTEN COMMENT PERIOD

Interested members of the public, or authorized representatives, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department no later than **5:00 p.m. on Thursday, July 15, 2021**. Comments received after the end of the written comment period are considered untimely. The Department may, but is not required to, respond to untimely comments. Interested members of the public may submit written comments by postal mail or email, and to be considered by the Department, timely written comments must be addressed to the following:

*Email:*  
 Shawn Jones, Assistant Chief  
 Division of Safety of Dams  
[Shawn.Jones@water.ca.gov](mailto:Shawn.Jones@water.ca.gov)  
 (916) 565-7802

*Postal Mail:*

Shawn Jones, Assistant Chief  
Division of Safety of Dams  
P.O. Box 942836  
Sacramento, CA 94236-0001  
(916) 565-7802

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

AUTHORITY AND REFERENCE

Authority: Water Code section 6078 authorizes the Department to adopt the proposed regulations.

Reference: The proposed regulatory action will implement, interpret, and/or make specific Water Code sections 6002, 6005, 6053, 6075, 6077, 6079, 6100, 6101, 6102.5, 6120, 6121, 6160, 6161, 6308, 6357.1, 6357.4, and 6428-6432.

INFORMATIVE DIGEST OF  
PROPOSED ACTION AND  
POLICY STATEMENT OVERVIEW

The Department's Division of Safety of Dams provides regulatory oversight of approximately 1,240 dams, owned by approximately 630 different dam owners, to prevent dam failure, safeguard life, and protect property. Dams provide multiple benefits to the State in areas associated with power production, water supply, agricultural use, industrial use, flood control, recreation, and the environment. Given the critical role that dams contribute to the welfare of the State and considering that millions of people statewide live near or recreate at reservoirs, the consequences of a dam failure may be significant with respect to life loss, economic loss, and adverse environmental impacts. While the overall majority of dam owners are compliant with state dam safety requirements and effectively work with DSOD to address identified deficiencies, there are non-compliant dam owners where formal enforcement actions are necessary to obtain compliance with dam safety requirements. The proposed regulations establish clear procedures for pursuing administrative enforcement actions against non-compliant dam owners and result in efficient resolution of dam safety violations.

SUMMARY OF EXISTING  
LAWS AND REGULATIONS

The Department's DSOD implements Part 1 of Division 3 of the Water Code. To implement these

statutes, the Department has adopted regulations that govern several aspects of the Dam Safety Program, including construction and enlargement of dams, inundation map requirements, and fees. These regulations are contained in Title 23 of the California Code of Regulations, Division 2, Chapter 1.

*Senate Bill 92 Changes to the Water Code*

In 2017, Senate Bill 92 (SB 92) made changes to the Water Code that enhanced the Department's enforcement authority. It amended Water Code section 6428 to allow the Department to assess interest for late-paid further fees (or any portion thereof); this section already allowed for the assessment of interest for unpaid annual fees. Senate Bill 92 added Water Code section 6429, which authorizes the Department to impose property liens and reservoir restrictions, and Water Code section 6430, which authorizes the Department to seek fines for unlawfully constructed or operated dams. Senate Bill 92 added Water Code section 6431, which authorizes the Department to prepare an Emergency Action Plan ("EAP"), and inundation map(s) if the dam owner fails to do so, and recover the costs of preparing these from the dam owner. Senate Bill 92 also added Water Code section 6432, which authorizes the Department to assess civil penalties of up to \$1,000 per day per violation on dam owners that fail to comply with any provision of Water Code, Division 3, Part 1.

*Other Water Code Sections*

Water Code section 6150 authorizes the Department to initiate a civil action to stop or prevent violations of Dam Safety Program requirements. Water Code section 6425 provides that any person who violates any provision of Division 3, Part 1 is guilty of a misdemeanor.

A certificate of approval is issued upon a finding that the dam is safe to impound water. Section 6357.4 of the Water Code provides that before a certificate of approval is revoked, the Department must hold a public hearing; that written notice of the time and place of the hearing shall be mailed, at least 20 days prior to the date set for the hearing, to the holder of the certificate; and that any interested persons may appear at the hearing and present their views and objections to the proposed action.

DSOD, through its implementation of the Dam Safety Program, makes regulatory decisions and takes regulatory action, which requires certain information. In addition to this inherent need to gather information to make decisions and take action, the Water Code requires owners to provide the Department with information. A summary, specific to this proposed rulemaking action, of these sections follows. Water Code section 6101 requires dam owners to provide the Department, if requested, with reports on maintenance, operation, staffing, and engineering

and geologic investigations. Water Code section 6102.5 provides the Department with broad inspection authority, including the requirement that owners provide the Department with information necessary to determine the conditions of dams, reservoirs, and critical appurtenant structures regarding their safety. Water Code section 6120 allows the Department to require investigations and studies, and to require that data be provided, that is necessary to review and study the design and construction of dams, reservoirs, and appurtenances. Water Code section 6121 provides that the Department may require watershed investigations and studies as may facilitate its decisions.

*Administrative Procedure Act*

Government Code sections 11400 to 11475.70 provide procedures for conducting administrative hearings pursuant to the Administrative Procedure Act. Article 6 (beginning with section 11425.10) provides fundamental requirements for conducting administrative hearings.

EFFECT OF PROPOSED RULEMAKING

The proposed regulations will establish a clear process to govern the administrative enforcement process for actions against dam owners that are suspected of failing to comply with Dam Safety Program requirements. They will provide an efficient mechanism for the timely resolution of suspected violations of the Dam Safety Program, which will lead to an increased level of compliance with requirements to ensure dam safety. The proposed regulations will help assure dam owners that the process that governs administrative enforcement actions, including hearings, will be conducted in a manner that is fair and transparent.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATIONS

The overall objective of the proposed regulations is to establish a fair, consistent and transparent administrative enforcement process that will help resolve dam safety violations. This, in turn, will provide public safety benefits by increased compliance with dam safety requirements and standards. This process includes, but is not limited to, establishing rules that govern hearings and, with respect to monetary civil penalties, providing a clear methodology on how the penalties are calculated. The proposed regulations will help assure dam owners that the process that governs administrative enforcement actions, including hearings, will be conducted in a fair and transparent manner.

As to section 306, this regulation will clarify, interpret, and reinforce the Department’s authority to

obtain information about dams or structures that may meet the statutory definition of a dam and, therefore, be subject to the Department’s jurisdiction, and help determine compliance with Dam Safety Program requirements.

DIFFERENCES FROM COMPARABLE FEDERAL REGULATIONS

The Department has determined that there are no existing, comparable federal regulations.

COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department has conducted an evaluation and has found that these are the only regulations concerning administrative enforcement for Dam Safety Program violations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE

The Department’s implementation of the Dam Safety Program is prescribed by Water Code, Division 3, Part 1. Other bodies of law that govern the Department include, but are not limited to, the Government and Public Resources Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

*Mandate on local agencies and school districts*

The Department has determined that the proposed regulations will not impose a mandate on local agencies or school districts that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code.

*Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630*

None.

*Cost or savings to state agencies*

The proposed regulations apply to noncompliant dam owners, including state agencies that own dams. There are 48 dams regulated by DSOD that are owned by state agencies. While the assessment of administrative penalties or other punitive measures would present a cost to state agency dam owners, these are not typical costs or costs incurred in reasonable compliance with this regulation. The costs to state agencies under these regulations are dependent on the state agency’s compliance with dam safety requirements. Notwithstanding the above,

the Department conservatively estimates that costs incurred by noncompliant state agencies to be up to \$262,800 during any given 12-month period.

*Non-discretionary costs imposed on or savings by local agencies.*

The proposed regulations apply to noncompliant dam owners, including local agencies. While the assessment of administrative penalties would present a cost to the local agency, these are not typical costs or costs incurred in reasonable compliance with this regulation. The costs to local agencies under these regulations are dependent on the local agency's compliance with dam safety requirements. Notwithstanding the above, the Department conservatively estimates costs incurred by noncompliant local-agency dam owners to be up to \$3,306,900 during any given 12-month period.

*Estimated cost or savings in federal funding to the state*

The Department has determined that the regulations will not result in any costs or savings in federal funding to the state.

#### HOUSING COSTS

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

#### SIGNIFICANT ADVERSE ECONOMIC IMPACTS

The Department has made an initial determination that the proposed regulatory 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. The proposed regulations do not make compliance with existing law more difficult or costly and do not expand the application of the civil penalties available under the Water Code or increase the penalties imposed thereby.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The cost to comply with this regulation will not result in any new or ongoing cost for dam owners that are compliant with the Dam Safety Program requirements. The proposed regulations will establish procedures for imposing administrative civil penalties, punitive reservoir restrictions, and other actions to ensure compliance with California's Dam Safety Program, and non-compliant dam owners will be subject to punitive actions including monetary penalties. The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new

business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety. The Department anticipates benefits to the safety and welfare of California residents from more efficient enforcement of the Dam Safety Program violations and an increased level of compliance with dam safety requirements.

#### COST IMPACTS ON A REPRESENTATIVE PERSON OR BUSINESS

The agency is not aware of significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations apply to noncompliant dam owners, including businesses that own jurisdictional dams. While the assessment of administrative penalties and other punitive measures would present a cost to dam owners that are businesses, these are not typical costs incurred in reasonable compliance with these regulations. Rather, the costs to businesses are dependent on their compliance with dam safety requirements. Notwithstanding the above, the Department conservatively estimates that costs incurred by noncompliant dam owners in the private sector to be about \$3,213,800 during any given 12-month period.

#### BUSINESS REPORT REQUIREMENTS

There are no reporting requirements required by these regulations.

#### EFFECT ON SMALL BUSINESS

The Department estimates that approximately 83 jurisdictional dams are owned by small businesses. The Department has determined that the proposed regulations are unlikely to have a significant statewide adverse economic impact affecting small businesses because the proposed regulations do not make compliance with existing law more difficult or costly and do not expand the application of or increase the amount of civil penalties. The only cost impact would arise out of noncompliance with Dam Safety Program requirements. While the assessment of administrative penalties and other punitive measures would present a cost to dam owners that are small businesses, these are not typical costs and are dependent on the dam owner's compliance with dam safety requirements.

#### ALTERNATIVES STATEMENT

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department:

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

DEPARTMENT CONTACT PERSONS AND AVAILABILITY OF DOCUMENTS

*Department Contact Persons*

Questions regarding the proposed regulatory action may be directed to:

*Contact Person:*

Shawn Jones, Assistant Chief  
 Division of Safety of Dams  
 P.O. Box 942836  
 Sacramento, CA 94236-0001  
[Shawn.Jones@water.ca.gov](mailto:Shawn.Jones@water.ca.gov)  
 (916) 565-7802

*Backup Contact Person*

Peter Thyberg, Senior Staff Counsel  
[Peter.Thyberg@water.ca.gov](mailto:Peter.Thyberg@water.ca.gov)  
 (916) 834-1787

*Availability of Proposed Regulations, Initial Statement of Reasons, and Rulemaking File*

The Department has prepared an initial statement of reasons (ISOR) for the proposed regulations. This Notice, the ISOR, the express terms of the proposed regulation, and all information upon which the proposed regulations are based are available on the Department's website at [www.water.ca.gov/damsafety](http://www.water.ca.gov/damsafety). In addition, documents may be obtained by making a request to the Department contact person listed above.

*Availability of Modified Text of the Regulations*

If the Department makes modifications to the text of the regulations that are sufficiently related to the originally proposed text, the Department will make the modified text available (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. The modified text will be posted on the Department's website at [www.water.ca.gov/damsafety](http://www.water.ca.gov/damsafety).

*Final Statement of Reasons and other Documents related to the Proposed Regulations*

All subsequent regulatory documents, including the final statement of reasons, when completed, will be made available at [www.water.ca.gov/damsafety](http://www.water.ca.gov/damsafety) or by requesting materials from the contact person listed in this notice.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**PUBLIC NOTICE REQUIREMENT FOR ISSUANCE OF TREATED WOOD WASTE VARIANCES**

The week of March 29, 2021, the Department of Toxic Substances Control (DTSC) issued variances for the management of treated wood waste. The variances were issued pursuant to Health and Safety Code section 25143(b)(1) and California Code of Regulations, title 22, section 66260.210.

The variances authorize the recipients to manage treated wood waste that is a California hazardous waste in accordance with a set of alternative management standards. The variances are effective for six months and may be extended once for an additional six months.

The variance recipients are listed by variance type, and the information provided includes the variance identification number, recipient name, and recipient location.

*Recipients of Disposal Facility Variances*

- TWW-2021-DF-00200, Mid-Valley Sanitary Landfill, 2390 Alder Avenue, Rialto, CA 92377
- TWW-2021-DF-00220, Forward Landfill, 9999 S. Austin Road, Manteca, CA 95336

*Recipients of Handler/Transporter Variances*

- TWW-2021-HT-00198, Bee Green Recycling & Supply, LLC, 740 Julie Ann Way, Oakland, CA 94621; 725 Independent Road, Oakland, CA 94621
- TWW-2021-HT-00218, Kern County Public Works Department, 300 Landfill Road, Lebec, CA 93243; 6092 Wulstein Avenue, Kernville, CA 93238; 400 Silver Queen Road, Mojave, CA 93501; 11249 Stradley Avenue, Delano, CA 93215; 11400 Boron Avenue, Boron, CA 93516; 3301 Bowman Road, Ridgecrest, CA 93555; 12001 Tehachapi Boulevard, Tehachapi, CA 93561
- TWW-2021-HT-00227, South Bay Recycling, LLC, 333 Shoreway Road, San Carlos, CA 94070
- TWW-2021-HT-00243, Clover Flat Landfill, 4380 Silverado Trail, Calistoga, CA 94515
- TWW-2021-HT-00252, Cal Sierra Disposal, 19309 Industrial Drive, Sonora, CA 95370

*Recipients of Small Quantity Generator/Self-transporter Variances*

- TWW-2021-SG-00172, Tuff Shed, Inc., 2917 Unicorn Street, Bakersfield, CA 93308; 2124 West Mission Road, Escondido, CA 92029; 2431 South Sarah Street, Fresno, CA 93706; 5925 Redwood Drive, Suite A, Rohnert Park, CA 94928; 12800 Rangoon Street, Arleta, CA 91331; 1281 North Sunshine Way, Anaheim, CA 92806; 2754 Teepee Drive, Unit B, Stockton, CA 95205; 2330 South Castle Harbour Place, Ontario, CA 91767; 3590 Snell Avenue, Unit 20, San Jose, CA 95136; 1235 Fee Drive, Sacramento, CA 95815
- TWW-2021-SG-00192, National Park Service, 304 East Fort Miley #4, Golden Gate National Recreation Area

*Recipients of Transporter Variances*

- TWW-2021-TR-00226, South Tulare-Richgrove Refuse, Inc., P.O. Box 970, Richgrove, CA 93261
- TWW-2021-TR-00231, UNI Waste, LLC, 6940 Tremont Road, Dixon, CA 95620
- TWW-2021-TR-00236, Ferma Greenbox, Inc., 6647 Smith Avenue, Newark, CA 94560
- TWW-2021-TR-00246, C&H Veteran Enterprises, Inc., 3202 West Capitol Avenue, West Sacramento, CA 95691

For additional information, contact Ryan Batty of the Department of Toxic Substances Control at (916) 823-7617 or by e-mail at [Ryan.Batty@dtsc.ca.gov](mailto:Ryan.Batty@dtsc.ca.gov).

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**AIR TOXICS HOT SPOTS PROGRAM**

**NOTICE OF MEETING DETAILS FOR  
THE REMOTE PUBLIC WORKSHOP ON A  
DRAFT CANCER INHALATION UNIT RISK  
FACTOR FOR 1-BROMOPROPANE**

On May 7, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) released a document for public review that summarizes the carcinogenicity and derivation of a cancer inhalation unit risk factor (IUR) for 1-bromopropane (1-BP). Cancer IURs are used to estimate lifetime cancer risks associated with inhalation exposure to a carcinogen.

A remote public workshop will be held virtually on May 26, 2021 at 10:00 a.m. The remote public workshop will be conducted using the Zoom platform. The workshop can be accessed at <https://us02web.zoom.us/j/86342682486?pwd=akJHRk45enhGUlpuURkdWenFaTEtYUT09>. The workshop will also be

broadcast on the CalEPA Webcast site: <https://video.calepa.ca.gov/>.

Due to the continuing COVID-19 emergency, the public is strongly encouraged to submit written information via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below:

Dr. John Budroe  
Chief, Air Toxicology and Risk Assessment  
Section  
Air and Site Assessment and Climate Indicators  
Branch  
Office of Environmental Health Hazard  
Assessment  
1515 Clay Street, 16<sup>th</sup> Floor  
Oakland, CA, 94612  
E-mail: [John.Budroe@oehha.ca.gov](mailto:John.Budroe@oehha.ca.gov)  
Telephone: (510) 622-3145  
Fax: (510) 622-3210

After the close of the public comment period, June 21, 2021, the document will be revised as appropriate by OEHHA, and peer reviewed by the state's Scientific Review Panel on Toxic Air Contaminants.

Information about dates and agendas for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <https://ww2.arb.ca.gov/resources/documents/scientific-review-panel-toxic-air-contaminants>.

**NOTICE OF DECISION NOT TO  
PROCEED**

Pursuant to Government Code section 11347

**DEPARTMENT OF MANAGED  
HEALTH CARE**

Pursuant to Government Code section 11347, the Department of Managed Health Care (Department) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), April 16, 2021. The proposed rulemaking concerned coverage and payment for COVID-19 Diagnostic Testing.

Any interested person with questions concerning this rulemaking should contact the Regulations Coordinator at either (916) 322-6727 or by e-mail at: [regulations@dmhc.ca.gov](mailto:regulations@dmhc.ca.gov).



The Department will also publish this Notice of Decision Not to Proceed on its website.

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**REGULATIONS FILED WITH THE  
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.

Board of Forestry and Fire Protection  
File # 2021-0430-02  
Emergency Fire Safe Regulations Applicability First  
Readoption

This emergency action by the Board of Forestry and Fire Protection readopts amendments regarding the applicability of its State Responsibility Area Fire Safe regulations that exempt the reconstruction or repair of legally constructed homes damaged by wildfire under certain conditions and the creation of accessory or junior accessory dwelling units, as specified.

Title 14  
Amend: 1270.02, 1270.04, 1270.05, 1271.00  
Filed 05/10/2021  
Effective 05/10/2021  
Agency Contact: Edith Hannigan (916) 862-0120

California Debt Limit Allocation Committee  
File # 2021-0430-01  
QRRP Application, Scoring Process and Updating  
Existing Language

This emergency rulemaking by the California Debt Limit Allocation Committee amends regulations relating to the Qualified Residential Rental Project (QRRP) Program and its scoring process. The regulations also delete references to the Qualified Public Educational Facility Bond (QPEFB), as the QPEFB is no longer under the Committee's authority but is now under the California School Finance Authority.

Title 04  
Amend: 5000, 5020, 5022, 5035, 5036, 5037, 5062, 5100, 5103, 5133, 5170, 5190, 5194, 5211, 5212, 5230, 5231  
Repeal: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731  
Filed 05/10/2021  
Effective 05/10/2021  
Agency Contact: Isaac Clark III (916) 651-8484

California Water Commission  
File # 2021-0427-02  
Special Application for Early Funding

This action makes permanent the provisions added to section 6010 of Title 23 of the California Code of Regulations that provide for an additional funding opportunity for applicants to the Water Storage Investment Program to obtain funding for the completion of environmental documentation and for obtaining necessary permits for their projects. The additional funding opportunity is for applicants that did not apply for or did not receive an award of funding for these purposes as part of their initial applications to the program.

Title 23  
Amend: 6010  
Filed 05/10/2021  
Effective 05/10/2021  
Agency Contact:  
Holly Geneva Stout (916) 651-9566

Cemetery and Funeral Bureau  
File # 2020-1123-01  
Substantial Relationship Criteria

This action by the Cemetery and Funeral Bureau adopts criteria to be used in determining whether a crime, act, or professional misconduct is substantially related to the qualifications, functions, or duties of a licensee, or when a licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct when considering denial, suspension, or revocation of a license or registration. The action implements amendments to the Business and Professions Code made by Assembly Bill 2138 (Stats. 2018, ch. 995).

Title 16  
Adopt: 1252.1  
Amend: 1252, 1253, 1253.5  
Filed 05/10/2021  
Effective 05/10/2021  
Agency Contact:  
Carolina Sammons (916) 574-7876

Court Reporters Board of California  
File # 2020-1130-01  
Criminal Conviction Substantial Relationship and  
Rehab Criteria

This action amends the Board's regulation concerning criteria for determining whether a crime, professional misconduct, or other act committed by an applicant for a certificate or a certificate holder is substantially related to the qualifications, functions, and duties of a court reporter. The action also amends the Board's regulation concerning criteria for determining whether an applicant for a certificate or a certificate holder has been rehabilitated after the commission of a crime or after disciplinary action has been taken by the Board against a certificate holder.

Title 16  
Amend: 2470, 2471  
Filed 05/12/2021  
Effective 05/12/2021  
Agency Contact: Yvonne Fenner (916) 263-4081

Department of Corrections and Rehabilitation  
File # 2021-0429-03  
Recommendation to Recall Sentence and Resentence

The Department of Corrections and Rehabilitation submitted this emergency readoption action to continue the effectiveness of emergency regulations adopted and amended in OAL file nos. 2019-1121-01EON and 2020-0914-01EON. The emergency regulations establish eligibility criteria and procedures for the recall of inmate commitments and resentencing of inmates pursuant to Penal Code section 1170(d)(1) and (e).

Title 15  
Adopt: 3076, 3076.1, 3076.2, 3076.5  
Amend: 3076.3, 3076.4  
Repeal: 3076, 3076.1, 3076.2, 3076.5  
Filed 05/06/2021  
Effective 05/11/2021  
Agency Contact: Josh Jugum (916) 445-2266

Department of Corrections and Rehabilitation  
File # 2021-0507-03  
Minimum Security Credit and Inmate Credit Earning

In this nonsubstantive action, the Department of Corrections and Rehabilitation amends two sections to add authority and reference citations and fix numbering of a subsection.

Title 15  
Amend: 3043.7, 3044  
Filed 05/11/2021  
Agency Contact: Josh Jugum (916) 445-2266

Department of Housing and Community  
Development  
File # 2021-0324-01  
Mobilehome Residency Law Protection Program

In this timely Certificate of Compliance the Department of Housing and Community Development is making permanent regulations for the Mobilehome Residency Law Protection Act to establish the process for mobilehome owners to seek assistance with alleged violations of the Mobilehome Residency Law. This program provides for referral to various enforcement agencies or referral to a non-profit legal service provider for assistance.

Title 25  
Adopt: 4900, 4902, 4904, 4906, 4908, 4910, 4912,  
4914, 4916, 4918  
Filed 05/06/2021  
Effective 05/06/2021  
Agency Contact: Ruth Ibarra (916) 263-3262

Department of Justice  
File # 2021-0329-03  
Department of Financial Protection and Innovation  
— Bond Form

This action by Department of Justice adopts section 31.29, Debt Collection Licensee Bond, in the title 11 listing of approved surety bonds for the Department of Financial Protection and Innovation.

Title 11  
Adopt: 31.29  
Filed 05/11/2021  
Effective 05/11/2021  
Agency Contact: Sarah L. Fabian (510) 879-0272

Department of Justice  
File # 2021-0330-02  
Ammunition

This action without regulatory effect reorganizes Title 11, Division 5, Chapter 10, regarding ammunition.

Title 11  
Amend: 4300 (renumbered to 4280 and amended);  
4301 (renumbered to 4281); 4302 (renumbered to  
4282); 4303 (renumbered to 4283 and amended);  
4304 (renumbered to 4284 and amended); 4305  
(renumbered to 4285); 4306 (renumbered to 4286);  
4307 (renumbered to 4287); 4308 (renumbered to  
4288 and amended); 4309(renumbered to 4289)  
Filed 05/12/2021  
Agency Contact: Kevin Sabo (916) 210-7639

Department of Motor Vehicles  
File # 2021-0329-04  
Special License Plates

In this change without regulatory effect, the Department amends its regulation to remove the following language: “may carry connotations offensive to good taste and decency.” The Department amends the regulation to comply with a motion for summary judgment issued by the United States District Court, Northern District of California in *Ogilvie v. Gordon*.

Title 13  
Amend: 206.00  
Filed 05/11/2021  
Agency Contact: Tracy Brazil (916) 657-8919

Fair Political Practices Commission  
File # 2021-0419-02  
Gender Neutral Revisions

This action amends numerous sections of the Fair Political Practices Commission’s regulation to replace gender-specific with gender-neutral pronouns and phrasing.

Title 02  
Amend: 18110, 18215, 18215.2, 18215.3, 18216, 18217, 18225.7, 18229.1, 18232, 18235, 18237, 18239, 18310, 18310.1, 18316.5, 18316.6, 18324, 18329.5, 18360.1, 18360.2, 18361, 18361.2, 18361.6, 18361.7, 18401, 18404, 18404.1, 18405, 18406, 18423, 18426.1, 18427, 18430, 18431, 18432.5, 18438.1, 18438.3, 18438.4, 18438.6, 18438.7, 18450.11, 18523, 18525, 18530.8, 18531.10, 18531.6, 18531.61, 18531.62, 18535, 18539.2, 18540, 18542, 18543, 18550, 18572, 18603, 18603.1, 18611, 18615, 18616, 18624, 18700, 18700.1, 18700.3, 18701, 18702, 18702.5, 18703, 18704, 18705, 18707, 18722, 18723, 18728.5, 18730, 18732, 18733, 18735.5, 18736.1, 18737, 18740, 18741.1, 18746.1, 18746.3, 18746.4, 18747, 18750, 18751, 18901.1, 18931.2, 19932.5, 18940, 18941, 18942, 18942.1, 18942.2, 18943, 18944, 18944.1, 18945, 18946.2, 18946.3, 18950.1, 18950.3, 18951, 18960  
Filed 05/12/2021  
Effective 06/11/2021  
Agency Contact: Daniel Vo (916) 322-5660

Office of Administrative Law  
File # 2021-0429-01  
Electronic submission of APA-related documents

This emergency rulemaking action by the Office of Administrative Law readopts requirements to establish a process for electronic submissions and allow for digital signatures.

Title 01  
Adopt: 6.5, 101  
Amend: 1, 5, 6, 50, 52, 100  
Filed 05/05/2021  
Effective 05/05/2021  
Agency Contact: Eric Partington (916) 323-6225

Office of Emergency Services  
File # 2021-0324-02  
Non-substantive name change and section number revision

This change without regulatory effect updates the names of various state agencies and titles of various personnel.

Title 19  
Amend: 2402, 2411, 2413, 2425, 2443, 2444, 2450, 2501, 2510, 2520, 2530, 2540, 2570.2, 2571, 2573.1, 2573.2, 2631, 2644, 2658, 2800, 2900, 2910, 2915, 2925, 2930, 2940, 2955, 2965, 2966, 2970, 2980, 2990, 2992, 2993.1, 2996, 2996.1, 2997, 2998, 2999  
Filed 05/05/2021  
Agency Contact: Joy Peng (916) 845-8971

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board  
File # 2020-1118-01  
Criminal Conviction Substantial Relationship and Rehabilitation Criteria

In this action, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board adopts criteria to be used in determining whether a crime, professional misconduct, or other act is substantially related to the professional practice of its licensees for purposes of license denial, suspension, or revocation. The action adopts criteria for determining whether an applicant for a license, or for reinstatement of a license, or for the modification or termination of probation of a license, has been rehabilitated subsequent to a criminal conviction, professional misconduct, or other act. The action also adopts criteria for determining whether a licensee has been rehabilitated, subsequent to a criminal conviction, professional misconduct, or other act, when considering whether to suspend or revoke their license.

Title 16  
Amend: 1399.132, 1399.133, 1399.134, 1399.156.1, 1399.156.2, 1399.156.3  
Filed 05/07/2021  
Effective 05/07/2021  
Agency Contact: Cherise Burns (916) 263-2666

State Mining and Geology Board  
File # 2021-0326-02  
Seismic Hazards Mapping

The State Mining and Geology Board is making several sets of changes without regulatory effect to their regulations pertaining to seismic hazards mapping.

Title 14  
Amend: 3720, 3721, 3722, 3724, 3725  
Filed 05/06/2021  
Agency Contact:  
Matthew Livers (916) 214-2066

Superintendent of Public Instruction  
File # 2021-0323-01  
Regional Parent Advisory Council

This action without regulatory effect removes language regarding Regional Parent Advisory Councils regarding residency eligibility and interpretation services at meetings.

Title 05  
Amend: 12014, 12019  
Filed 05/05/2021  
Agency Contact: Lorie Adame (916) 319-0860

**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](http://www.oal.ca.gov).