



# 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: Office of Administrative Law  
California Institute of Regenerative Medicine
- MULTI-COUNTY: Employers' Training Resource  
Turlock Unified School District

**ADOPT**

- MULTI-COUNTY: North Valley Schools Insurance Group II

A written comment period has been established commencing on July 1, 2022 and closing on August 15, 2022. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who

must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than August 15, 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 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

DIVISION 4. PLANT INDUSTRY  
CHAPTER 2. FIELD CROPS  
SUBCHAPTER 2. COMMERCIAL FEED

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to adopt and amend regulations as described below within the California Code of Regulations, Title 3 (3 CCR), Division 4, Chapter 2, Subchapter 2. The Department is issuing this notice to meet requirements set forth in Government Code Section 11346.4.

PUBLIC HEARING

Any interested person or his or her duly authorized representative may request a public hearing on this proposed action by submitting a written request no later than 15 days before the close of the written comment period noted below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail or email. The written comment period will close on August 15, 2022. The Department will only consider comments received by that date. Submit written comments to:

Erika Lewis, Research Data Specialist II  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
1220 N Street  
Sacramento, CA 95814  
Email: [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov)

Following the written comment period or public hearing, if one is requested, and after considering all comments, objections, and recommendations regarding the proposed actions, the Department, at its own

motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

The Department is proposing to adopt changes to 3 CCR, Division 4, Chapter 2, Subchapter 2 pursuant to the authority vested by Sections 407, 14902, 14903, and 14992 of the Food and Agricultural Code (FAC) to adopt, implement, and enforce these regulations. The proposed regulations will implement, interpret, or make specific FAC Sections 14903, 14925, 14991, 14992, 15011, 15041, and 15042.

INFORMATIVE DIGEST/  
POLICY STATEMENT

The Department's Commercial Feed Regulatory Program (CFRP) is responsible for the enforcement of California state law and regulations pertaining to the manufacturing, distribution and labeling of commercial feed while preventing adulterated feed from being consumed by livestock. Inspectors and investigators located throughout the state conduct routine feed sampling and inspections and quality assurance inspections of feed manufacturing facilities, respond to consumer complaints, and enforce the laws and regulations that govern the manufacturing, distribution, and labeling of commercial feed. The work of the CFRP helps to ensure a clean and wholesome supply of milk and meat, as well as providing assurance that the product received by the consumer is the quality and quantity purported by the manufacturer.

CFRP is proposing the adoptions and revisions to 3 CCR, Division 4, Chapter 2, Subchapter 2 described below.

The proposed adoption of Section 2675.1(b) specifies that the manufacture, distribution, and use of commercial feed shall comply with the requirements of Code of Federal Regulations Title 21, Part 507, Subparts A, B, C, E, and F, April 1, 2022, and clarifies that the enumerated subparts pertaining to commercial feed are incorporated by reference. This section clarifies that the term "animal food" as used in the Code of Federal Regulations refers only to commercial feed as defined in FAC Section 14925 and that any requirements applicable to processed, fresh, or frozen pet food are not incorporated.

The proposed revision to Section 2681(a) adds a reference to Code of Federal Regulations Title 21, Part 589.2001, April 1, 2022, and clarifies the existing reference to Part 589.2000 and the proposed reference to Part 589.2001 are incorporated by reference.

The proposed adoption of Section 2694(q) specifies that each batch or production run of formula feed shall

be identified with its own individual batch or production run number, code, date, or other suitable identification adequate to facilitate the tracing of the complete manufacturing and distribution history of the product.

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

The proposed regulations will incorporate provisions of the Food Safety Modernization Act (FSMA) from the Code of Federal Regulations, as well as requiring batch or production run identification to be added to formula feed labels. The anticipated benefits of the proposed regulations include improved consistency with federal requirements and enhanced product traceability. The proposed changes will benefit industry, consumers, and the public by enabling the Department to conduct enhanced inspections at commercial feed manufacturing facilities. Currently, these facilities receive a contract inspection performed on behalf of the U.S. Food and Drug Administration once every two to seven years; incorporating federal requirements will allow the Department to inspect these facilities for compliance with federal requirements as part of routine state inspections conducted annually. The proposed regulations will also benefit industry, consumers, and the public by strengthening product traceforward/traceback capability through the addition of batch or production run identification for formula feed. This will allow industry and the Department to more quickly and accurately identify distribution in the event of a contaminated or adulterated product, ultimately enhancing consumer protections. The overall benefit of these regulations is to protect the health of the livestock population of the state, which will benefit the general public by maintaining an abundant and safe supply of wholesome food and fiber.

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

The Department evaluated the proposed regulations and made several determinations required by Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no existing state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations.

PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written to be easily understood by the individuals that will use them.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Cost impacts on a representative person or business: 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 effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

California Government Code Section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation.

The following is a summary of results from the economic impact analysis:

- The proposed regulatory action would not have a broad economic or fiscal impact to the commercial feed industry.
- The requirement to add batch or production run identification to formula feed labels may impact an estimated 20 manufacturers; the cost per firm will vary but is estimated at a one-time cost of \$100 per firm, for a statewide total of \$2,000.
- The proposed regulatory action would not require any additional ongoing expenses to individuals or businesses.
- The proposed regulatory action would not result in the creation or elimination of jobs within the state.
- The proposed regulatory action would not require the creation of new businesses or the elimination of existing businesses.
- The proposed regulatory action would not affect the expansion of businesses currently operating within the state.

- The proposed regulatory action will benefit the health and welfare of California residents by enabling the Department to conduct enhanced inspections at commercial feed manufacturing facilities as well as strengthening product traceability, ultimately enhancing consumer protections.
- The proposed regulatory action would not affect worker safety or the state's environment.

Ashley James, Research Data Analyst II  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
1220 N Street  
Sacramento, CA 95814  
Email: [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov)  
Phone: 916-900-5022

#### SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed regulations will impact small business; however, these costs are not expected to be significant. The Department anticipates that at most, a small business could expect to incur \$100 in initial and \$0 in annual ongoing costs to comply with this regulation.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation, initial statement of reasons, proposed actions, location of the rulemaking file, or a request for a public hearing should be directed to:

Erika Lewis, Research Data Specialist II  
California Department of Food and Agriculture  
Feed, Fertilizer, and Livestock Drugs Regulatory  
Services Branch  
1220 N Street  
Sacramento, CA 95814  
Email: [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov)  
Phone: 916-900-5022

The backup contact person for these inquiries is:

#### 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. A copy of this notice, the proposed regulation text, and the initial statement of reasons may be obtained by contacting Erika Lewis at the address provided in the "Contact Persons" section.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed action, the initial statement of reasons, and the proposed regulation text in underline and strikethrough can be accessed through the Department's website: <https://www.cdfa.ca.gov/is/Regulations.html>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but 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 prior to amendment. Please send requests for copies of any modified regulations to the attention of Erika Lewis at the address provided in the "Contact Persons" section. 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, copies of the final statement of reasons may be obtained by contacting Erika Lewis at the address provided in the "Contact Persons" section.

**TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due by August 15, 2022.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to *Michelle Weiler* at [michelle.weiler@post.ca.gov](mailto:michelle.weiler@post.ca.gov), or by letter to:

Commission on POST  
 Attention: Rulemaking  
 860 Stillwater Road, Suite 100  
 West Sacramento, CA 95605-1630

**AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) Section 13503 (authority of POST) and PC Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

At the October 22, 2020 meeting, the Commission approved amendments to Commission Regulation 1005 — Minimum Standards for Training. Upon approval from the Office of Administrative Law in March 2021, the adopted revisions amended the regulation to update the minimum topic content and instructional methodology requirement for Perishable Skills Program topics of Arrest and Control, Driver Training/Awareness, Tactical Firearms, and Communications. POST staff have since identified a need to update the wording used in one of the objectives of Tactical Firearms, to more accurately reflect best practices and terminology used, and propose to amend the regulation to correct this. In addition, the POST Law Enforcement Officers Killed and Assaulted (LEOKA) studies were also incorporated by reference at the time

of the last revision. However, POST no longer produces annual LEOKA studies and due to this change, the POST LEOKA studies should be removed from reference in regulation.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed regulatory amendments will add clarity to Regulation 1005 — Minimum Standards for Training. Additionally, the proposed regulatory changes will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

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

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

**FORMS INCORPORATED BY REFERENCE**

There are no forms incorporated by reference in this proposed action.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*POST has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs 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.

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

Cost impacts on representative private persons or business: POST 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 directly affecting California businesses: POST has determined 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations concern the training standards of peace officers. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

#### RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity to Regulation 1005 — Minimum Standards for Training. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michelle Weiler ([Michelle.Weiler@post.ca.gov](mailto:Michelle.Weiler@post.ca.gov)), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4870. General questions regarding the

regulatory process may be directed to Katie Strickland ([katie.strickland@post.ca.gov](mailto:katie.strickland@post.ca.gov)) at (916) 227-2802.

#### TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

#### ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.



**TITLE 14. OFFICE OF SPILL  
PREVENTION AND RESPONSE**

AMEND SECTION 790  
REGARDING GENERAL DEFINITIONS  
AND ABBREVIATIONS  
AND  
AMEND SECTIONS 817.02, 817.03, 817.04,  
818.02, AND 818.03  
REGARDING CONTINGENCY PLAN  
REQUIREMENTS  
AND  
AMEND SECTIONS 819.01, 819.02, 819.03,  
AND 819.04  
REGARDING OIL SPILL RESPONSE  
ORGANIZATION RATINGS

Notice is hereby given that the Department of Fish and Wildlife’s Office of Spill Prevention and Response (OSPR) proposes to amend sections 790, 817.02, 817.03, 817.04, 818.02, 818.03, 819.01, 819.02, 819.03, and 819.04 of subdivision 4 of title 14 of the California Code of Regulations. These sections pertain to definitions for non–floating oil, contingency plan requirements, and oil spill response organization ratings. OSPR invites interested persons to present comments, statements, or arguments with respect to the regulations during the written comment period.

**PUBLIC HEARING**

OSPR has not scheduled a public hearing on this proposed action. However, pursuant to Government Code section 11346.8, OSPR will hold a public hearing if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45–day comment period.

**SUBMISSION OF WRITTEN COMMENTS**

Any interested person or his or her authorized representative may submit to OSPR written comments relevant to the proposed regulatory action. **The written comment period closes on Monday, August 15, 2022.** All written comments must be received by OSPR by then in order to be considered. Written comments may be submitted by mail or e–mail, as follows:

Department of Fish and Wildlife  
Office of Spill Prevention and Response  
P.O. Box 944209  
Sacramento, CA 94244–2090  
E–mail: [OSPRRegulations@wildlife.ca.gov](mailto:OSPRRegulations@wildlife.ca.gov)

**AUTHORITY AND REFERENCE**

Government Code sections 8670.29, 8670.3, and 8670.30 grant the Administrator of OSPR the authority to adopt regulations and guidelines for proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 8670.29 and 8670.30.

**INFORMATIVE DIGEST / POLICY  
STATEMENT OVERVIEW**

*Existing Law*

The *Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Act)* (Chapter 1248, Statutes of 1990) created a comprehensive state oil spill program including the establishment of the Office of Spill Prevention and Response (OSPR). The Act requires the Administrator to establish regulations that provide for the best achievable protection of the state’s natural resources.

The Act requires that owners or operators of facilities and vessels that may pose an oil spill risk to waters of the state, to submit an oil spill contingency plan to the Administrator for approval. Additionally, these plan holders must maintain a level of readiness that allows for effective implementation of the contingency plans (Government Code sections 8670.28.5 through 8670.34).

The Act requires the Administrator to adopt and implement regulations governing the adequacy of oil spill contingency plans (Government Code sections 8670.28 and 8670.29). Among the numerous requirements, the Administrator must set standards for response, containment, and cleanup equipment and operations, which must be maintained and regularly tested and improved to protect the state’s natural resources. This may be achieved by cleanup contractors known as oil spill response organizations (OSRO). Plan holders’ contingency plans must identify an OSRO that is rated by the Administrator of OSPR (Government Code section 8670.30). An oil spill contingency plan shall ensure the undertaking of prompt and adequate response and removal action in case of a spill and must demonstrate evidence for sufficient on–water recovery and storage resources.

*Policy Statement Overview and Anticipated Benefits of the Proposed Action*

Adoption of these regulations will require entities involved with the transportation and handling of non–floating oils (NFO) to file an oil spill contingency plan with OSPR that lists an OSRO that has obtained an NFO rating from OSPR. OSRO’s may obtain this rating by demonstrating to OSPR that they have received a Non–Floating Oils Classification from the U.S. Coast Guard (USCG), thus showing that they

have the necessary equipment and specialized training to deal with the unique characteristics of a non-floating oil spill.

*Evaluation of Inconsistency or Incompatibility with Existing State Regulations*

OSPR has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations or statutes. After conducting a review for any state regulations or statutes that would relate to OSRO ratings and contingency plan requirements, OSPR has concluded that these are the only regulations that concern these regulations in California.

*Document(s) Incorporated by Reference*

None.

**DETERMINATIONS REGARDING THE PROPOSED ACTION**

OSPR has made the following determinations, as required by Government Code section 11346.5(a)(5), (6), (7), (9) and State Administrative Manual section 6601:

- (a) *Mandate upon local agencies and school districts:* None.
- (b) *Costs or savings to any state agency:* None.
- (c) *Costs or savings to any local agency:* None.
- (d) *Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code:* None.
- (e) *Other non-discretionary costs or savings imposed upon local agencies:* None
- (f) *Costs or savings in federal funding to the state:* None
- (g) *Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:*

These proposed regulations will not have a significant statewide adverse economic impact. They serve to update and expand the Group 5 oil rating for OSROs into a NFO rating per the changes to Government Code sections 8670.29, 8670.3, and 8670.30 made by Assembly Bill 936 (2019). This expansion may result in a minor cost of \$24.57 to each of the five OSROs that currently have a USCG NFO classification for the staff time to file proof of that classification with OSPR as part of their OSRO rating documentation. Because these OSROs cover over 95% of contingency plan holders with contracts that already include NFO coverage, OSPR does not anticipate any new costs to be imposed on these plan holders if they decide to begin handling NFO.

- (h) *Costs a representative private person or business would necessarily incur in reasonable compliance:*

OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, as they affect only the OSRO industry and contingency plan holders that handle NFO.

- (i) *Significant effect on housing costs:* None.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

Pursuant to Government Code sections 11346.2 and 11346.3, and State Administrative Manual section 6601, with regard to the proposed regulations, OSPR determines the following:

- *Whether this is a “major regulation,” having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be considerably less than \$50 million dollars annually.

- *Effects of the regulation on the creation or elimination of jobs within the State of California.*  
None.
- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.*  
None.
- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.*  
None.
- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment.*

Requiring OSROs handling NFO as part of a contingency plan to demonstrate that they have met the requirements for the USCG NFO classification will ensure that these types of spills are responded to safely. This may provide a health benefit to OSRO response workers by limiting their exposure to NFO via proper equipment and training, as well as provide an environmental benefit by ensuring that these spills are effectively cleaned up.

- *Effect on small business*

This regulatory action will not affect small business. None of the businesses affected are small businesses as described and defined by sections 11346.3(b)(4)A) or 11342.610 of the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), OSPR must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of OSPR, 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.

OSPR could identify no alternatives that would have the same desired regulatory effect or would meet the same goals for creating NFO standards for contingency plans and OSROs under the requirements of Assembly Bill 936 (2019).

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS/OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying at its office at the address below. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text (“express terms”) of the regulations, the modified text of the regulations, the Initial Statement of Reasons, any documents incorporated by reference as identified in this notice. Please direct inquiries concerning the regulatory process or requests for copies of the proposed text (“express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, or other information upon which the rulemaking is based to the following:

Department of Fish and Wildlife  
 Office of Spill Prevention and Response  
 Attention: Andrew Benware  
 1010 Riverside Parkway  
 West Sacramento, CA 95605  
 Phone: (916) 375-7157  
 Email: [Andrew.Benware@wildlife.ca.gov](mailto:Andrew.Benware@wildlife.ca.gov)

The backup contact person is: Christine Kluge at the same address, or by email at [Christine.Kluge@wildlife.ca.gov](mailto:Christine.Kluge@wildlife.ca.gov), or by phone at (916) 375-4676.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice and related rulemaking documents identified above can be accessed on OSPR’s website at <https://wildlife.ca.gov/OSPR/Legal/Rulemakings/Non-Floating-Oil>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

At the close of the 45-day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) shall be made available to the public for at least 15 days before OSPR adopts the regulations as revised. Any such modifications will also be posted on OSPR’s website. Please send requests for copies of any modified regulations to the attention of the contact person(s) as indicated above. OSPR 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, the Final Statement of Reasons will be available on OSPR’s website noted above and may be requested from the contact person(s) named in this notice.

**TITLE 16. BOARD OF PHARMACY**

COMPOUNDING LIMITATIONS AND REQUIREMENTS: SELF-ASSESSMENT

**NOTICE IS HEREBY GIVEN** that the California State Board of Pharmacy (board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under *Contact Person* in this Notice, must be received by the board at its office by August 15, 2022.

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 that person’s authorized representative, no later than 15 days prior to the close of the written comment period.

The board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations 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 will be available for 15 days prior to its adoption from the person designated in this Notice as the 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.

Authority and Reference: Sections 4005 and 4127 of the Business and Professions Code (BPC) authorize the board to adopt this regulation. The proposed regulation implements, interprets, and makes specific sections 4005, 4029, 4037, 4051, 4052, 4126.8 and 4127 of the Business and Professions Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, hospital pharmacies, clinics, wholesalers, third-party logistics providers, and outsourcing facilities. The board's mandate and its mission is to protect the public (BPC § 4001.1).

Existing regulation at 16 CCR section 1735.2, specifies the limitations and requirements for compounded drug preparations. Subdivision (k) of section 1735.2 requires the pharmacist-in-charge (PIC) to complete a self-assessment form prior to allowing any drug product preparation, before July 1 of every odd-numbered year; and within 30 days whenever: (1) a new pharmacy permit has been issued; (2) there is a change in the PIC, and they become the new PIC of a pharmacy; or (3) there is a change in the licensed location of a pharmacy to a new address. The self-assessment form assists the pharmacy to evaluate and improve its compliance with federal and state requirements, makes the pharmacy inspection process more meaningful and provides relevant information to PICs. This self-assessment form was last updated in February 2012.

On January 1, 2017, the board updated its compounding regulations due to changes to the federal United States Pharmacopeia (USP), which is the national practice standard for compounding. This proposal will repeal and replace the self-assessment form that is incorporated by reference to: (1) update citations/references since the last revisions (2/12); (2) correct previously misstated references and typographical errors; (3) make formatting changes; and (4) incorporate references to new regulatory or statutory requirements. These changes would assure the PIC

that the information and references contained therein reflect current statutory and regulatory requirements. Due to the extensive changes that occurred to the compounding regulations (16 CCR §§ 1735 and 1751 et seq.) effective January 1, 2017, as well as statutory changes in 2020 and 2021, for clarity the board has repealed the existing compounding self-assessment form dated 2/12 and has replaced the compounding self-assessment form with a completely new document dated 1/22.

### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

This regulatory proposal benefits the health and welfare of California residents and benefits employee safety. The proposed regulation will update the self-assessment form with current law and regulations. The self-assessment form aids licensees in assessing their compliance with federal requirements and state law and regulations. The proposal updates the form to include the laws and regulations adopted since 2012 and to exclude the laws and regulations that have been superseded or repealed since 2012.

As the PIC must complete the self-assessment form biennially, they will identify any areas where the compounding facility may be out of compliance. This awareness can increase self-correction and make the facility site inspection process more meaningful by providing useful information to the PIC about controlling statutes and regulations. This periodic review and accountability will result in increased consumer safety, specific to compounded medication, and will improve facility operations with respect to employee safety and the state's environment.

As the PIC is the person responsible to complete the self-assessment form, this requirement helps educate the PIC and ensure that the PIC has knowledge of all applicable laws and regulations, which will in turn, help ensure that the compounding pharmacies are follow practice standard, thus protecting the safety and quality of compounded drug preparations. This regulatory proposal benefits workers' safety because having pharmacies follow all applicable laws and regulations makes the pharmacies a safer place to work. The self-assessment form is being updated to add and/or remove law and regulations. The self-assessment form does not impose the new laws. PICs are already obligated to comply with the laws and regulations, and the self-assessment form is simply a tool provided by the board to aid them in doing so. The proposed changes work to reassure PICs that the information and references contained in the form is current as of the new revision date.

INCORPORATION BY REFERENCE

Community Pharmacy & Hospital Outpatient Pharmacy Compounding Self-Assessment 17M-39 (Rev. 1/22).

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

While developing these regulations and amendments, the board conducted a search of similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT AND RELATED ESTIMATES

*Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State:* None. The proposed regulations do not result in a fiscal impact to the state.

The Board currently requires PICs to complete and submit self-assessments, as specified. The regulations do not increase the number of self-assessments to be submitted or require additional Board workload or costs from the current process.

*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:*

The board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination is based on the fact that the proposed regulation does not establish new law. PICs are already obligated to comply with the new laws and regulations, and the self-assessment form is simply a tool provided by the Board to aid them in doing so.

*Cost Impact on Representative Private Person or Business:* The board is not aware of any negative cost impacts that a representative private person or business would necessarily incur in reasonable compliance with proposed action. Any pharmacy licensed by the board that compounds drug preparations must comply with Articles 4.5 and 7 of Division 17 of Title 16 of the California Code of Regulations and is already required to complete the self-assessment form, when applicable.

*Effect on Housing Costs:* None.

EFFECT ON SMALL BUSINESS

While the board does not have nor does it maintain data to determine if any of its licensees (pharmacies and clinics) are a “small business,” as defined in Government Code section 11342.610, the board has made an initial determination that this proposal would not affect small businesses. The board already requires pharmacists to complete a self-assessment form, so the board finds that correcting and updating the form used to conduct the self-assessment will have no impact on small businesses.

BUSINESS REPORTING REQUIREMENTS

This regulatory proposal does require pharmacists or pharmacies to fulfill reporting requirements because the compounding self-assessment form is to be completed by the PIC and maintained at the pharmacy. The Board reviews the self-assessment form during site inspections to ensure completion and identify if areas of non-compliance identified during completion have been remedied by the PIC. It is necessary for health, safety, or welfare of the people of the state that the regulation apply to businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

*Impact on Jobs/New Businesses:*

The Board concludes that since the regulatory change is to update the self-assessment form that is already required to be completed by pharmacists:

- (1) this proposal will not create jobs within California;
- (2) this proposal will not eliminate jobs within California;
- (3) this proposal will not create new businesses within California;
- (4) this proposal will not eliminate existing businesses within California;
- (5) this proposal will not expand businesses currently doing business in the State of California.

*Benefits of Regulation:*

This regulatory proposal benefits the health and welfare of California residents because having pharmacies follow all applicable laws and regulations helps ensure the safety and quality of compounded drug preparations. This regulatory proposal benefits workers’ safety because having pharmacies follow all applicable laws and regulations makes the pharmacies a safer place to work. This regulatory proposal does not affect the state’s environment as it simply brings up-to-date forms incorporated by reference in regulation that PICs already must complete biennially.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative that it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 present statements or arguments in writing relevant to the above determinations at the address listed for the *Contact Person* during the written comment period.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

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

**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 of Pharmacy at 2720 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, or from the Board of Pharmacy's website at <http://www.pharmacy.ca.gov>.

**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 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 PERSON**

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

Name: Lori Martinez  
Address: 2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

Phone  
Number: (916) 518-3078  
Fax Number: (916) 574-8618  
E-Mail  
Address: [Lori.Martinez@dca.ca.gov](mailto:Lori.Martinez@dca.ca.gov)

The backup contact person is:

Name: Usha Mutschler  
Address: 2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

Phone  
Number: (916) 518-3077  
Fax Number: (916) 574-8618  
E-Mail  
Address: [Usha.Mutschler@dca.ca.gov](mailto:Usha.Mutschler@dca.ca.gov)

**WEBSITE ACCESS**

Materials regarding this proposal can be found at the Board of Pharmacy's website: [https://www.pharmacy.ca.gov/laws\\_regs/pending\\_regs.shtml](https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
SANTA MARIA WASTEWATER  
TREATMENT PLANT EXPANSION  
PROJECT  
2080-2022-010-05  
SAN DIEGO COUNTY**

The California Department of Fish and Wildlife (CDFW) received a notice on June 10, 2022 that Ramona Municipal Water District proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the expansion of the Santa Maria Wastewater Treatment Plant (SMWWTP). Proposed activities will include, but are not limited to, construction of a new HDPE 20-inch diameter effluent pipeline to convey secondary-treated effluent flows from the SMWWTP to storage in one of two effluent storage ponds, or to tertiary treatment at the District's water reclamation facility off of Rangeland Road. The proposed project will occur west and south of the Ramona Airport in

the unincorporated community of Ramona, San Diego County.

The Ramona Municipal Water District prepared a Habitat Conservation Plan (HCP) which considered the effects of the proposed project on state threatened and federally endangered Stephens' kangaroo rat (*Dipodomys stephensi*), federally endangered arroyo toad (*Anaxyrus californicus*). The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (ITP) (Permit Number ESPER0044183) to Ramona Municipal Water District on May 31, 2022.

Pursuant to California Fish and Game Code section 2080.1, Ramona Municipal Water District is requesting a determination that the ITP and its associated HCP are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and its associated HCP are consistent with CESA for the proposed project, Ramona Municipal Water District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF FISH AND WILDLIFE**

**HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653-2022-092-001-R1**

**Project:** Live Willow Sedimentation Baffles and Brush/Wood Gully Grade Control for Riparian Habitat Restoration on Rancheria Creek Project

**Location:** Mendocino County

**Applicant:** Sheri Hansen

**Background**

*Project Location:* The Live Willow Sedimentation Baffles and Brush/Wood Gully Grade Control for Riparian Habitat Restoration on Rancheria Creek Project (Project) is located in Rancheria creek south of Hwy 128 off of a private drive (38.951799, -123.331419), at a property owned by Joe and Sheri Hansen (Applicant), Assessor Parcel Number (APN) 029-330-19, and affects Rancheria Creek. Rancheria Creek supports populations of aquatic wildlife species and its streamflow into the Navarro River supports Coho Salmon (*Oncorhynchus kitsutch*) and Steelhead Trout (*O. mykiss*) populations.

*Project Description:* Teri Barber, representing the Applicant, proposes to implement bioengineered erosion and sediment control on Rancheria Creek flood terrace at its northern valley wall to provide a net conservation benefit for Central California Coast ESU Coho Salmon, North Central Coastal DPS Steelhead

Trout and other aquatic wildlife species. The Project includes installation of 6 to 10 live willow siltation baffles constructed with live willow branches collected from Navarro River Watershed, and up to 666 cubic yards of alluvial gravels moved 20-40 feet within an expansive gravel terrace a few feet away, and up to 5 cross-channel gully control brush structures in an adjacent seasonal watercourse.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 1.0 acre and 450 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) native vegetation, and (2) large woody material.

*Project Timeframes:*

Start date: September 1, 2022

Completion date: October 31, 2022

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve hydrological processes which support salmonid spawning and rearing habitat throughout the watershed, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order), Waste Discharge Identification (WDID) Number 1B21232WNME, Electronic Content Management Identification (ECM PIN) Number CW-877465 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Northern red-legged frog (*Rana aurora*), California red-legged frog (*R. draytonii*), foothill yellow-legged frog (*R. boylei*), coastal tailed frog (*Ascaphus truei*), southern torrent salamander (*Rhyacotriton variegatus*), California giant salamander (*Dicamptodon ensatus*), red-bellied newt (*Taricha rivularis*), and western pond turtles (*Actinemys marmorata*).

*Receiving Water:* Rancheria Creek, tributary to the Navarro River, Mendocino Coast Hydrologic Unit 113.50.

Filled or Excavated Area: Temporary impact: 450 linear feet (1.0 acre).

Dredge Volume: None.

Discharge Volume: 164 cubic yards (cy) of native vegetation (for channel packing activities), 90 cy of ¼ to 1 ton of rock, 14 cy China Rock, 14 cy Gravel/soil filler, 860 linear feet Erosion Control Materials (coir wattles), 75 linear feet Culvert (36" ABS Culvert), 430 wood stakes.

Project Location: Latitude 38.951799 North and Longitude -123.331419 West, (NAD 83); APN: 129-290-07.

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

On April 25, 2022, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on May 17, 2022, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2021-1117-02) on May 27, 2022. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

#### **Determination**

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

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

#### **Avoidance and Minimization Measures**

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following

categories: (1) Proposed erosion control measures; (2) Post-construction erosion control measures; (3) Measures to minimize disturbance from instream construction; (4) Measures to minimize degradation of water quality; (5) Measures to minimize loss or disturbance or riparian vegetation; and (6) General measures for environmental and cultural resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Attachment A: 2022\_4\_22 Sheri Jo Hansen Project Description Monitoring Plan*.

#### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Attachment A: 2022\_4\_22 Sheri Jo Hansen Project Description Monitoring Plan*.

#### **Notice of Completion**

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

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

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [Lee.Margadant@wildlife.ca.gov](mailto:Lee.Margadant@wildlife.ca.gov).

#### **Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of



Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

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

**DEPARTMENT OF FISH AND WILDLIFE**

PROPOSED PROJECT ON A FULLY PROTECTED SPECIES  
HUMBOLDT REDWOODS STATE PARK WATERSHED RESTORATION PROJECT  
RMP-2022-0004-R1  
HUMBOLDT COUNTY

The Department of Fish and Wildlife (CDFW) received a project proposal from the California Department of Parks and Recreation (State Parks) requesting authorization to take American peregrine falcon (*Falco peregrinus anatum*) and southern bald eagle (*Haliaeetus leucocephalus*), fully protected birds, and ring-tailed cat (*Bassariscus astutus*), a fully protected mammal, in an effort to recover fully protected, threatened, or endangered species. The southern bald eagle is also listed as endangered under the California Endangered Species Act.

State Parks proposes to complete vegetation management, aquatic restoration, road removal, and remediation of illegal cannabis cultivation sites over approximately 53,000 acres. Proposed activities will include, but are not limited to, restoration forestry (forest thinning) to enhance late-seral characteristics, removing old logging roads to reduce sediment sources, enhancing aquatic habitat by placing large wood in streams, and remediating illegal cannabis cultivation sites by removing trash and restoring natural topography. The proposed project will occur in Humboldt Redwoods State Park. CDFW intends to issue, under specified conditions, a Restoration Management Permit (RMP) to authorize the applicant to carry out the proposed project.

Pursuant to California Fish and Game Code sections 3511(a)(1) and 4700 (a)(1), CDFW may authorize take of fully protected birds and mammals after 30 days' notice has been provided to affected and interested parties through publication of this notice. If CDFW determines that the proposed project is consistent with the requirements of Sections 3511 and 4700 for take of fully protected birds and mammals, it may issue the authorization in the form of an RMP on or

after August 1, 2022 for an initial and extendable term of 15 years.

**DEPARTMENT OF HEALTH CARE SERVICES**

NOTICE OF 30-DAY PUBLIC COMMENT PERIOD  
JULY 1-JULY 30, 2022  
MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) WAIVER AMENDMENT

**NOTICE IS HEREBY GIVEN** that the Department of Health Care Services (DHCS) in collaboration with the California Department of Aging (CDA) is posting a draft of the MSSP Waiver Amendment Application for a 30-day Public Comment Period in July 2022, prior to submitting the final version to the Centers for Medicare and Medicaid Services (CMS) for authorization. This notice provides information of public interest with respect to DHCS and CDA seeking approval from CMS to allow for an amendment of the current MSSP Waiver.

WRITTEN PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments to the Department relevant to the MSSP Waiver Amendment identified in this notice. All comments and input received during the 30-day public comment period will be considered for incorporation into the MSSP Waiver Amendment.

On July 1, 2022, the draft MSSP Waiver Amendment will be posted to the DHCS MSSP Waiver webpage, at: <https://www.dhcs.ca.gov/services/medi-cal/Pages/MSSPMedi-CalWaiver.aspx>

**Public comments will be accepted from July 1, 2022 through 5:00 p.m. on July 30, 2022.**

Public comments about the proposed MSSP Waiver Amendment may be submitted to CDA in writing or by email to the following addresses:

California Department of Aging  
Multipurpose Senior Services Program Bureau  
2880 Gateway Oaks Drive, #200  
Sacramento, CA 95833  
Email: [MSSPService@aging.ca.gov](mailto:MSSPService@aging.ca.gov)

Please Include: **“MSSP Waiver Amendment Public Comment”** in the subject line.

The public comment period closes at 5:00 p.m. on July 30, 2022. Any written comments regardless of the method of transmittal must be received electronically by 5:00 p.m. or postmarked on this date, for consideration.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS  
TEMBLOR LEGLESS LIZARD  
(*Anniella alexanderae*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its June 15–16, 2022 meeting, accepted for consideration the petition submitted to list the Temblor legless lizard (*Anniella alexanderae*) as threatened or endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife’s (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the Temblor legless lizard is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the June 15–16, 2022 Commission meeting, are on file and available for public review on the Commission’s website at [fgc.ca.gov](http://fgc.ca.gov) or from Melissa Miller–Henson, Executive Director, California Fish and Game Commission, 715 P Street, 16<sup>th</sup> floor, Sacramento, California 95814, phone (916) 653–4899.

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244–2090, Attn: Katrina Smith or email [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov) (include “Temblor legless lizard” in the subject line). Submission of information via email is preferred.

OCCUPATIONAL SAFETY & HEALTH  
STANDARDS BOARD

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

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

PUBLIC MEETING

On **August 18, 2022**, at 10:00 a.m.  
in the Council Chambers of the Santa Clara  
City Hall  
1500 Warburton Avenue, Santa Clara, California

as well as via the following:

- Video–conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992–4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

BUSINESS MEETING

On **August 18, 2022**, at 10:00 a.m.  
in the Council Chambers of the Santa Clara  
City Hall  
1500 Warburton Avenue, Santa Clara, California

as well as via the following:

- Video–conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992–4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an

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

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS**

**BOARD OF REGISTERED NURSING**

**NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISION AND DECISION INDEX**

NOTICE IS HEREBY GIVEN that the California Board of Registered Nursing (Board), pursuant to section 11425.60 of the Government Code, adopted precedential decision number 2022-BRN-01 pertaining to the administration of medicinal cannabis by registered nurses pursuant to a physician's order to students on school grounds. The Board maintains an index of precedential decisions, which is annually made available by the Board to the public by e-mail subscription.

To join the Board's e-mail list, go to [www.rn.ca.gov](http://www.rn.ca.gov). The index and the text of precedential decisions are continuously available on the Board's website at <https://www.rn.ca.gov/regulations/precedential.shtml>.

**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.

Department of Public Health  
File # 2022-0609-01  
Newborn Screening Program Fee Increase 2022

This request for filing with the Secretary of State and printing in the California Code of Regulations is a statutorily-deemed emergency and exempt from review by the Office of Administrative Law. The action raises the Newborn Screening Program services fee to \$210.00 from \$141.25.

Title 17  
Amend: 6508  
Filed 06/20/2022  
Effective 06/20/2022  
Agency Contact:  
Hannah Strom-Martin (279) 217-0764

California Alternative Energy and Advanced Transportation Financing Authority  
File # 2022-0610-01  
GoGreen Home Energy Financing Program

This emergency rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority readopts regulations regarding the GoGreen Home Energy Financing program.

Title 04  
Adopt: 10091.4, 10091.16  
Amend: 10091.1, 10091.2, 10091.3, 10091.4 [renumbered as 10091.5], 10091.5 [renumbered as 10091.6], 10091.6 [renumbered as 10091.7], 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15  
Repeal: 10091.7  
Filed 06/20/2022  
Effective 06/22/2022  
Agency Contact: Kelly Delaney (916) 651-5581

**CALIFORNIA REGULATORY NOTICE REGISTER 2022, VOLUME NUMBER 26-Z**

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Air Resources Board  
File # 2022-0517-02  
Clean Cars 4 All

This action to amend terminology for the Clean Cars 4 All (CC4A) program is exempt from the Administrative Procedure Act pursuant to Government Code section 16428.92(a) and Assembly Bill 128 (Ting, Chapter 25, Statutes of 2021) section 15.14(d).

Title 13  
Amend: 2631, 2632, 2633, 2635, 2637, 2639  
Filed 06/16/2022  
Effective 06/16/2022  
Agency Contact:  
Bradley Bechtold (916) 322-6533

Division of Workers' Compensation  
File # 2022-0503-01  
Copy Service Rate Schedule

This action updates the schedule of maximum fees payable for copy and related services. This action is exempt from the Administrative Procedure Act under Government Code section 11340.9(g).

Title 08  
Adopt: 9984, 9985  
Amend: 9980, 9981, 9982, 9983  
Filed 06/15/2022  
Effective 07/15/2022  
Agency Contact: Carol Finuliar (510) 286-0660

Franchise Tax Board  
File # 2022-0607-02  
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. OAL filed this regulation with the Secretary of State, and will publish the regulation in the California Code of Regulations.

Title 18  
Amend: 17000.30  
Filed 06/15/2022  
Effective 07/15/2022  
Agency Contact: Melody Scullary (916) 845-4978

California Horse Racing Board  
File # 2022-0516-01  
Non-Substantive Changes to Minisatellite License Application

This change without regulatory effect makes non-substantive updates and edits to the existing regulation and related form incorporated by reference concerning applications for minisatellite wagering facility licenses.

Title 04  
Amend: 2066  
Filed 06/16/2022  
Agency Contact: Rick Pimentel (916) 263-6000

Department of Public Health  
File # 2022-0601-01  
Adult Day Health Care Center

In this action without regulatory effect, the Department of Public Health conforms several regulations to changes in statutes which now allow any corporation, company, or partnership, as opposed to only a nonprofit corporation, to become a licensee to operate an adult day health center.

Title 22  
Amend: 78201, 78203, 78205, 78401  
Filed 06/20/2022  
Agency Contact: Anita Shumaker (916) 440-7718

Commission on Peace Officer Standards and Training  
File # 2022-0510-01  
Amend Course Certification Regulations 1052, 1055, 1059, 1070

In this regular rulemaking action, the Commission on Peace Officer Standards and Training amends existing requirements for course certification and presentation to update deadlines and information that must be submitted via the Electronic Data Interchange system.

Title 11  
Amend: 1052, 1055, 1059, 1070  
Filed 06/20/2022  
Effective 10/01/2022  
Agency Contact:  
Jennifer Hardesty (916) 227-3917

Department of Real Estate  
File # 2022-0509-04  
Discriminatory Conduct — Basis for Discipline

This action by the Department of Real Estate amends the list of classes protected from discriminatory conduct by real estate licensees to align with existing law and conforms terminology in accordance with Assembly Bill 2884 (Stats. 2018, chapter 285).

Title 10  
Amend: 2780  
Filed 06/21/2022  
Effective 10/01/2022  
Agency Contact: Daniel Kehew (916) 263-8681

Office of Emergency Services  
File # 2022-0121-01  
Private Fire Prevention Resources

This action adopts new Chapter 1.1. in Division 2 of Title 19 of the California Code of Regulations to establish regulations for privately contracted fire prevention resources operating during an active fire incident and for equipment used by privately contracted fire prevention resources during an active fire incident. The regulations will specify standards for where private resources are permitted to operate, how they interact with Incident Command, the appearance and use of their equipment, and the activities upon which they should focus.

Title 19  
Adopt: 2470.1, 2470.2  
Filed 06/16/2022  
Effective 06/16/2022  
Agency Contact: Jeff Meston (916) 214-3238

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