



# 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**

STATE

AGENCY: Department of Pesticide Regulation

MULTI-

COUNTY: San Luis & Delta-Mendota Water Authority

River Delta Unified School District

A written comment period has been established commencing on May 27, 2022, and closing on July 11, 2022. 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 11, 2022. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. BUSINESS, CONSUMER  
SERVICES AND HOUSING AGENCY**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Business, Consumer Services and Housing Agency, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on May 27, 2022 and closing on July 11, 2022. All inquiries should be directed to the contact listed below.

The Business, Consumer Services and Housing Agency (BCSH or Agency) proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: revising the list of departments that BCSH oversees to accurately describe those departments and boards that the Agency has statutory oversight of; revising the title of "Special Assistant" to "Senior Advisor"; adding the position of "Staff Services Manager III" to the list of designated positions under Category 1; adding the positions of Information Officer II, Research Data Specialist I, Information Technology Manager I, Information Technology Specialist II, Information Technology Specialist I, and Information Technology Associate to the list of designated positions under Category 4; revising all references to the "Homeless Coordinating and Financing Council" and "HCFC" to instead say the "California Interagency Council on Homelessness" and "Cal-ICH," which is the current, lawful name of the Council; and other technical changes. The proposed amendment and explanation of the reasons can be obtained from the agency's contact set forth below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than July 11, 2022, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than June 26, 2022.

The Business, Consumer Services and Housing Agency has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Phil Laird, Deputy General Counsel  
Telephone: (916) 701-3027  
E-Mail: [philip.laird@bcsh.ca.gov](mailto:philip.laird@bcsh.ca.gov)

**TITLE 4. ALTERNATIVE ENERGY  
AND TRANSPORTATION FINANCING  
AUTHORITY**

The California Alternative Energy and Advanced Transportation Financing Authority (the "Authority" or "CAEATFA"), organized and operating pursuant to Division 16 (commencing with section 26000) of the California Public Resources Code (the "Act") — pursuant to the authority vested in it by the Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011 to provide financial assistance to a participating party, and acting pursuant to the Memorandum of Agreement ("MOA") between the Authority and the California Public Utilities Commission ("CPUC") which sets forth the policies and procedures for establishment of a series of ratepayer-funded pilot programs as authorized and described in the initial CPUC-approved Decision 13-09-044, Decision Implementing 2013-14 Energy Efficiency Financing Pilot Programs issued September 19, 2013 and modified through Decision 15-06-008, Decision 15-12-002, Decision 17-03-026, and Decision 21.08.006

— proposes to amend the GoGreen Home Energy Financing Program (known publicly as the “GoGreen Home Program” and referred to as the “Program” in this document) regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

A public hearing regarding the regulations is scheduled from 10:00 a.m. until 11:30 a.m. or until business is concluded on Thursday, July 14, 2022. To register to participate for the public hearing via webinar, click the link below:

[https://us02web.zoom.us/webinar/register/WN\\_-o40drjBQKy0DDSTD6915g](https://us02web.zoom.us/webinar/register/WN_-o40drjBQKy0DDSTD6915g)

Any additional public hearings will be publicized on the Authority’s Listserv and on the Authority’s website located at <https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/index.asp>.

#### WRITTEN COMMENT PERIOD

Any interested person or their authorized representatives may submit written comments relevant to the regulations to the Authority. **The written comment period on the regulations ends on Thursday July 14, 2022.** Public comments may be submitted during the public workshop. All comments must be submitted in writing to [cheef@treasurer.ca.gov](mailto:cheef@treasurer.ca.gov) by July 14, 2022 in order for them to be considered by the Authority.

In the event that substantial changes are made to the regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to [cheef@treasurer.ca.gov](mailto:cheef@treasurer.ca.gov).

#### AUTHORITY AND REFERENCE

*Authority: Public Resources Code Section 26006 and 26009.* Section 26006 and 26009 of the Public Resources Code authorizes the Authority to adopt necessary regulations relating to its authority established by the Act, and Public Resources Code 26011 establishes the authority to provide financial assistance to a participating party.

*Reference: Public Resources Code Sections 26002, 26002.5, 26003(a)(3)(A), 26003(a)(6), 26003(a)(7)(A), 26003(a)(8)(A), 26011 and 26040.* On September 19, 2013, the CPUC approved Decision 13–09–044, and requested the Authority act as the master administrator of the California Hub for Energy Efficiency

Financing (“CHEEF”), funded by ratepayer funds collected by the four investor owned utilities — Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company (collectively the “IOUs”). The Authority’s purpose is to advance the State’s goals of reducing the levels of greenhouse gas emissions, increasing the deployment of sustainable and renewable energy sources, implementing measures that increase the efficiency of the use of energy, creating high quality employment opportunities, and lessening the State’s dependence on fossil fuels. The Authority’s statute enables it to provide financial assistance to various participating parties that carry out eligible projects. In July 2014, the Authority received initial Legislative budget authority to administer the CHEEF functions, and subsequently entered into a Memorandum of Agreement with the CPUC and a receivables contract with the IOUs to implement the CHEEF.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the Authority to provide “financial assistance” to “participating parties” for the implementation of “projects” as those terms are defined in Public Resources Code Section 26003. A Memorandum of Agreement between the Authority and the CPUC sets forth the policies and procedures for establishment of a series of ratepayer–funded pilot programs as authorized and described in the CPUC–approved Decisions.

Decision 13.09.044 established the California Hub for Energy Efficient Financing (“CHEEF”) to be administered by the Authority. The Authority was authorized to develop and implement a number of energy efficiency financing programs. These programs were intended to attract a greater amount of private capital to the energy efficiency retrofit market by reducing risk to finance companies; broadening the availability of financing to individuals and businesses who might not have been able to access it otherwise; and addressing the upfront cost barrier to energy efficiency retrofit projects.

GoGreen Home launched in 2016 as a pilot program and, throughout early development and implementation, the Authority advocated to the CPUC for specific changes to Decisions regarding the CHEEF programs to broaden their relevance to the private market and streamline operations for participants. These efforts were necessary, from the Authority’s perspective, to facilitate more energy efficiency projects and allow the Program to assist more customers. In March

2017, the CPUC issued Decision 17–03–026, which granted the Authority some additional flexibility to amend GoGreen Home from previous CPUC guidance. Leveraging this flexibility, the Authority implemented amendments through an emergency rulemaking process that began in 2017 and ended with a certificate of compliance in September 2018. In April 2020, the CPUC issued Resolution E–5072, which approved GoGreen Home’s transition from a pilot program to a full program and provided funding for the Authority to facilitate scaling, including streamlining operations for lenders, making planned technology improvements, and continuing with education and outreach efforts.

In April 2021, the CAEATFA Board approved emergency regulations to modify the GoGreen Home program to allow for important operational improvements such as moving to electronic data collection to support high–volume lending, incorporate participant and stakeholder feedback and suggestions, and implement lessons learned since the last regulations modifications in 2018. These modifications establish new eligible financing products and a new role for “Channel Partners” to assist lenders, institute new processes on the incorporation of non–IOU funding to expand the Program, clarify and add Eligible Energy Efficiency Measures (“EEEMs”) to the Program, and create a streamlined Microloan pathway for loans less than \$5,000. The authorization of the emergency regulation was recommended by Staff to allow for adequate time for the regular rulemaking process while soliciting stakeholder input from participating contractors and lenders as well as other implementation partners regarding areas for programmatic improvement and streamlining.

As part of the emergency rulemaking, the Authority made publicly available the proposed modified emergency regulations, held stakeholder discussions soliciting feedback, and conducted a virtual public workshop on March 12, 2021 followed by a 7–day public comment period. The changes were approved by the OAL and took effect on May 24, 2021 (OAL File Number 2021–0513–01E) with subsequent approval by OAL for readoption, with additional modifications, on March 23, 2022 (OAL File Number 2022–0307–01E) following another public workshop and comment period in January 2022. The emergency regulations will be submitted for a second readoption in May 2022 in order to grant enough time to complete the regular rulemaking process.

The proposed regulations associated with this Notice seek to make permanent most of the emergency modifications through the Certificate of Compliance regular rulemaking process.

***Anticipated Benefits of the Proposed Action:***

The benefits of this regulatory action will be to owners and renters of residential properties, including single–family homes, condominiums, townhouses, and apartments, as well as participating lenders and the hundreds of enrolled contractors who complete the upgrades. The addition of the ability to incorporate non–IOU Public Purpose Funding is intended to reduce complexity and increase Program access to more Californians by expanding the types of measures for which lenders can receive a credit enhancement. This furthers the State’s goals of reducing energy consumption and greenhouse gases. Changes and additions to the list of Eligible Energy Efficiency Measures are intended to provide more options for the types of energy saving installations that can be financed through the Program, helping borrowers save more energy. The addition of new financing products and participant roles, and changes to loan and project submission requirements and reporting are intended to create a better lender experience in order to attract more lenders who can in turn reach more borrowers and drive new levels of program uptake.

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

Government Code Section 11346.5(a)(3)(D) requires that the notice of proposed rulemaking include, “[an] evaluation of whether the proposed regulation is inconsistent or incompatible with existing state regulations.” The Authority’s Staff reviewed the California Code of Regulations and found no existing regulations with which there might be inconsistency or incompatibility. Therefore, the Authority believes that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the regulations:

**Mandate on local agencies or 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.

**Significant effect on housing costs:** None.

**Significant, statewide adverse economic impact directly affecting businesses including the ability of**

**California businesses to compete with businesses in other states:** The Authority has made the determination that the proposed regulations 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. Participation in the program is voluntary, and, in fact, the Authority finds that the proposed regulation may have a positive effect on the businesses of participating GoGreen Home contractors and California-based lenders.

**Effect on Small Business:** The Authority has made the determination that the proposed regulations will not have an adverse impact on small businesses in California. Participation is voluntary and designed to offer access to attractive financing for energy efficiency measures. The Authority believes that any effect on small businesses would be positive, particularly for contractor businesses installing energy efficient upgrades.

**Cost Impacts on Representative Private Person or Business:** The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## RESULTS OF ECONOMIC IMPACT ANALYSIS

The Authority finds that the regulations will have a positive effect on the state's economy and environment generally because of the anticipated increased economic activity, energy conservation and reduction of greenhouse gas emissions due to investments in energy upgrades. Studies have cited the need for lower cost financing as a main impediment to increasing the number of energy efficiency upgrades; therefore, the Authority finds there would be increased economic activity for certain businesses who manufacture energy efficiency measures and for the contractors who conduct energy efficiency retrofits, as well as for the California-based lenders who process and provide the loans. Additionally, participants that make energy efficiency upgrades are likely to experience energy savings and may be able to apply those savings toward other economically beneficial activities.

### **Creation or Elimination of California Jobs:**

The Authority finds that the regulations may have a positive impact on the creation of jobs within California, such as the manufacturers of energy efficiency measures benefitting from increased demand, and energy efficiency retrofit contractor companies who perform installations. The Authority has not estimated the number of direct and indirect green jobs that may be created as a result of this Program as participation is voluntary.

### **Creation or Elimination of Existing Businesses Within the State of California:**

As the regulations provide a credit enhancement to finance companies offering credit to California residents, the elimination of businesses is improbable. The regulations are unlikely to significantly affect the creation of new businesses within the State of California.

### **Expansion or Elimination of Existing Businesses Within the State of California:**

The Authority finds there could be increased economic activity for certain businesses of project developers and contractors who conduct energy efficiency retrofits, thus potentially expanding existing businesses.

### **Benefits of the Regulations to The Health and Welfare of California Residents, Worker Safety, and the State's Environment:**

The goal of the Program is to increase access to financing for California residents to invest in energy efficient upgrades, thus reducing greenhouse gas emissions and helping meet California's ambitious environmental goals. The Program does not directly affect worker safety.

## SUMMARY OF PROPOSED CHANGES AND ADDITIONS

### **Section 10091.1. Definitions.**

This section defines terms commonly used throughout the regulations and Program documents.

This section is being updated to facilitate the proposed changes to the regulations; definitions have been added, deleted, or amended in order to establish or refine terms commonly used throughout the Program.

### **Section 10091.2. Eligible Financial Institutions and Eligible Finance Lender Applications to Participate.**

This section outlines the processes by which an Eligible Financial Institution ("EFI") or Eligible Finance Lender ("EFL") applies to become a Participating Financial Institution ("PFI") or Participating Finance Lender ("PFL") by describing the information it must provide to and responsibilities under GoGreen Home.

This section has been extensively reorganized to improve readability and reduce confusion (e.g. new subsections for describing the proposed loan programs, underwriting criteria, certifications, acknowledgments, and agreements) as well as modified to obtain additional needed information and remove or streamline the capture of unnecessary information, in order to evaluate applicants.

**Section 10091.3. Additional Requirements for Finance Lenders.**

This section outlines additional requirements for an Eligible Finance Lender (“EFL”) to include in the application to become a Participating Finance Lender (“PFL”).

This section has also been extensively reorganized to improve readability (e.g., new subsections for demonstrating the EFL’s experience and key operations, and making representations, warranties, and covenants to the Authority). Amendments were also made to align the regulations with current industry practice regarding insurance, and to facilitate participation of newer entrants into the energy efficiency financing space while ensuring company qualifications, and consumer protections.

**Section 10091.4. Channel Partner.**

This new section establishes a new participant role called a Channel Partner. It was added in order to accommodate additional types of lender business models not previously allowable in GoGreen Home, wherein the lender performs roles related to underwriting and servicing but collaborates with a partner to generate and facilitate transactions as well as interact with GoGreen Home. It outlines the processes by which an Eligible Channel Partner (“ECP”) becomes a Participating Channel Partner (“PCP”) including the information it must provide and its responsibilities under and regulated relationship with GoGreen Home.

**Section 10091.5. Loan Eligibility and Minimum Underwriting Criteria.**

This section details the types and characteristics of loans that are eligible for GoGreen Home, how loan proceeds are to be allocated and relevant limits, refinancing requirements, information that must be disclosed to the Borrower, and Borrower underwriting eligibility.

This section is amended to add and clarify financial products available to borrowers through the program — as well as the option to refinance existing GoGreen Home loans, and streamline the eligibility requirements for Microloans.

**Section 10091.6. Contractor Qualification and Management.**

This section outlines the process for an Eligible Contractor to become a Participating Contractor (both referred to as “Contractor” throughout this document) including the information it must provide and its responsibilities under the Program.

The amendments to this section reflect the Authority’s need to capture important additional information about an Eligible Contractor applicant, as well as changes to the Authority’s expectations for Participating Contractors throughout their participation in the Program.

**Section 10091.7 Establishment and Funding of Loss Reserve Accounts.**

This section is re-numbered because the former Section “10091.7 Optional Loss Reserve Reservation and Project Pre-Approval” was deleted. This section outlines the process by which each Lender’s Loss Reserve Account(s) is established and funded under GoGreen Home by the Trustee Bank.

This section has been amended, due to stakeholder input, to clarify some ambiguities regarding Loss Reserve contributions calculations and to allow up to three Loss Reserve Accounts per lender. The requirement for how long an Eligible Loan can be enrolled in GoGreen Home was also moved from Section 10091.8 to this section. Several provisions in this section were also updated to reflect a change to 10091.1(ii) in Definitions, indicating that funds from different funders will be stored in separate Program Holding Accounts, and transfers to or from these holding accounts will be made to the “appropriate” account.

**§10091.7 (formerly). Optional Loss Reserve Reservation and Project Pre-Approval.**

This section, which detailed an optional reservation and project pre-approval process for PFIs or PFLs, has been removed from GoGreen Home.

The removal of this section is due to the pre-approval and reservation process being burdensome and not used by PFIs/PFLs since 2017.

**Section 10091.8. Loan Enrollment.**

This section describes the documentation and data required for a loan to be enrolled in GoGreen Home, as well as the source of the data and which participant is required to submit it.

As GoGreen Home prepares to expand and welcome new business models, the Program is seeking to change how loans are enrolled to deliver flexibility and scalability. This includes clarifications and amendments to streamline the information that is provided by lenders while still ensuring data integrity and compliance. Data points required for loan enrollment were also organized into a table format to provide clarity and ease of reading.

**Section 10091.9. Claims.**

This section outlines the process and requirements for Lenders to submit a claim for reimbursement from their Loss Reserve Account if a Borrower defaults on a GoGreen Home loan.

Amendments to this section are proposed to remove ambiguities, adjust which data points are required, provide the Authority the ability to request additional information when necessary, and to otherwise streamline the claim application process.

**Section 10091.10. Project Requirements.**

This section describes measure and project eligibility for GoGreen Home, installation, safety



testing requirements, and how projects are verified and inspected.

This section is updated to clarify when a GoGreen Home Participating Contractor is and is not required for a project. Additionally, a substantive modification was made to determine that Participating Contractors are not required if the work is financed by a Microloan. Further, new Eligible Energy Efficiency Measures (“EEEMs”) are added to provide additional opportunities to save energy for Borrowers, and the table listing EEEMs was modified to improve readability. Lastly, the regulations have been modified to streamline the Quality Assurance/Quality Control review processes to provide needed flexibility as the Program grows and evolves while still ensuring that risk-based compliance verification efforts are accurately targeted to the projects that most need them.

**Section 10091.11. Reporting.**

This section describes the reporting requirements for lenders in GoGreen Home.

This section is amended to remove and add more data points that are needed for Program participation and evaluation, in order to streamline a sometimes burdensome monthly reporting process for participants while ensuring that the Authority is capturing relevant information regarding enrolled loans and the impact of its credit enhancement.

**Section 10091.12. Sale of Enrolled Loans.**

This section describes the processes and requirements by which a Lender may apply to GoGreen Home to serve as a Successor Servicer.

This section is being amended to clear up ambiguities in defining eligibility and certification requirements.

**Section 10091.13. Termination and Withdrawal.**

The purpose of this section is to describe the processes and requirements by which a Lender or Successor Servicer may withdraw or be terminated from GoGreen Home.

This section is being amended to update and clarify how a Lender’s remaining loss reserve funds are handled if it withdraws from GoGreen Home.

**Section 10091.15. California Hub for Energy Efficiency Financing Privacy Rights Disclosure.**

This section describes the CHEEF Privacy Disclosure that advises the Borrower of their privacy rights under the Program, informing them that certain information may be shared with utility companies and other state or federal agencies.

Modifications to this section bring the Regulations into alignment with the Information Practices Act, indicating that the Authority may report information to new funders and clarifies the types of information shared by the Program with different audiences.

**Section 10091.16. Conditional Eligibility Expansion.**

This new section was added to describe what the Authority will do if it secures funding for GoGreen Home from a non-IOU Energy Efficiency ratepayer source. If the Authority is able to secure that funding, it will 1) maintain an interested parties list, 2) expand the type of equipment and corresponding costs that will count toward the required Claim-Eligible Principal Amount, 3) publish when this additional funding is available and the criteria for expanded eligibility, and 4) offer the credit enhancement for loans financing GoGreen Home projects on a first-come first-serve basis. The section also explains that funding may come from various types of government or nonprofit organizations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed 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 Authority invites interested persons to present statements with respect to alternatives to the regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments shall be submitted or directed to: [cheef@treasurer.ca.gov](mailto:cheef@treasurer.ca.gov).

Inquiries and any questions regarding the substance of the regulations shall be submitted or directed to:

Kelly Delaney  
 Program Specialist  
 CAEATFA  
 915 Capitol Mall  
 Sacramento, California 95814  
 Telephone: 916-651-5581  
 Email: [Kelly.Delaney@treasurer.ca.gov](mailto:Kelly.Delaney@treasurer.ca.gov)

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 Sacramento, California 95814  
 Telephone: 916-653-2509  
 Email: [ALingenfelter@sto.ca.gov](mailto:ALingenfelter@sto.ca.gov)

**AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS**

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Second Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the proposed text of the regulations, the Economic Impact Statement, and the Technical, Theoretical, and/or Empirical Studies, Reports, or Documents. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/>.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the public hearing and at the end of the written comment period, the Authority may adopt the regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and request for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/>.

**AVAILABILITY OF MATERIALS ON THE INTERNET**

Materials prepared for this rulemaking, including this Notice, the Initial Statement of Reasons, the text of the proposed regulations, the Economic Impact Analysis, and Technical, Theoretical, and/or Empirical Studies, Reports, or Documents may be accessed

on the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/reel/regulations/>.

**TITLE 11. DEPARTMENT OF JUSTICE**

**DIVISION 1. ATTORNEY GENERAL  
CHAPTER 4. SUPERVISION OF TRUSTEES AND FUNDRAISERS FOR CHARITABLE PURPOSES ACT and  
CHAPTER 15. ATTORNEY GENERAL REGULATIONS REGARDING ADMINISTRATIVE ENFORCEMENT OF THE SUPERVISION OF TRUSTEES AND FUNDRAISERS FOR CHARITABLE PURPOSES ACT**

The Department of Justice (Department) proposes to amend sections 300, 300.1, 300.2, 301, 302, 303, 304, 305, 306, 308, 310, 311, 312, 312.1, 313, 314, 315, 316, 999.1, 999.2, 999.3, 999.4, 999.6, 999.7, 999.8, 999.9, 999.9.1, 999.9.2, 999.9.3, 999.9.4, and 999.9.5, and to adopt sections 314, 315, 316, 317, 318, 319, 320, 321, 322, and 323 of title 11, division 1, chapters 4 and 15 of the California Code of Regulations concerning charities, charitable trusts, and charitable fundraising, including newly regulated charitable fundraising platforms and platform charities, that are governed by The Supervision of Trustees and Fundraisers for Charitable Purposes Act (Act), Government Code (Gov. Code) section 12580 et seq.

**PUBLIC HEARING**

The Department will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed regulations, as follows:

July 13, 2022 at 9:00 a.m. PDT

Online via BlueJeans

<https://primetime.bluejeans.com/a2m/live-event/ufzsbkix>

(NOTE: You will be prompted to join via the BlueJeans app if you have it installed. You may also join via your browser without installing the app.)

OR

Dial (415) 466-7000

Meeting ID: 6748237#

The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on July 12, 2022 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice  
 Office of the Attorney General  
 Charitable Trusts Section  
 Attention: Brian Armstrong, Deputy Attorney General  
 455 Golden Gate Avenue, Suite 11000  
 San Francisco, CA 94102-7004  
 (415) 510-3758  
[charities.regulations@doj.ca.gov](mailto:charities.regulations@doj.ca.gov)

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Sections 12581, 12585, 12586, and 12587, 12590, 12598, and 12599.10, Government Code; Sections 5914 and 5918, Corporations Code.

Reference: Sections 11400 et seq., 11425.10, 11425.60, 11500 et seq., 11517, 11518.5, 11519, 12581, 12581.2, 12582, 12582.1, 12583, 12584, 12585, 12586, 12586.1, 12587, 12587.1, 12588, 12589, 12590, 12591, 12591.1, 12594, 12595, 12596, 12597, 12598, 12599, 12599.1, 12599.2, 12599.3, 12599.5, 12599.6, 12599.7, 12599.8, 12599.9 and 12599.10, Government Code; Sections 2205, 5008.6, 5142, 5223, 5225, 5226, 5227, 5230, 5231, 5232, 5233, 5235, 5236, 5237, 5238, 5239, 5240, 5250, 5260, 5617, 5813.5, 5820, 5913, 5914, 5918, 5920, 6010, 6215, 6320, 6510, 6611, 6612, 6613, 6617, 6716, 6721, 6810, 6910, 7142, 7223, 7225, 7231, 7233, 7236, 7237, 7238, 7616, 7820, 7913, 8010, 8510, 8611, 8612, 8613, 8616, 8723, 8810, 9230, 9633, 9640 and 9680, Corporations Code; Sections 17510, 17510.2, 17510.25, 17510.3, 17510.4, 17510.5, 17510.8, 17510.85 and 17510.9, Business and Professions Code; Section 23775, Revenue and Taxation Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**Summary of Existing Laws and Regulations:**

The Act provides the Attorney General with enforcement and supervisory powers over all charitable corporations, unincorporated associations, trustees and other legal entities holding property for charitable purposes, commercial fundraisers for charitable

purposes, fundraising counsel for charitable purposes, and commercial coventurers. The Act establishes the Registry of Charitable Trusts, which is administered by the Department of Justice. (Gov. Code, § 12587.1.) Organizations and persons subject to the Act are required to register and file periodic reports with the Attorney General, among other requirements. (Gov. Code, §§ 12585, subdivision (a), 12586, 12599, 12599.1, 12599.2.) The Attorney General is authorized to make rules and regulations regarding the Act, including the time for filing reports, the content of such reports, and the manner of executing and filing them. (Gov. Code, §§ 12586, subdivision (b), 12587.)

The Act prohibits specified acts and practices in the planning, conduct, or execution of any solicitation or charitable sales promotion, including using any unfair or deceptive acts or practices in solicitations or charitable sales promotions, engaging in any fraudulent conduct that creates a likelihood of confusion or misunderstanding, and misrepresenting or misleading anyone in any manner to believe that another person sponsors, endorses, or approves a charitable solicitation or charitable sales promotion when that person has not given consent in writing to the use of the person’s name for these purposes. (Gov. Code, § 12599.6.) The Act also prohibits representing that any part of the contributions solicited by a charitable organization will be given or donated to any other charitable organization unless that organization has consented in writing to the use of its name prior to the solicitation. (Gov. Code, § 12599.6.)

Assembly Bill (AB) 488 amends the Act and, effective January 1, 2023, establishes that charitable fundraising platforms and platform charities are trustees for charitable purposes subject to the Attorney General’s supervision. Pursuant to AB 488, the newly enacted Government Code section 12599.9 defines “charitable fundraising platform” to mean certain persons or legal entities that use the internet to provide a website, service, or other platform to persons in this state, and perform, permit, or otherwise enable acts of solicitation to occur. (Gov. Code, § 12599.9, subdivision (a).) The solicitation acts include soliciting donations intended for recipient charitable organizations referenced on the platform, permitting persons who use the platform to solicit donations intended for recipient charitable organizations, referencing charitable organizations to receive donations based on purchases made or other activity performed by persons who use the platform, and providing a customizable platform to charitable organizations that solicit or receive donations through the platform. (Gov. Code, § 12599.9, subdivision (a) (1).) A “platform charity” is a trustee or charitable corporation that facilitates acts of solicitation on a charitable fundraising platform, including soliciting donations through a charitable fundraising platform for

itself from donors who use the platform with the implied or express representation that the platform charity may grant donations to recipient charitable organizations, or granting funds to recipient charitable organizations based on purchases made or other activity performed by persons who use the platform. (Gov. Code, § 12599.9, subdivision (a)(5).)

Government Code section 12599.9 requires a charitable fundraising platform, before soliciting, permitting, or otherwise enabling solicitations, to register with the Attorney General's Registry of Charitable Trusts, under oath, on a form provided by the Attorney General. Government Code section 12599.9 requires persons or entities that meet the definition of a charitable fundraising platform and platform charity to register as a charitable fundraising platform. Government Code section 12599.9 requires annual renewal of registration, and for the Attorney General to impose registration and renewal fees and deposit revenues in the Registry of Charitable Trusts Fund, for use as specified. (Gov. Code, § 12599.9, subdivision (b).)

Government Code section 12599.9 requires a charitable fundraising platform to file annual reports, under oath, with the Registry of Charitable Trusts on a form provided by the Attorney General. Government Code section 12599.9 restricts a charitable fundraising platform or platform charity to soliciting, permitting, or otherwise enabling solicitations, or receiving, controlling, or distributing funds from donations for recipient or other charitable organizations in good standing, as defined. Government Code section 12599.9 requires a charitable fundraising platform or platform charity to provide prescribed conspicuous disclosures that prevent a likelihood of deception, confusion, or misunderstanding before a person can complete a donation or select or change a recipient charitable organization. (Gov. Code, § 12599.9, subdivisions (c)–(e).)

Government Code section 12599.9 requires a charitable fundraising platform or platform charity to obtain the written consent of a recipient charitable organization before using its name in a solicitation. Written consent is not required for certain acts of solicitation if specific requirements are met. Government Code section 12599.9 requires a charitable fundraising platform or platform charity to promptly provide a tax donation receipt after donors contribute. Government Code section 12599.9 prohibits a charitable fundraising platform or platform charity from diverting or otherwise misusing the donations received through solicitation on the charitable fundraising platform, and requires the entity to hold them in a separate account and to ensure donations and grants of recommended donations are sent promptly to recipient charitable organizations with an accounting of any fees imposed for processing the funds. (Gov. Code, § 12599.9, subdivisions (f)–(h).)

Lastly, Government Code section 12599.10 requires the Attorney General to establish rules and regulations they determine to be necessary for the administration of Government Code section 12599.9, in accordance with prescribed requirements. (Gov. Code, § 12599.10.)

#### **Effect of the Proposed Rulemaking:**

The proposed rulemaking amends the Department's regulations consistent with the revised statutes and newly enacted statutes. The forms incorporated by reference similarly implement the registration and reporting requirements created by the new statutes.

#### **Anticipated Benefits of the Proposed Regulations:**

Under California law, the Attorney General oversees charities, charitable trustees, professional fundraisers and other persons or legal entities that hold or solicit charitable donations to safeguard charitable assets for the charitable beneficiaries, ensure donations are used for their intended purposes, and to protect the public and charities from fraud and deceptive or unfair solicitations. The proposed regulations regulate and supervise persons and entities soliciting charitable donations on internet platforms. Soliciting and giving charitable donations over internet platforms has grown exponentially in recent years, and the proposed regulations allow the Attorney General to properly supervise charitable fundraising platforms and platform charities to better protect the public from deceptive or unfair charitable solicitations occurring through the platforms, and to safeguard the solicited donations for the benefit of charities and the people of California who receive assistance from them. The Legislature adopted AB 488 to address the lack of specific authority to provide oversight over charitable fundraising platforms and platform charities that operate in California. These entities did not typically register and report under existing registration categories in spite of holding charitable assets or soliciting charitable donations. The newly enacted statutes and proposed regulations allow charitable fundraising platforms and platform charities to report aggregate and more relevant information about charitable donations solicited through their platforms consistent with their record keeping practices, rather than submitting reports for each charity individually, or submitting reports that did not adequately cover their solicitation practices. In addition to increasing protections for the public, the newly enacted statutes and proposed regulations promote transparency and accountability, which will increase donor and consumer confidence in online charitable giving.

#### **Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to these proposed regulations.

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

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern charitable fundraising platforms and platform charities.

**Forms Incorporated by Reference:**

1. Initial Registration Form (“Form CT-1” Rev. 01/2023): Section 300.
2. Annual Registration Renewal Fee Report, (“Form RRF-1”) Rev. 01/2023): Section 301.
3. Commercial Fundraiser for Charitable Purposes Annual Registration Form (“Form CT-1CF” Rev. 01/2023): Section 313.
4. Commercial Fundraiser for Charitable Purposes (“Form CT-2CF” Rev. 01/2023): Section 313.
5. Commercial Fundraiser for Charitable Purposes/ Thrift Store Operations (“Form CT-2TCF” Rev. 01/2023): Section 313.
6. Commercial Fundraiser for Charitable Purposes/ Vehicle Donation Program (“Form CT-2VCF” Rev. 01/2023): Section 313.
7. Fundraising Counsel for Charitable Purposes Annual Registration Form (“Form CT-3CF” Rev. 01/2023): Section 313.
8. Commercial Coventurer Annual Registration Form (“Form CT-5CF” Rev. 01/2023): Section 313.
9. Commercial Coventurer Annual Financial Report Form (“Form CT-6CF” Rev. 01/2023): Section 313.
10. Notice of Intent to Solicit for Charitable Purposes — Commercial Fundraiser for Charitable Purposes Form (“Form CT-10CF” Rev. 01/2023): Section 313.
11. Notice of Intent to Provide Services Related to Charitable Solicitation — Fundraising Counsel for Charitable Purposes Form (“Form CT-11CF” Rev. 01/2023): Section 313.
12. Initial Registration for Charitable Fundraising Platforms (“Form PL-1” Orig. 01/2023): Section 315.
13. Registration Renewal for Charitable Fundraising Platforms (“Form PL-2” Orig. 01/2023): Section 315.
14. Notification from Platform Charities (“Form PL-3” Orig. 01/2023): Section 315.
15. Annual Report for Charitable Fundraising Platforms or Platform Charities (“Form PL-4” Orig. 01/2023): Section 315.

**Other Statutory Requirements:**

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

**The Department’s Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* The Department’s Fiscal Year (FY) 2022–23 expenditures to implement the new statutes and supervise charitable fundraising platforms and platform charities are projected at \$415,000, and FY 2023–24 expenditures are projected at \$659,000. The Department estimates the registration fees for charitable fundraising platforms and platform charities will generate \$650,000 in revenue. Therefore, the Department does not anticipate revenue to exceed expenditures.

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

*Other non-discretionary costs or savings imposed on local agencies:* None.

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

*Cost impacts on representative person or business:* Charitable fundraising platforms will be required to pay a \$625 registration fee each year. This fee is similar to the \$500 annual registration fee charged to other fundraising professionals (commercial fundraiser, fundraising counsel, commercial coventurer).

Platform charities will be required to register annually as trustees. Although the initial registration fee for platform charities as trustees is \$50, the renewal fees range from \$25 to \$1,200, depending on the platform charity’s revenue from the prior year.

*Significant effect on housing costs:* None.

*Significant, statewide adverse economic impact directly affecting businesses, including ability to compete:* The Department has made an initial determination that 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.

**Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of the people of California by ensuring charitable assets donated by California residents are

used for the intended purpose and for the benefit of California charitable beneficiaries.

- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not directly benefit the state's environment because it does not change any applicable environmental standards. But these regulations will prevent the misuse of donations made through charitable fundraising platforms and platform charities to charities supporting environmental causes.

*Business report requirement:* The Department finds it is necessary for the health, safety or welfare of the people of this state that proposed sections 300, 301, 313, and 315, which require a report, apply to businesses. Existing law already requires charities, charitable trustees, professional fundraisers, and other persons or legal entities that hold or solicit charitable donations to register and report to the Registry of Charitable Trusts. The proposed amendments impose registration and reporting requirements on newly regulated charitable fundraising platforms and platform charities. These amendments will benefit the public who will receive more accurate information about charitable donations solicited through charitable fundraising platforms, registrants who will understand what information is required without needing to contact Registry staff, and the Department which will receive more accurate information used to safeguard charitable assets and protect the public from fraud and deceptive or unfair solicitations.

*Small business determination:* The Department has determined that the proposed action affects small businesses.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 or 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 Department has determined that the proposed regulations are the most effective way for charitable organizations to provide required information to the Department. The proposed procedures and forms are the least burdensome way to ensure that charities provide all required information to the Department. The proposed procedures and forms also ensure that basic financial information will become available to the

donating public promoting transparency and allowing for prospective donors to research and assess the performance of charitable organizations, including how they spend their charitable revenue and assets. The proposed regulations follow existing regulations governing the registration of charities, charitable trustees, professional fundraisers, and other persons or legal entities that hold or solicit charitable donations in California. By modeling existing registration and reporting requirements, the proposed regulations efficiently implement AB 488 in a way that is already familiar to the regulated community.

## CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice  
Office of the Attorney General  
Charitable Trusts Section  
Attention: Brian Armstrong, Deputy Attorney  
General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102-7004  
(415) 510-3758  
[charities.regulations@doj.ca.gov](mailto:charities.regulations@doj.ca.gov)

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Kevin Sabo  
Department of Justice  
1300 I Street, Suite 100  
Sacramento, CA 95814  
(916) 210-7639  
[regulations@doj.ca.gov](mailto:regulations@doj.ca.gov)

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address addresses upon appointment. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), new and newly revised registry forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based.

The text of this Notice, the express terms, the forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/charities/laws>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department 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, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/charities/laws>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/charities/laws>.

**TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Sections 3000, 3040.3, and 3378.2 into Title 15, Division 3, Chapter 1, regarding Standardized Testing for Assessing Adult Literacy.

PUBLIC HEARING

Date and Time: **July 14, 2022 10:00–11:00 a.m.**

Place: Department of Corrections and Rehabilitation  
Kern/Colorado Room  
1515 S Street — North Building  
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **May 27, 2022** and closes on **July 12, 2022**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to [rpmb@cdcr.ca.gov](mailto:rpmb@cdcr.ca.gov), before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

*Primary Contact*

R. Ruiz  
Telephone: (916) 445–2244  
Regulation and Policy Management Branch  
P.O. Box 942883  
Sacramento, CA 94283–0001

*Back-Up*

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

*Program Contact*

Martin Griffin  
Telephone: (916) 324–4496  
Office of Correctional Education  
P.O. Box 942883  
Sacramento, CA 94283–0001

AUTHORITY AND REFERENCE

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

**Penal Code (PC) section 5000** provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

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

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

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

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

**PC section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the department require adoption, amendment, or repeal of regulation on an emergency basis.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Per Penal Code sections 2053 and 2053.1, the department must determine an inmate's literacy level at the time of incarceration and work to improve the literacy level during incarceration. California Code of Regulations (CCR), Title 15, Division 3 currently provides for the department to use specific vendors when conducting reading assessments. This regulatory action amends Title 15 sections related to the standardized testing for assessing adult literacy to remove language concerning the use of specific vendors to allow the department to perform a reading assessment as required by law.

**This action will:**

- Update department regulations concerning assessing an inmate's literacy level, and removing language regarding the use of specific vendors when conducting these assessments.
- Update CDCR Form 128B-5 to remove reference to reading vendor, Test of Adult Basic Education.

#### DOCUMENTS INCORPORATED BY REFERENCE

CDCR Form 128B-5 (Rev. 4/21), Security Threat Group Validation Chrono

#### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The department has determined that the proposed regulations will benefit the health and welfare of California residents by increasing the digital literacy of inmates, enabling them to be better prepared for release into their communities, thereby reducing recidivism.

#### EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code section 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern Standardized Testing for Assessing Adult Literacy of Incarcerated Persons.

#### LOCAL MANDATES

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

#### FISCAL IMPACT STATEMENT

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

#### EFFECT ON HOUSING COSTS

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



COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulations will benefit the health and welfare of California residents by increasing the digital literacy of inmates, enabling them to be better prepared for release into their communities, thereby reducing recidivism. The proposed regulation is not expected to have an effect on worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes

proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

**TITLE 16. ARCHITECTS BOARD**

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING RETIRED ARCHITECT LICENSE FEE

**NOTICE IS HEREBY GIVEN** that the California Architects Board (Board) is proposing to adopt Section 109.1 of Article 2 and amend Section 144 of Article 7 of Division 2 of Title 16 of the California Code of Regulations (CCR),<sup>1</sup> as described in the Informative

<sup>1</sup> All CCR references are to title 16 unless otherwise noted.

Digest, below, after considering all comments, objections, and recommendations regarding the proposed action.

### PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under *Contact Person* in this notice.

### WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under *Contact Person* in this Notice, must be received by the Board at its office not later than **Tuesday, July 12, 2022, by 5:00 p.m.**, or must be received by the Board at the hearing, should one be scheduled.

### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 5526, 5600.4, of the Business and Professions Code (BPC), and to implement, interpret or make specific BPC sections 30, 144, 5600.2, 5600.3, 5600.4, and 5604, the Board is considering adopting section 109.1 of article 2 and amending section 144 of article 7 of division 2 of title 16 of the CCR as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Architects Board (Board) licenses architects. BPC section 5526 requires the Board to adopt rules and regulations governing the examination of applicants for licenses to practice architecture in this state and authorizes the Board to adopt other rules and regulations as may be necessary and proper.

BPC section 5604 establishes the fee schedule the Board must follow when establishing fees for Board services. BPC section 5604(h) specifies the fee for a retired license may not exceed the fee required at the time of renewal.

BPC section 5600.4 requires the Board to issue a retired license to an architect whose license meets certain specified criteria. BPC section 5604 also specifies that the fee for a retired license may not exceed the fee for issuance of an original license but does not specify the amount of that fee.

Currently, the Board's fees regulation at CCR section 144 does not specify a fee for a retired architect

license. The Board must clarify BPC 5604(h) by setting a fee in regulation to be able to provide a retired architect license. Currently there is no regulation that establishes a retired license application for architects to file to request a retired license. The Board must adopt regulations to establish the information applicants must submit to obtain a retired license.

Until the Board adopts a fee by regulation, a licensee who retires is not be able to obtain a retired architect license. Instead, they must either (1) continue to pay their biennial renewal fee of \$300 and meet the conditions of license renewal to keep an "active" status, or (2) let the license expire and become delinquent. (BPC section 5600.2.) Neither option is appropriate for a licensee who wishes to retire. The first option is inappropriate because the licensee is no longer working in a capacity that requires a license. The second option is inappropriate because an expired license is canceled and cannot be reinstated more than five years after it expires (BPC section 5600.3), and a licensee whose license is canceled cannot refer to themselves using the term "architect," or any variation of the term "architect." (BPC section 5536.)

Further, the terms "expired," "delinquent," and "canceled" are inappropriate to properly distinguish licensees who have retired with a lack of disciplinary restrictions on their license from those whose licenses were suspended, revoked, otherwise restricted, or are incapable of being renewed at the time of retirement. (See BPC section 5600.4(a).) The Board's proposal would address the foregoing issues by: (1) amending CCR section 144 to assign a fee of \$40 for a retired license and accompanying wall certificate; and (2) adopting CCR section 109.1 to clarify who is eligible for a retired license, how to obtain a retired license, and how a holder of a retired license may return to active status.

### Anticipated Benefits of Proposal

Adopting a new \$40 fee for a retired license will enable the Board to issue retired architect licenses. The proposed revision to CCR section 144 establishes the fee required to become a retired architect and enable licensees to use the protected titles of "architect retired" or "retired architect" at \$40. The distinction of a formal "retired" designation will provide the public an easy way to confirm that a licensee's retirement was voluntary and not compelled by disciplinary action, provide licensees an appropriate distinction for their service in the profession, create an incentive for licensees to avoid suspension, revocation, or other restriction on their licenses at the end of their professional career in order to earn that distinction, and enable the Board to better focus its oversight and enforcement activities on actively practicing licensees.

The establishment of a \$40 fee is an amount lower than the cost to the Board (see Underlying Data and

Fee Analyses) and will encourage more licensees to apply for retired licenses at the end of their professional career instead of letting their licenses expire, resulting in greater benefits to the public for the reasons stated above.

The proposed adoption of CCR section 109.1 would clarify the information architects seeking to retire and obtain a retired license and accompanying wall certificate must provide to the Board. Adopting the proposed language will benefit licensees by setting the parameters for who is eligible to apply for a retired architect license and the process for obtaining that license and accompanying wall certificate. Further, adoption of this subsection enables the Board to place all statutory and regulatory requirements for eligibility for a retired license in one convenient location. Finally, to help ensure that licensees maintain competency and are safe to return to active practice as well as to enable the Board to sustain sufficient funding for oversight, this proposal would set minimum requirements for restoration of the retired license to active status.

**Consistency and Compatibility with Existing State Regulations**

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

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** The Board anticipates a minor revenue impact to the Board. The Board estimates it takes 30 minutes for an Office Technician to process each application with total costs of \$47 per licensee, which results in costs ranging from \$470 for 10 applicants and up to \$2,021 for 43 applicants per year and up to \$7,802 over a ten-year period.

The Board notes the total reported costs (\$47) to provide the retired license status certificate is greater than the fee amount (\$40) to be charged to applicants. The Board is opting to charge a lower fee amount to retiring licensees, in part, because:

- Any workload and costs are minor as explained above (30 minutes for an Office Technician to process)
- Any additional revenues would be minimal
- The Board believes it is an important public policy to acknowledge and provide a courtesy to these individuals

Applicants will be required to pay a one-time fee of \$40, which results in annual revenues ranging from \$400 to \$1,720 per year and up to \$6,640 over a ten-year period. This fiscal analysis does not attempt to estimate revenue possibly lost when an architect chooses to retire and pay a \$40 fee instead of a \$300 renewal fee. The Board is assuming that an architect applying for a retired license would otherwise choose to not renew and pay no fee at all. Please see Initial Statement of Reasons for further information.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Local Mandate:** None.

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

BUSINESS IMPACT ESTIMATES

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. There is no business impact because this proposed regulation will establish a regulation for the placement of a license on a retired status for an architect who is not actively engaged in practice or any activity that requires them to be licensed by the Board. Since architects currently choose to allow their licenses to lapse or cancel when they retire, there would be no effect on businesses when an individual chooses merely to change their license title to “retired.”

The Board has approximately 21,934 licensees for the current fiscal year. The Board anticipates approximately 43 licensees to request retired status during the first two years of implementation, and approximately 10 licensees to request retired status annually thereafter. Individuals that place their license in a retired status would have to pay a one-time fee of forty dollars (\$40) to process the application. The Board assumes these individuals would otherwise allow their active license to expire upon retiring and not incur additional costs.

To restore a retired status license to active, the licensee would have to pay the renewal fee of \$300, as well as any delinquency fee (if applicable). The \$300 would be a biannual cost for the duration of the active status. However, existing law already requires that licensees who wish to reactivate their license have to pay these fees. As a result, this regulation will not cause any individual to incur any additional costs as a result of this regulatory proposal.

**Cost Impact on Representative Private Person or Business:**

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are as follows: individuals that choose to place their license in a retired status would have to pay a one-time fee of forty dollars (\$40) to process the application. To restore a retired status license to active, the licensee would have to pay the renewal fee of \$300, as well as any delinquency fee (if applicable). The \$300 would be a bi-annual cost for the duration of the active status. However, existing law already requires that licensees who wish to reactivate their license have to pay these fees. As a result, this regulation will not cause any individual to incur any additional costs as a result of this regulatory proposal.

**Effect on Housing Costs: None.**

**Business Reporting Requirements**

This regulatory proposal does not require businesses to file a report with the Board.

RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS

**Impact on Jobs/Businesses:**

As explained further below, the Board has determined that this regulatory proposal will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California.

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the regulations are aimed at licensees who are choosing to leave the profession by retiring. Since architects currently choose to renew or allow their licenses to lapse or cancel when they retire, there would be no effect on the workforce related to a mere change in title to “retired.”
- It will not create new businesses or eliminate existing business within the State of California because the regulations are aimed at licensees who are choosing to leave the profession by retiring. Since architects currently choose to renew or allow their licenses to lapse or cancel when they retire, there would be no effect on businesses due to these regulations.
- It will not affect the expansion of businesses currently doing business within the State of California because the regulations are aimed at licensees who are already choosing to leave the profession by retiring. The proposal will simply

establish a regulation for the placement of a license on a retired status for an architect who is not actively engaged in practice as an architect or any activity that requires them to be licensed by the Board and meets other requirements.

**Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses because this proposal only allows an architect who is not actively engaged in practice as an architect or any activity that requires them to be licensed by the board to place their license on retired status.

**Benefits of Regulation**

The Board has determined that this proposal would affect individuals in that licensees who are leaving the profession may legally refer to themselves as a “retired architect” without violating BPC 5600.4(b) by using that protected title. The regulatory proposal does not affect worker safety or the state’s environment. Further, if a consumer is searching for an architect that they have seen through the public data base, if a “retired” status is shown the consumer would know the architect is no longer allowed to practice. This proposal would also alleviate confusion for the public regarding the true status of an individual who does not wish to abandon his or her license, but rather simply retire from practice.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.

AVAILABILITY OF STATEMENT OF  
REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and may be obtained upon request by contacting the person designated in the Notice under *Contact Person*.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board from the person and at the address designated in the Notice under *Contact Person* or by accessing the Board's website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below. You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to the following Board representative:

Name: Kimberly McDaniel  
Address: 2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone  
Number: (916) 471-0768  
Fax Number: (916) 575-7283

E-Mail

Address: [Kimberly.Mcdaniel@dca.ca.gov](mailto:Kimberly.Mcdaniel@dca.ca.gov)

The backup contact person is:

Name: Marccus Reinhardt  
Address: 2420 Del Paso Road, Suite 105  
Sacramento, CA 95834

Telephone

Number: (916) 471-0764

Fax Number: (916) 575-7283

E-Mail

Address: [marccus.reinhardt@dca.ca.gov](mailto:marccus.reinhardt@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [https://www.cab.ca.gov/news/laws/proposed\\_regulation.shtml](https://www.cab.ca.gov/news/laws/proposed_regulation.shtml).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR  
LIVE WILLOW SEDIMENT BAFFLES &  
BRUSH/WOOD GULLY GRADE  
CONTROL PROJECT  
(TRACKING NUMBER:  
1653-2022-092-001-R1)  
MENDOCINO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 5/17/2021, that Ridge to River Environmental Services, on behalf of Sheri and Joe Hansen, proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves installing 6 to 10 live willow siltation baffles to address bank erosion and installing brush checkdams to repair an actively eroding gully. The proposed project will be carried out on Rancheria Creek, located at 18450 Highway 128, Yorkville, Mendocino County, California.

On 10/28/2021, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Live

Willow Sediment Baffles & Brush/Wood Gully Grade Control Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1B21232WNME; ECM PIN Number CW-877465) for coverage under the General 401 Order on 1/20/2022.

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

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

## **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

The mission of DTSC is to protect California's people and the environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Former Porcelain Metals Corporation  
A.K.A. Cameo Site  
Prospective Purchaser Agreement and  
Covenant Not to Sue  
6904 East Slauson Avenue, Commerce,  
California 90040

**PUBLIC COMMENT PERIOD:**  
May 27, 2022 through June 26, 2022

The Department of Toxic Substances Control ("DTSC") invites the public to review and comment on the Prospective Purchaser Agreement and Covenant Not to Sue ("Agreement") between DTSC and Commerce Energy Storage, LLC regarding the Site of Former Porcelain Metals Corporation A.K.A. Cameo, located at 6904 East Slauson Avenue, Commerce, California 90040.

DTSC, pursuant to its authority under Health and Safety Code Sections 25300 et seq., 58009 and 58010, proposes to enter into the Agreement with Commerce Energy Storage, LLC regarding the Site. The purpose of the Agreement is to settle and resolve the potential liability of Commerce Energy Storage, LLC for existing contamination at the Site which would otherwise result from Commerce Energy Storage, LLC becoming property owner and operator of the Site.

Under the proposed Agreement, Commerce Energy Storage, LLC will ensure cleanup of the parcels mentioned above occurs, subject to certain conditions and reservations. In consideration for this clean up, DTSC will covenant not to sue Commerce Energy Storage, LLC for claims relating to existing contamination at the Site and arising from ownership of the Site, subject to certain conditions and reservations. The proposed Prospective Purchaser Agreement includes contribution protection provided by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 113(f)(2), 42 U.S.C. § 9613(f)(2). Commerce Energy Storage, LLC covenants not to sue DTSC for claims including reimbursement from the Hazardous Waste Control Account, Hazardous Substance Account, or Hazardous Substance Cleanup Fund, claims under sections 107 or 113 of CERCLA or section 7003 of the Resource Conservation and Recovery Act, or any other claims arising out of response activities at the Site.

DTSC will consider public comments received during the public comment period on the Agreement. DTSC may withdraw consent the Agreement if such comments disclose facts or considerations that indicate the Agreement is inappropriate, improper or inadequate.

### **WHERE DO I SUBMIT MY COMMENTS?**

DTSC will consider comments that are postmarked or received by June 26, 2022. Please submit comments by June 26, 2022 to:

Ahmad Abou Ghaida, Project Manager  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311  
[Ahmad.Aboughaida@dtsc.ca.gov](mailto:Ahmad.Aboughaida@dtsc.ca.gov)

You may view documents at the following locations:

The Agreement and background documents may be examined on the DTSC EnviroStor website at: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19390043](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19390043)

You may also review documents in the File Room at DTSC's Chatsworth office (by appointment only) located at:

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

Call (818) 717-6521 or email [ChatsworthFileRoom@dtsc.ca.gov](mailto:ChatsworthFileRoom@dtsc.ca.gov) for an appointment

**CONTACT INFORMATION**

For Site information: Ahmad Abou Ghaida, DTSC Project Manager, [Ahmad.Aboughaida@dtsc.ca.gov](mailto:Ahmad.Aboughaida@dtsc.ca.gov)

**SUMMARY OF REGULATORY ACTIONS**

**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.

Fish and Game Commission  
 File # 2022-0506-01  
 Incidental Take of Southern California Steelhead

This emergency rulemaking by the Fish and Game Commission adopts section 749.13 in title 14 of the California Code of Regulations. Section 749.13 authorizes the incidental take of Southern California steelhead under specified circumstances, and subject to certain terms and conditions, during the species' candidacy under the California Endangered Species Act.

Title 14  
 Adopt: 749.13  
 Filed 05/16/2022  
 Effective 05/16/2022  
 Agency Contact: Jennifer Greaves (916) 653-4899

Department of Finance  
 File # 2022-0428-03  
 Conflict-of-Interest Code

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

Title 02  
 Amend: 37000  
 Filed 05/17/2022  
 Effective 06/16/2022  
 Agency Contact: Larissa Stockton (916) 445-3368

Fair Political Practices Commission  
 File # 2022-0426-04  
 Eligibility Requirements and Considerations

This action without regulatory effect corrects the subsection hierarchy by amending a skipped letter.

Title 02  
 Amend: 18360.1  
 Filed 05/18/2022  
 Effective 05/18/2022  
 Agency Contact: Amanda Apostol (916) 324-3854

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board  
 File # 2022-0408-01  
 Board Location (Permit Reform Act)

This action without regulatory effect changes the office address.

Title 16  
 Amend: 1399.101, 1399.150.1, 1399.160.6  
 Filed 05/17/2022  
 Effective 05/17/2022  
 Agency Contact: Heather Olivares (916) 263-2333

Veterinary Medical Board  
 File # 2022-0407-03  
 Updated Fees

This non-substantive action by the Veterinary Medical Board updates fees for veterinary premises, veterinarians, and veterinary technicians consistent with Assembly Bill 1535 (Stats. 2021, Ch. 631).

Title 16  
 Amend: 2070, 2071, 2071.1  
 Filed 05/17/2022  
 Agency Contact: Jeffrey Olguin (916) 282-6893

California Highway Patrol  
 File # 2022-0427-06  
 Explosive Stops

This action amends the list of Safe Stopping and Parking Places for the transportation of explosives along designated routes in the state pursuant to Vehicle Code section 31616.

Title 13  
 Amend: 1153  
 Filed 05/11/2022  
 Effective 05/11/2022  
 Agency Contact: Tian-Ting Shih (916) 843-3400

Department of Developmental Services  
 File # 2022-0330-01  
 Early Intervention Services — Part C

This action makes changes to align with the requirements of Part C of the federal Individuals with

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Disabilities Education Act (20 U.S.C. Section 1431 et seq.) and applicable federal regulations contained in Part 303 (commencing with Section 303.1) of Title 34 of the Code of Federal Regulations in order to qualify for federal grant funding for early intervention services for infants and toddlers.

Title 17  
Amend: 52000, 52082, 52109, 52162  
Filed 05/12/2022  
Effective 05/12/2022  
Agency Contact: Amy Whiting (916) 654-4418

Department of Managed Health Care  
File # 2022-0406-02  
Annual, Quarterly, and Monthly Financial Reporting

In this action the Department of Managed Health Care (DMHC) is incorporating by reference four documents, consisting of three financial reporting forms and an instruction manual, as follows: the "Annual DMHC Financial Reporting Form" (Annual Report), the "Quarterly DMHC Financial Reporting Form" (Quarterly Report), the "Monthly DMHC Financial Reporting Form" (Monthly Report), and the "Annual, Quarterly, and Monthly Reporting Forms Instruction Manual" (Instruction Manual). This rulemaking action also identifies the frequency with which financial reports must be filed as well as the requirements a plan must meet to discontinue filing monthly reports. The instruction manual advises health plans how to complete the reports and address miscellaneous matters, such as which reports must be audited.

Title 28  
Adopt: 1300.84.03, 1384.1  
Amend: 1300.84.06, 1300.84.2, 1300.84.3  
Filed 05/18/2022  
Effective 07/01/2022  
Agency Contact: Fabiola Murillo (916) 324-8176

Department of Social Services  
File # 2022-0404-01  
Emergency Intervention in Adult Programs

This regular rulemaking action by the Department of Social Services adopts and amends requirements for the use of Emergency Interventions in Adult Day Programs.

Title 22, MPP  
Adopt: 82100, 82101, 82102, 82122, 82161, 82165, 82168, 82168.2, 82168.3, 82169, 82175  
Amend: 82000, 82061, 82068.2  
Filed 05/16/2022  
Effective 07/01/2022  
Agency Contact:  
Kenneth Jennings (916) 651-8862

Fish and Game Commission  
File # 2022-0329-01  
California Grunion

This rulemaking action by the Fish and Game Commission revises the fishing season for grunion and sets the bag limit at 30 grunion.

Title 14  
Amend: 27.60, 28.00  
Filed 05/11/2022  
Effective 06/01/2022  
Agency Contact: David Haug (916) 902-9286

Dental Hygiene Board of California  
File # 2022-0407-02  
Unprofessional Conduct

This rulemaking action by the Dental Hygiene Board of California defines conduct that qualifies as unprofessional conduct.

Title 16  
Adopt: 1138.1  
Filed 05/16/2022  
Effective 07/01/2022  
Agency Contact:  
Adina Pineschi-Petty (916) 516-5537

Secretary of State  
File # 2022-0329-02  
Access to Voter Registration Information

This action by the Secretary of State repeals and adopts regulations regarding access to voter registration information.



Title 02

Adopt: 19001, 19002, 19003, 19004, 19005, 19006,  
19008, 19009, 19010, 19011, 19012, 19013

Repeal: 19001, 19002, 19003, 19004, 19005,  
19006, 19007, 19008, 19009

Filed 05/11/2022

Effective 07/01/2022

Agency Contact:

Robbie Anderson

(916) 216-6488

**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).