



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION
Conflict-of-Interest Codes — Notice File Number Z2022-0705-03 789

ADOPTION
MULTI-COUNTY: California Intergovernmental Risk Authority
Rocklin Academy

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
*Mexican Fruit Fly Interior Quarantine and Eradication Area — Notice File
Number Z2022-0701-01* 790

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
Caribbean Fruit Fly Eradication Area — Notice File Number Z2022-0701-02 793

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
*Commission Regulation 1081, California Law Enforcement Vehicle Pursuit Guidance —
Notice File Number Z2022-0701-03* 795

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION
Health Care Administration — Notice File Number Z2022-0705-02 797

TITLE 20. ENERGY COMMISSION
Small Power Plant Exemptions — Notice File Number Z2022-0630-01 800

TITLE 23. STATE WATER RESOURCES CONTROL BOARD
Water Right Notice and Reporting Regulation — Notice File Number Z2022-0705-01 804

(Continued on next page)

***Time-
Dated
Material***

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Challenging Various Provisions Contained in the Department's Precertification

Training Manual (Copyright 2017) 811

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 811

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

ADOPTION

MULTI-COUNTY: California Intergovernmental Risk Authority
Rocklin Academy

A written comment period has been established commencing on July 15, 2022 and closing on August 29, 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 August 29, 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 codes and approve them as revised, or return the proposed codes for revision and re-submission.

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the

respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) proposes to revise Title 3 of the California Code of Regulations (CCR) Sections 3417 and 3588 pertaining to the Mexican Fruit Fly (MFF) Interior Quarantine and Eradication Area.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on August 29, 2022. The Department will consider only comments received at the Department offices by that date or post-marked no later than August 29, 2022. Submit comments to:

Dean Kelch, Environmental Program Manager
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

In Mr. Kelch's absence, you may contact Erin Lovig at (916) 654-1017 or erin.lovig@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Sections 3417 and 3588 pursuant to the authority vested by Sections 407, 5301, 5302, 5322, 5761, 5762, 5763, and 5764 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302, 5322, 5761, 5762, 5763 and 5764 of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of amending California Code of Regulations (CCR) Sections 3417(c) and 3588(b) is to revise and update the known host list for Mexican fruit fly in California regulations to coincide with the official Mexican fruit fly (*Anastrepha ludens*) host list promulgated on July 14, 2021 by the Animal and Plant Health Inspection Service (APHIS) and United States Department of Agriculture (USDA).

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they deem necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC Section 5302, provides that the Secretary may make and enforce such regulations as they deem necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the

area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which they think is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENTS

These regulations will benefit the public's general welfare by minimizing the spread of Mexican fruit fly in California through regulation of host material and maintaining the current baseline of existing businesses currently doing business with the state.

The implementation of these regulations will help prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others
- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

There is no existing, comparable federal regulation or statute regulating the intrastate movement of MFF hosts.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing MFF, and it found that the proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department conducted an evaluation of sections 3417 and 3588 and determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department will conduct an environmental analysis pursuant to the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: Compliance activities are currently being performed by existing state staff throughout quarantine areas within the State. The Department is currently monitoring for fruit flies, and thus there is no change to the cost due to these regulations. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the amendment of sections 3417 and 3588. The amendment of these regulations would have no fiscal impact on the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no non-discretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: The amendment of sections 3417 and 3588

will provide authority for the Department to conduct eradication activities against MFF during future quarantines and there are no known private sector cost impacts. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none to/or minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing state staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that sections 3417 and 3588 amendments (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) are not expected to have a direct effect on the health and welfare if California residents, (5) are not expected to have a direct impact on the state's environment, and (6) is not expected to have a direct impact on workers safety.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/plant/Regulations.html). Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed at this website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and 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 the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. 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 the agency officer named herein.

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

The Department of Food and Agriculture (Department) proposes to revise Title 3 of the California Code of Regulations (CCR) Section 3591.11 pertaining to the Caribbean Fruit Fly (CFF) Eradication Area.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes August 29, 2022. The Department will consider only comments received at the Department offices by that date or postmarked no later than August 29, 2022. Submit comments to:

Dean Kelch, Environmental Program Manager
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

In Mr. Kelch's absence, you may contact Erin Lovig at (916) 654-1017 or erin.lovig@cdfa.ca.gov, FAX number (916) 651-2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3591.11 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5761, 5762, 5763 and 5764 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The specific purpose of amending California Code of Regulations (CCR) 3591.11 Caribbean Fruit Fly Eradication Area is to expand the eradication area for the Caribbean fruit fly (CFF) in California to include Santa Clara County. This will allow targeted actions for detection, control, and eradication of CFF in Santa Clara County and reduce the chance of allowing natural and artificial dispersal and the subsequent spread of the pest in California. Any eradication and quarantine actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 401 provides that the department will promote and protect the agricultural industry of the state.

Existing law, FAC Section 403, provides that the department will prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which

are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

These regulations will benefit the apple, citrus, date, fig, guava, loquat, mango, peach, pear, pomegranate and tomato industries (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by providing the Department eradication authority to prevent the artificial spread of the CFF over short and long distances.

This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of CFF hosts.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing CFF, and it found that these are the proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3591.11 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall conduct environmental analysis pursuant to the California Environmental

Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: Compliance activities are currently being performed by existing state staff throughout quarantine areas within the State. The Department is currently monitoring for fruit flies, and thus there is no change to the cost due to these regulations. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the amendment of Section 3591.11. The amendment of this regulation would have no fiscal impact on the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no non-discretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: The amendment of Section 3591.11 will provide authority for the Department to conduct eradication activities against CFF in Santa Clara County and there are no known private sector cost impacts. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none to/or minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing state staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the Section 3591.11 amendment (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) are not expected to have a direct effect on the health and welfare of California residents and (5) are not expected to have a direct impact on the state's environment and (6) is not expected to have a direct impact on workers safety.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and 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

the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. 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 the agency officer named herein.

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 29, 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 [Larry Ellsworth at Larry.Ellsworth@post.ca.gov](mailto:Larry.Ellsworth@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), 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

Commission Regulation 1081 establishes minimum training standards for legislatively mandated courses.

Subsection (a), High-Speed Vehicle Pursuit Training, (4)(O), states the *California Law Enforcement Vehicle Pursuit Guidelines* (Rev. 2/2007) may be used by agencies to satisfy the requirement for training on “reporting and post-pursuit analysis.” These guidelines are outdated and in need of revision and/or updating. POST staff completed an update, and the regulation now requires an amendment to reflect the current version of the guidelines for agencies to use to satisfy the training on “reporting and post-pursuit analysis.”

This rulemaking action clarifies and makes specific Commission Regulation 1081 Subsection (a), High-Speed Vehicle Pursuit Training, (4)(O), *California Law Enforcement Vehicle Pursuit Guidelines* (Rev. 4/2022) as the appropriate reference to use in conjunction with an agency’s pursuit policy to satisfy training requirements.

Currently, Commission Regulation 1081 references an outdated version of the guidelines: *California Law Enforcement Vehicle Pursuit Guidelines* (Rev. 2/2007).

The regulation proposed in this rulemaking action will ensure agencies use the appropriate and current version of the guidelines when creating, delivering, or updating related training and in the creation or revision of department policy.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will ensure consistency to contemporary practice and current legislative requirements for the creation or revision of policy and for the delivery, creation, or revision of training, which will increase the efficiency of the state of California in delivering services to its 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 officers in the state.

FORMS INCORPORATED BY REFERENCE

The *California Law Enforcement Vehicle Pursuit Guidelines* (Rev. 4/2022) are incorporated by reference within Commission Regulation 1081.

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 a 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 only affect state agencies that are adopting, amending, or repealing regulations. 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 the requirements for background inquiries when evaluating a candidate for peace officer selection. Thus, the law enforcement standards are maintained and effective in preserving peace, and 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 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 *Larry Ellsworth* (Larry.Ellsworth@post.ca.gov) Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-2820. General questions regarding the regulatory process may be directed to *Katie Strickland* (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 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.98, and 3999.99, and to adopt sections 3999.500, 3999.501, 3999.502, 3999.503, and 3999.504 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Health Care Administration.

PUBLIC HEARING

A virtual public hearing will be held on August 30, 2022. Go to <https://cchcs.ca.gov/health-care-regs/> for the link to join the virtual hearing, or you may call (916) 701-9994 and enter phone conference ID 326325126# to join by phone (audio only) between the hours of 1:30 p.m. and 2:00 p.m. on August 30, 2022.

PUBLIC COMMENT PERIOD

The public comment period will close on **August 30, 2022 at 5:00 p.m.** Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HealthCareRegulations@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922

T. Adams
Staff Services Manager II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2921

AUTHORITY AND REFERENCE

GC 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.

PC section 5000 provides that commencing July 1, 2005, any reference to the 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 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 5054, 6129, Penal Code; Sections 11340, 11546.7, 6250, 6253, 6253.1, 6253.9, 8547-8547.15, Government Code; *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDCR and CCHCS propose to amend sections 3999.98 and 3999.99, and to adopt sections 3999.500, 3999.501, 3999.502, 3999.503, and 3999.504 of the CCR, Title 15, Division 3, governing Health Care Administration. Current law specific to health care administrative processes are not outlined or in Title 15. By amending and adopting the sections mentioned above, administrative processes will be outlined within Title 15 that are necessary to the function of Department health care programs and staff.

This action provides the following:

- Clarify specified statewide health care administrative processes.
- Provide administrative governance and accountability for health care programs and staff.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that the proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff and patients by clarifying specified statewide health care administrative processes and providing administrative governance and accountability for health care programs and staff.

FORMS INCORPORATED BY REFERENCE

- CDCR 7554 Notice of Change to Health Care Regulations (Revised MM/YY)

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 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 because the proposed regulatory action clarifies specified health care administrative processes and provides administrative governance and accountability for health care programs and staff which only affects staff within CDCR.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulatory action clarifies specified health care administrative processes and provides administrative governance and accountability for health care programs and staff which only affects staff within CDCR.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff and patients by clarifying specified statewide health care administrative processes and providing administrative governance and accountability for health care programs and staff within CDCR.

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because the proposed regulatory action clarifies specified health care administrative processes and provides administrative governance and accountability for health care programs and staff which only affects staff within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that the proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff and patients by clarifying specified statewide health care administrative

processes and providing administrative governance and accountability for health care programs and staff. This regulation change will not have an impact on the State's environment, as the State's environment is not impacted by the administrative processes and administrative governance and accountability for health care programs and staff.

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. The proposed regulatory action clarifies specified health care administrative processes and provides administrative governance and accountability for health care programs and staff which only affects staff within CDCR.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed regulatory action clarifies specified health care administrative processes and provides administrative governance and accountability for health care programs and staff which only affects staff within CDCR.

CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. 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 contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

**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 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

TITLE 20. ENERGY COMMISSION

**ARTICLE 5: SMALL POWER
PLANT EXEMPTIONS
SECTIONS 1934 THROUGH 1948,
AND**

**ARTICLE 6: APPENDIX B
INFORMATION REQUIREMENTS FOR
AN APPLICATION
AND**

**ARTICLE 6: APPENDIX F
INFORMATIONAL REQUIREMENTS FOR A
SMALL POWERPLANT EXEMPTION
DOCKET NUMBER 21-OIR-04**

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to adopt amendments to its procedures for small power plant exemptions (SPPE) contained in the California Code of Regulations (CCR), Title 20, ("the Proposed Action") after

considering all comments, objections, and recommendations regarding the Proposed Action.

PUBLIC HEARING

The CEC staff will hold a public hearing on the proposed regulations at the date and time listed below. All interested persons may present statements, arguments, or contentions relevant to the proposed regulations at the public hearing. The record for this hearing will be kept open until every person has had an opportunity to provide comment.

Public Hearing
Tuesday, August 30, 2022
10:00 a.m. (Pacific Time)

The public hearing will be held remotely to improve and enhance public access to meetings by allowing broader access through teleconferencing options. Instructions for remote participation for the public hearing are below.

BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will consider and possibly adopt the proposed regulations at a CEC Business Meeting at the date and time listed below. Interested persons, or their authorized representative, may present oral statements, arguments, or contentions relevant to the proposed regulations at the Business Meeting. If the date, time, place, or nature of the proposed adoption changes, the CEC will provide updated information in the rulemaking docket.

Business Meeting
Wednesday, September 14, 2022
10:00 a.m. (Pacific Time)

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting Zoom at <https://join.zoom.us> and entering the ID and password for the public hearing listed below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Public Advisor's Office at publicadvisor@energy.ca.gov or (800) 822-6228.

Zoom Link:
<https://energy.zoom.us/j/98269163971?pwd=N1d0OEpwUXRtWDduRFIQYzdVOFN6UT09>
Webinar ID: 982 6916 3971
Password: 0830

To participate by telephone dial (213) 338-8477 or 1-888-475-4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to

“raise your hand” and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC’s Office of the Public Advisor, Energy Equity and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at publicadvisor@energy.ca.gov, or by phone at (916) 957–7910. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Office of the Public Advisor, Energy Equity and Tribal Affairs via email or phone.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office at (916) 654–4989 or mediaoffice@energy.ca.gov.

PUBLIC COMMENT PERIOD

The written public comment period for the proposed regulations will be held from July 15, 2022, through August 29, 2022. Any interested person, or an authorized representative, may submit written comments to the CEC for consideration on or prior to August 29, 2022. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. CEC may, but is not required to, respond to untimely comments, including those raising significant environmental issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit <https://efiling.energy.ca.gov/EComment/ECommentSelectProceeding.aspx>, type in docket number, 21–OIR–04. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, California Code of Regulations, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include Docket Number 21–OIR–04 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No. 21–OIR–04
715 P Street, MS–4
Sacramento, CA 95814

Pursuant to California Code of Regulations Title 20 section 1104(e), any person may make oral comment on any agenda item at the September 14, 2022, Business Meeting. Please consult the public agenda, which will be posted ten days before the Business Meeting, for important details on how to participate.

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding list serve or provide a valid email or mailing address with your comments.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Sections 25210, 25213, 25216.3 25218(e), and 25541 authorize the CEC to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code Sections 25210, 25502, 25519(b) and 25541.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The regulatory provisions subject to this rulemaking were first adopted in the late 1970s and have not been significantly amended since then. However, since the 1970s, many changes have occurred in California’s electricity sector and related regulatory and market environments, changes that are not reflected in the processes and procedures the CEC currently uses. For example, the electricity market has been deregulated so that independent companies propose and operate electrical generating facilities and sell them to the market, as opposed to those facilities being owned by the investor–owned utilities. In addition, the California Environmental Quality Act (CEQA) has rigorous public procedures to ensure public participation in the environmental review process of a power plant. These changes since the 1970s make the adjudicative process unnecessary to perform adequate environmental review and encourage public participation in a decision on an SPPE.

Therefore, the CEC is proposing to amend the CEC’s procedures for exempting from its exclusive certification authority thermal power plants with a generating capacity of up to 100 megawatts (Cal. Code Regs., title 20, §§ 1934–1948, Appendix B and Appendix F). The proposed amendments would remove the adjudicatory process that currently applies to SPPEs, while

maintaining the requirements for environmental review and public participation under CEQA. The proposed amendments also update the application requirements for applications for certification (AFCs) and for SPPEs to conform to changes under CEQA and to ensure that the CEC has sufficient information at the time of application to perform the required environmental review under CEQA for an SPPE.

Difference from existing comparable federal regulations or statute

These proposed regulations do not duplicate or conflict with any federal regulations or statute contained in the Code of Federal Regulations.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of this rulemaking is to update the regulatory provisions to remove the adjudicatory process that currently applies to SPPEs and to update the requirements for applications to conform to changes in CEQA and ensure the CEC has sufficient information to prepare an environmental review of an SPPE. The regulatory provisions subject to this rulemaking were first adopted in the late 1970s and have not been significantly amended since then. However, since the 1970s, many changes have occurred in California’s electricity sector and related regulatory and market environments, changes that are not reflected in the processes and procedures the CEC currently uses.

The specific benefits of this rulemaking are to streamline the CEC SPPE proceedings to minimize cost and delay while maintaining a comprehensive environmental review and mitigation program with opportunities for public participation and input under the California Environmental Quality Act (CEQA).

The proposed regulation will not adversely impact the health and welfare of California residents, worker safety, or the state’s environment.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted a search for any other regulations in this area and has determined that the proposed regulations are neither inconsistent nor incompatible with any existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The CEC does not propose to incorporate by reference any documents.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: No.
- Cost to any local agency or school district requiring reimbursement pursuant to Government Code Section 17500 et seq.: No.
- Cost or savings to any state agency: No.
- Non-discretionary cost or savings imposed upon local agencies: No.
- Cost or savings in federal funding to the state: No.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

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

The CEC proposes to streamline the SPPE process to minimize cost and delay while maintaining a comprehensive environmental review and mitigation program with opportunities for public participation and input under CEQA.

The proposed amendments to the SPPE regulations remove the adjudicatory process for the CEC’s determination on an SPPE application. This streamlining of the SPPE process eliminates unnecessary steps by eliminating processes duplicative of CEQA as well as unnecessary adjudicative procedures, potentially reducing the time and cost associated with an SPPE. The SPPE process must still comply with CEQA, which includes robust requirements for environmental review, public notice, and public participation, with meaningful opportunities for public input. Therefore, no economic or fiscal impacts are expected.

The amendments to the data requirements for the SPPE application set forth in Appendix B reflect information that is typically already provided as part of the SPPE environmental review process under CEQA

guidelines 15060, 15063(e), 15084, and 15120. The proposed amendments consolidate the data requirements in one place to allow for an applicant to streamline the process by providing the information upfront in the application. While the end result is the same, the proposed amendments change the timing by front loading the information submittal to the application phase rather than a later data request phase. Therefore, no economic or fiscal impacts are expected from this change.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CEC concludes that the proposal: (1) will not create jobs within California, (2) will not eliminate jobs within California, (3) will not create new businesses in California, (4) will not eliminate existing businesses within California, and (5) will not result in the expansion of businesses currently doing business within the state.

Benefit of the Proposed Action: The proposed regulation will benefit the health and welfare of California residents and the state's environment through streamlining the CEC's SPPE processes to minimize cost and delay while maintaining a comprehensive environmental review and mitigation program with meaningful opportunities for public participation and input under CEQA.

The proposed regulation will not adversely impact the health and welfare of California residents, worker safety, or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

BUSINESS REPORT

The regulations do not impose a new reporting requirement.

SMALL BUSINESS

The proposed regulations will not affect small business. The proposed regulations will not affect small business because most applicants before the CEC seeking a small power plant exemption are larger companies that either specialize in the construction and operation of power plants or large scale backup generation systems. In addition, the proposed regulatory language is procedural in nature only relevant to the CEC's evidentiary process which is proposed to

be removed or updates informational requirements and thus, would not result in additional impacts to any business regardless of *size*.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC 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.

CONTACT PERSON

General questions regarding procedural and administrative issues should be addressed to:

Corrine Fishman, Regulations Manager
715 P Street
Sacramento, CA 95814
(916) 805-7452
Corrine.Fishman@energy.ca.gov

If Corrine Fishman is unavailable, you may contact Jared Babula, Senior Attorney, at (916) 891-8033 or at Jared.Babula@energy.ca.gov

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Initial Statement of Reasons (ISOR), and any documents relied upon. Copies may be obtained by contacting Corrine Fishman above or accessed through the CEC website at Docket 21-OIR-04, <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/rulemaking-amend-regulations-small-power-plant-exemptions>.

AVAILABILITY OF CHANGES TO
ORIGINAL PROPOSAL FOR AT LEAST 15
DAYS PRIOR TO AGENCY ADOPTION/
REPEAL/AMENDMENT OF
RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL
STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the CEC website at Docket No. 21-OIR-04, <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/rulemaking-amend-regulations-small-power-plant-exemptions>.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

The CEC maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared for this rulemaking have been posted on the CEC's website at Docket 21-OIR-04, <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/rulemaking-amend-regulations-small-power-plant-exemptions>.

INSTRUCTIONS FOR RECEIVING NOTICES
AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the **Siting Division General List** or the **Rulemaking List**, which can be accessed here: <https://www.energy.ca.gov/subscriptions>.

The list serve sends out email notification and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the listserv but still would like to receive

documents and notices, please contact the contact person listed in this notice.

**TITLE 23. STATE WATER RESOURCES
CONTROL BOARD**

DIVISION 3. STATE WATER RESOURCES
CONTROL BOARD AND REGIONAL WATER
QUALITY CONTROL BOARDS
CHAPTER 2. APPROPRIATION OF WATER
ARTICLE 19. CHANGES OF OWNERSHIP
AND OF ADDRESS — NOTICES
CHAPTER 2.7 WATER DIVERSION
AND REPORTS
ARTICLE 1. DEFINITIONS
ARTICLE 2. DECLARATION OF POLICY

NOTICE OF PUBLIC HEARING TO CONSIDER
ADOPTION OF PROPOSED REGULATION
MODIFYING WATER RIGHT OWNERSHIP
NOTICE REQUIREMENTS AND REPORTING
DATES

(Gov. Code, § 11346.5, subdivision (a)(1))

NOTICE IS HEREBY GIVEN that the State Water Board will conduct an Administrative Procedure Act (APA) public hearing at the time and place described below. At the hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice.

The public hearing will begin with a staff presentation summarizing the proposed regulations, followed by an opportunity for public comment. During the comment period, the public will be allowed three minutes to provide oral comments, unless additional time is approved.

DATE: September 20, 2022

TIME: 9:30 a.m.

LOCATION: 1001 I Street
Sacramento, CA
Coastal Hearing Room — 2nd Floor

Video and Teleconference Participation

The hearing will be recorded and will be webcast at <https://video.calepa.ca.gov/>.

For those who only wish to watch the hearing, the customary webcast remains available at <https://video.calepa.ca.gov/> and should be used UNLESS you intend to comment.

For those who wish to make oral comments, additional information about participating telephonically

or via the remote meeting solution is available here: http://www.waterboards.ca.gov/board_info/remote_meeting/

Special Accommodation Request

Consistent with California Government Code (Gov. Code) section 7296.2, special accommodation or language needs may be provided for any of the following:

- (1) An interpreter to be available at the hearing;
- (2) Documents made available in an alternate format or another language; or
- (3) A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk to the Board at (916) 341-5600 as soon as possible, but no later than 10 business days before the scheduled State Water Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- (1) Un intérprete que esté disponible en la audiencia
- (2) Documentos disponibles en un formato alterno u otro idioma
- (3) Una acomodación razonable relacionada con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 341-5600 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS

(Gov. Code, § 11346.4, subdivision (a);
§ 11346.5, subdivision (a)(15))

Any interested person, or their representative, may submit written comments relevant to the proposed regulatory action to the Clerk to the State Water Board. Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Clerk to the State Water Board by **5:00 p.m., on August 31, 2022**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email to: commentletters@waterboards.ca.gov. The State Water Board requests but does not require that email transmission of comments,

particularly those with attachments, contain the regulation package identifier “Comment Letter — Proposed Regulation Modifying Water Right Ownership Notice Requirements and Reporting Dates” in the subject line to facilitate timely identification and review of the comment;

2. By fax transmission to: (916) 341-5620. The State Water Board requests but does not require that faxed comments contain the subject line “Comment Letter — Proposed Regulation Modifying Water Right Ownership Notice Requirements and Reporting Dates”;
3. By mail to: Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, P.O. Box 997377, MS 7400, Sacramento, CA 95899-7377; or
4. Hand-delivered to: Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814.

The State Water Board requests but does not require that written comments sent by mail or hand-delivered be submitted in triplicate.

The State Water Board requests but does not require that, if reports or articles in excess of 25 pages are submitted in conjunction with the comments, the commenter provide a summary of the report or article and describe the reason for which the report or article is being submitted or is relevant to the proposed regulation.

All comments, including email or fax transmissions, should include the author’s name and U.S. Postal Service mailing address in order for the State Water Board to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

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

AUTHORITY AND REFERENCE

(Gov. Code, § 11345.5, subdivision (a)(2);
Cal. Code Regs., title 1, § 14)

The State Water Board proposes to amend existing regulations under the authority granted by Water Code section 1058. It is implementing, interpreting, or making more specific Water Code sections 1250, 1252, 1840, 1841, 5001, 5100, 5101, 5102, 5103, and 5104.

INFORMATIVE DIGEST
(Gov. Code, § 11346.5, subdivision (a)(3))

Existing Laws and Regulations (Gov. Code § 11346.5, subdivision (a)(3)(A))

All diverters are subject to reporting regulations adopted by the State Water Board pursuant to Water Code sections 1840, 1841, 5001, 5100, 5101, 5102, and 5103. Currently, California Code of Regulations, title 23 section 831 requires water right holders and claimants to notify the Board “immediately” in the event of a change in name, address, or ownership, but this existing regulation does not specify the form of such notification. In addition, neither California Code of Regulations, title 23, sections 831 nor 915 specify consequences for noncompliance.

Currently, California Code of Regulations, title 23, sections 924, 925, and 929 require reports to be filed by April 1 for registration and certificate holders, permittees, and licensees. California Code of Regulations, title 23, section 920 currently requires supplemental statements of water diversion and use to be filed by July 1 and section 930 requires notices of extraction and diversion to be submitted “within six months after the close of the succeeding calendar year.” Senate Bill 155 (2021) amended Water Code sections 5001, 5101, and 5104 to change the reporting deadlines for notices of extraction and diversion, statements of water diversion and use, and supplemental statements of water diversion and use to before February 1.

Currently, California Code of Regulations, title 23, section 907 defines “twelve month reporting period” as a calendar year beginning January 1 and ending December 31. The twelve month reporting period is used for supplemental statements of water diversion and use, water use reports of registration and certificate holders, progress reports by permittee, and reports of licensee. Senate Bill 155 (2021) amended Water Code sections 5001, 5101, and 5104 to change the reporting period from calendar year (January 1 through December 31) to water year (October 1 through September 30 of the following year) for notices of extraction and diversion, statements of water diversion and use, and supplemental statements of water diversion and use.

Effect of Proposed Rulemaking (Gov. Code § 11346.5, subdivision (a)(3)(A))

The key provisions of the proposed regulations:

- Clarify that required notification of a change of ownership is a shared obligation of both transferor (old owner) and transferee (new owner) of permits, licenses, and registrations.
- Clarify, similarly, that required notification of a change of ownership is a shared obligation of both transferor (old owner/claimant) and transferee

(new owner/claimant) of pre-1914 or riparian rights or claims.

- Clarify that a water right holder or claimant is similarly required to notify the Board of changes in agency or contact information.
- Clarify the Board’s authority to impose administrative civil liability for failure to file required notifications:
 - Administrative civil liability may be imposed on the water right holder/claimant after a 30-day grace period following a change in agency or contact information.
 - In the case of a change of ownership, administrative civil liability may be imposed on the transferee (new owner/claimant), after a 30-day grace period following the transfer of ownership. The rationale for imposing administrative civil liability exclusively on the transferee is that only the new owner gains a benefit from the exercise of the underlying right/claim after the transfer takes place.
 - Administrative civil liability accrues from the end of the 30-day grace period until the required notification is submitted.
- Update the reporting deadlines and reporting periods for notices of extraction and diversion and supplemental statements of water diversion and use to reflect the statutory deadlines and reporting periods from SB 155.
- Align the reporting deadlines and reporting periods for registration and certificate holders, permittees, and licensees with the deadlines and reporting periods for statements of water diversion and use (Water Code section 5101), supplemental statements of water diversion and use (Water Code section 5104), and notices of extraction and diversion (Water Code section 5001).

Comparable Federal Statute and Regulations (Gov. Code § 11346.5, subdivision (a)(3)(B))

There are no comparable federal Statutes or Regulations.

Policy Statement Overview (Gov. Code, § 11346.5, subdivision (a)(3)(C))

In order to improve the accuracy of water right ownership and contact information, the Board proposes to adopt regulations that clarify the obligations of both the transferor (old owner) and transferee (new owner) to notify the Board when a water right is transferred, or to a change in name, address, or ownership. The proposed regulations also clarify that failure to notify the Board of such changes in a timely fashion is a violation that may subject the violator to administrative civil liability. The revised regulations also align the reporting deadlines and reporting periods for notices

of extraction and diversion, supplemental statements of water diversion and use, reports of registration and certificate holders, reports of licensees, and progress reports by permittees. These changes are essential to orderly and efficient administration of the State's water rights system which depends on the Board's ability to reliably communicate with water right holders and claimants.

Objectives

Broad objectives of this proposed regulatory action are to:

- Provide the public with increased understanding of the obligations to notify the Board of changes in name, address, or ownership of water rights and claims,
- Protect the State's water resources by ensuring the Board can reliably communicate with water right holders and claimants in the orderly and efficient administration of the State's water rights system,
- Provide transferors and transferees a 30-day grace period following the transfer of a water right or claim to notify the Board of such change; similarly, to provide a 30-day grace period to notify the Board following changes in name, address, or ownership information, and
- Ensure compliance with water rights regulations with fair, transparent, and efficient enforcement of Board regulations.

Benefits

The proposed regulatory action is expected to improve the orderly and efficient administration of the State's water rights system by:

- Clarifying the parties who bear responsibility for notifying the Board of changes in name, address, or ownership related to all water rights and claims,
- Providing a 30-day grace period following a transfer or other change to allow a reasonable time for responsible parties to file the required notification, and
- Clarifying the Board's authority to impose administrative civil liability for failure to file the required notifications, and
- Aligning reporting deadlines and reporting periods.

Evaluation as to Whether the Proposed Regulations are Inconsistent or Incompatible with Existing State Regulations (Gov. Code, § 11346.5, subdivision (a)(3) (D))

The Board reviewed its existing general regulations and regulations specific to water right reporting to evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations.

It was determined that no other State regulation addressed the same subject matter and that this proposal, if adopted, would not be inconsistent or incompatible with other existing State regulations.

OTHER STATUTORY REQUIREMENTS
(Gov. Code, § 11346.5, subdivision (a)(4))

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires that State agencies consider the potentially significant environmental impacts of their discretionary actions, which include the development of regulations. Consistent with California Code of Regulations, title 14, section 15061, subdivision (b)(3), the Board will prepare a Notice of Exemption, concluding, with certainty, that there is no possibility that the proposed regulations would have a significant effect on the environment.

Safe, Clean, Affordable Water (Water Code, § 106.3)

California Water Code section 106.3 states that it is the policy of the State that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes. In preparing the proposed regulations, the Board determined that the proposed regulations are consistent with this statewide policy. The proposed regulations will ensure the Board has the name, address, and ownership information necessary to effectively communicate with water right holders and claimants, many of whom divert water for drinking water and for human health and safety, and to efficiently administer the State's water rights system.

Pre-Notice Meeting with Affected Parties (Gov. Code § 11346.45, subdivision (a))

Government Code section 11346.45, subdivision (a) requires that prior to publication of the notice of proposed action, the agency proposing the regulation or regulations must involve parties who would be subject to the proposed regulations in public discussions, when the proposed regulations involve complex proposals or a large number of proposals that cannot be easily reviewed during the comment period. The regulations proposed here are neither complex nor involve large numbers of proposals that could not be easily reviewed during the comment period. Therefore, the Board has informally engaged a small group of lawyers, engineers and other consultants who represent a number water rights holders and claimants to describe the proposed regulations and to solicit oral and written comments. These oral and written comments have been taken into consideration in developing these proposed regulations.

LOCAL MANDATE
(Gov. Code, § 11346.5, subdivision (a)(5))

The proposed regulations would not impose a mandate on local agencies or school districts that requires State reimbursement. The proposed regulations clarify existing notification requirements, clarify the Board’s existing authority to impose administrative civil liability for the failure to file the required notifications, and modify water use reporting periods and deadlines. The proposed regulations will not increase costs associated with ownership of a water right or claim and will not be a requirement unique to local government and will apply equally to all water rights holders.

FISCAL IMPACT ESTIMATE—
Direct and Indirect Costs
(Gov. Code, § 11346.5, subdivision (a)(6))
(as detailed in the Cost Estimating
Methodology in the Initial
Statement of Reasons)

Estimated Fiscal Impact on Local Agency or School District

None.

Estimated Fiscal Impact on State Government

Expected to reduce Board costs through reduced staff time devoted to identifying changes of name, address, or ownership of which the Board should have been but has not been notified because of a lack of clarity with respect to responsibility, timeliness, and/or consequences of the failure to file these required notifications. Expected to reduce Board costs through reduced staff time with aligned reporting periods and deadlines.

Estimated Fiscal Impact on Federal Funding of State Programs

None.

Other Non-discretionary Cost or Savings Imposed on Local Agencies

None.

Cost to Any Local Agency or School District which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630

None.

HOUSING COSTS
(Gov. Code, § 11346.5, subdivision (a)(12))

The Board has determined that the regulations will have no impact on housing costs.

NO SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES IN CALIFORNIA
(Gov. Code, § 11346.5, subdivision (a)(8); § 11346.5, subdivision (a)(10))

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.

The proposed regulations clarify existing notification requirements and clarify the Board’s existing authority to impose administrative civil liability for failure to file the notifications. The proposed regulations will not increase costs associated with ownership of a water right or claim. The proposed regulations will also not increase compliance costs associated with providing the necessary notification of a change in name, address, or ownership. The updated reporting periods and deadlines for notices of extraction and diversion and supplemental statements of diversion and use are already required in statute. The updated reporting periods and deadlines for licensees, permittees, and registration and certificate holders will not increase costs because the time between the proposed end of the reporting period (September 30) and the deadline (February 1) will be longer than the current end of the reporting period (December 31) and the current deadline (April 1). Though many reporters and water right holders are businesses, the proposed regulations will not increase costs to businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT
(Gov. Code, § 11346.5, subdivision (a)(10); § 11346.3, subdivision (b)(1))

The Board has determined that the economic impact of the proposed regulations, which clarify existing requirements and align reporting periods and deadlines, would not exceed \$50 million in a 12-month period, and that the regulations, therefore, would not be considered a Major Regulation as defined by California Code of Regulations, title 1, section 2000, subdivision (g).

Based on the Board’s Economic Impact Assessment (described in the Initial Statement of Reasons, with additional findings provided in Form STD 399), the proposed regulation is not expected to:

- (A) create or eliminate jobs within California,
- (B) create new businesses or eliminate existing businesses within California, or
- (C) expand businesses currently doing business within California.

Pursuant to Government Code section 11346.3, subdivision (b)(1)(D), the proposed regulations will result in benefits to the welfare of California residents and the state's environment by resulting in a more effective administration of water rights in the State of California. As noted previously, the proposed regulatory action is expected to improve the orderly and efficient administration of the State's water rights system by:

- Clarifying the parties who bear responsibility for notifying the Board of changes in name, address, or ownership related to all water rights and claims,
- Providing a 30-day grace period following a transfer or other change to allow a reasonable time for responsible parties to file the required notification, and
- Clarifying the Board's authority to impose administrative civil liability for failure to file the required notifications, and
- Aligning reporting deadlines and reporting periods.

The proposed regulation is not expected to affect worker safety.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS
(Gov. Code, § 11346.5, subdivision (a)(9))

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Similarly, the Board believes there will be no direct cost impacts that a representative private person or business would incur in reasonable compliance with the proposed regulations. Regulatory changes for notifications of transfers and changes in ownership will only affect water right holders and claimants and only to the extent of clarifying existing obligations and potential consequences of failing to meet the existing notification obligations associated with the right or claim. Aligning the reporting deadlines will not have any cost impacts because they either reflect recently imposed statutory deadlines or increase the time period between the end of the reporting period and the reporting deadline.

BUSINESS REPORT
(Gov. Code, § 11346.5, subdivision (a)(11); § 11346.3, subdivision (d))

Government Code section 11346.3, subdivision (d) requires that any administrative regulation adopted on or after January 1, 1993 that requires a report shall not apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for

health, safety, or welfare of the people of the State that the regulation apply to businesses.

The Board has determined that the proposed regulations only align reporting periods and deadlines and clarify existing obligations to notify the Board of changes of name, address, or ownership. To the extent that the proposed regulation applies to water rights holders that may be considered businesses pursuant to Government Code section 11346.3, subdivision (b)(4)(B), the required notifications and updated reporting deadlines are essential to the Board's core function of orderly and efficient administration of the State's water rights system, which directly impacts the health, safety and the welfare of the people of the State and the environment.

SMALL BUSINESS
(Cal. Code Regs, title 1, § 4, subdivision (a) and (b))

The proposed regulations on transfers and change of ownership apply to all water right holders and claimants equally, and clarify existing notification requirements and existing authority of the Board to impose administrative civil liability for failure to file the required notifications. The proposed regulations also align water use reporting periods and deadlines. Although the proposed regulation may affect small business, the proposed regulations will not increase costs associated with ownership of a water right or claim.

CONSIDERATION OF ALTERNATIVES
(Gov. Code, § 11346.5, subdivision (a)(13))

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be

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

The Board has years of experience applying the existing notification regulations, has conferred with water right holders and claimants to understand the confusion caused by the existing regulations, and has conferred informally with water right representatives to develop the proposed regulations. The Board believes that the proposed regulations are the least burdensome and the most cost-effective way to accomplish the objective of improving the reliability of critical information necessary to administer the State's water rights system. However, the Board invites interested persons to comment on the proposed regulations or

present possible alternatives at the scheduled hearing or during the written comment period.

STATE WATER BOARD CONTACT PERSON
(Gov. Code, § 11346.5, subdivision (a)(14))

Requests for copies of the proposed regulatory text, the Initial Statement of Reasons, subsequent modifications of the proposed regulatory text, if any, or other inquiries concerning the proposed regulations may contact:

Primary Contact

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
Telephone: (916) 341-5600
Electronic mail:
Jeanine.Townsend@waterboards.ca.gov

Secondary Contact

David P. Coupe
Attorney IV
c/o San Francisco Bay Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA
Electronic mail:
David.Coupe@waterboards.ca.gov

Please identify the action by using the State Water Board regulation package identifier, “Comment Letter — Proposed Regulation Modifying Water Right Ownership Notice Requirements and Reporting Dates” in any inquiries or written comments.

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

(Gov. Code, § 11346.5, subdivision (a)(16))

The Board has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, the text of the proposed regulations, and all other required forms, statements, and reports. The Records Room, Division of Water Rights, State Water Resources Control Board, 1001 I Street, 2nd Floor, Sacramento, CA 95814 will be the location for inspection and copying of public

records, including reports, documentation, and other material related to the proposed regulations (rulemaking file) throughout the rulemaking process.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**
(Gov. Code, § 11346.5, subdivision (a)(18))

The full text of any regulation which is changed or modified from the express terms of the proposed regulation will be made available by the Board’s Division of Water Rights at least 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please send requests for copies of any modified regulations to the attention of the Division of Water Rights, at the address indicated above.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**
(Gov. Code, § 11346.5, subdivision (a)(19))

The Board will prepare a final statement of reasons for promulgating the proposed regulations pursuant to Government Code section 11346.9 upon final adoption of the regulations. Please send requests for a copy of the final statement of reasons to the attention of the Division of Water Rights, at the address indicated above.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**
(Gov. Code, § 11346.4, subdivision (a)(6);
§ 11346.5, subdivision (a)(20))

Materials regarding the action described in this notice (including this public notice, the regulation text, and the Initial Statement of Reasons) are available via the Internet and may be accessed in the links within the announcements section from the [Division of Water Rights Proposed Regulation Modifying Water Right Ownership Notice Requirements and Reporting Dates Internet webpage \(https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/ownership/\)](https://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/ownership/).

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

**DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY**

OFFICE OF ADMINISTRATIVE LAW

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

(Pursuant to title 1, section 270, of the California Code of Regulations)

The Office of Administrative Law has accepted for consideration a petition challenging various provisions contained in the Department of Resources Recycling and Recovery's "Precertification Training Manual (copyright 2017)."

Please send your comments to:

Eric Partington, Senior Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Leonard Lang
1713 Mimosa Lane
Eules, TX 76039

Agency contact:

Ying Sun, Associate Director
Department of Corrections and Rehabilitation
Regulation and Policy Management Branch
Post Office Box 942883
Sacramento, California 94283-0001

Please note the following timelines:

Publication of Petition in Notice Register:
7/15/2022

Deadline for Public Comments: 8/15/2022

Deadline for Agency Response: 8/29/2022

Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response

Deadline for OAL Decision: 11/14/2022

**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 Social Services
File # 2022-0620-04
Annual Redeterminations AB79 2020

This action by the Department of Social Services readopts the changes previously filed in OAL File No. 2021-1223-01EFP, which amended the Manual of Policies and Procedures to update the annual CalWorks eligibility redetermination procedure. This action was submitted to OAL as a deemed emergency exempt from OAL review pursuant to section 96 of Assembly Bill 79 (Chapter 11, Stats. 2020).

Title MPP
Amend: 40-103, 40-181, 44-113
Filed 06/29/2022
Effective 07/06/2022
Agency Contact:
Kenneth Jennings (916) 651-8862

California Gambling Control Commission
File # 2022-0624-02
Commission Fees Modernization Project

In this emergency action, the Commission re-adopts amendments to its regulations to update various fees for permit and license applications.

Title 04
Adopt: 12108, 12112, 12114, 12261, 12264, 12272, 12274, 12276, 12278, 12309, 12470, 12472
Filed 07/05/2022
Effective 07/05/2022
Agency Contact:
Alexander Hunter (916) 263-1301

Department of Housing and Community
Development
File # 2022-0624-03
Prohousing Designation Program

In this emergency action, the Department re-adopts regulations to establish the Prohousing

Designation Program. The regulations set forth an application process, evaluation criteria, designation criteria requirements, and a process to revoke prohousing designations.

Title 25
Adopt: 6600, 6601, 6602, 6603, 6604, 6605, 6606, 6607
Filed 07/05/2022
Effective 07/19/2022
Agency Contact: Chelsea Lee (916) 284-4847

Fish and Game Commission
File # 2022-0623-01
Recreational Sub-bag Limits for Vermilion, Copper & Quillback Rockfish

This emergency action readopts without change emergency adjustments to the sub-bag limits for quillback, copper, and vermilion rockfish in the recreational groundfish fishery (zero to three miles offshore) for 2022 so as to be consistent with Pacific Fishery Management Council regulations published in the Federal Register on January 6, 2022, for these species in waters between three and 200 miles offshore.

Title 14
Amend: 28.55
Filed 06/29/2022
Effective 07/06/2022
Agency Contact: Sherrie Fonbuena (916) 902-9284

Department of Housing and Community Development
File # 2022-0616-04
Conflict-of-Interest Code

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

Title 25
Amend: 6500
Filed 07/06/2022
Effective 08/05/2022
Agency Contact: Eric Nguyen (916) 820-1204

Commission on Peace Officer Standards and Training
File # 2022-0517-01
Update POST-Certified Requalification Course Hour Requirement, Training and Testing Standards Revision Date

This change without regulatory effect filing by the Commission on Peace Officer Standards and Training updates the required instructional hours for the requalification course to align with the required instructional hours specified in the Training and Testing

Specifications for Peace Officer Basic Courses document incorporated by reference. This action also updates the incorporation by reference revision date for the Training and Testing Specifications for Peace Officer Basic Courses document.

Title 11
Amend: 1005, 1059
Filed 06/29/2022
Agency Contact: Jennifer Hardesty (916) 227-3917

Department of Motor Vehicles
File # 2022-0523-01
Annual Fee Adjustment (2023)

This change without regulatory effect by the Department of Motor Vehicles adjusts various Vehicle Code and Revenue and Taxation Code authorized fees relating to motor vehicles in amounts equal to the increase in the California Consumer Price Index for the prior year pursuant to Vehicle Code section 1678(b) and Revenue and Taxation Code section 11502(b).

Title 13
Amend: 423.00
Filed 07/06/2022
Effective 01/01/2023
Agency Contact: Randi Calkins (916) 282-7294

Department of Food and Agriculture
File # 2022-0519-01
Cage-Free Marking Requirements

This action by the Department of Food and Agriculture amends regulations to add requirements for eggs sold in consumer size containers labeled as "cage free."

Title 03
Amend: 1354
Filed 07/01/2022
Effective 10/01/2022
Agency Contact: Michael Abbot (916) 900-5004

Department of Justice
File # 2022-0518-02
Firearm Precursor Part Authorization Program

In this regular rulemaking action the Department of Justice adopts new requirements for the sale or transfer of firearm precursor parts.

Title 11
Adopt: 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327
Amend: 4045.1, 4210, 4301
Filed 06/30/2022
Effective 07/01/2022
Agency Contact: Kevin Sabo (916) 210-7639

Division of Labor Standards Enforcement
 File # 2022-0121-04
 Assessment of Civil Penalties for Retaliation

This action adopts standards for the reduction of \$10,000 civil penalties assessed against employers by the Division of Labor Standards Enforcement for violations of retaliation laws that are within the Division's jurisdiction. The action also defines a term, establishes the burden of proof, and specifies joint and several liability for penalties.

Title 08
 Adopt: 13900, 13901, 13902, 13903
 Filed 06/29/2022
 Effective 10/01/2022
 Agency Contact: Dorothy Chang (213) 576-7722

Fish and Game Commission
 File # 2022-0519-02
 Waterfowl

This action sets the parameters of the 2022-2023 waterfowl hunting seasons.

Title 14
 Filed 07/01/2022
 Effective 07/01/2022
 Agency Contact: Maurene Trotter (916) 653-4899

Superintendent of Public Instruction
 File # 2022-0209-02
 California State Preschool Program

This rulemaking action relocates, with necessary amendments, existing regulations governing the California State Preschool Program from chapter 19, subchapter 4 to chapter 18.5 of division 1 of title 5 of the California Code of Regulations.

Title 05
 Adopt: 17719, 17720, 17721, 17722, 17723, 17724, 17725, 17726, 17727, 17728, 17729, 17730, 17731, 17732, 17733, 17734, 17735, 17736, 17737, 17738, 17739, 17740, 17741, 17742, 17743, 17744, 17745, 17746, 17747, 17748, 17749, 17750, 17751, 17752, 17753, 17754, 17755, 17756, 17757, 17758, 17759, 17760, 17761, 17762, 17763, 17764, 17765, 17766, 17767, 17768, 17769, 17770, 17771, 17772, 17773, 17774, 17775, 17776, 17777, 17778, 17779, 17780, 17781, 17782, 17783, 17784, 17785, 17786, 17787, 17788, 17789, 17790, 17791, 17792, 17793, 17794, 17795, 17796, 17797, 17798, 17799, 17800, 17801, 17802, 17803, 17804, 17805, 17806, 17807, 17808, 17809, 17810, 17811, 17812, 17813, 17814, 17815, 17816, 17817, 17818, 17819, 17819.5, 17820, 17821,

17822, 17823, 17824, 17825, 17826, 17827, 17828, 17829, 17830, 17831, 17832, 17833
 Repeal: 18130, 18131, 18131.1, 18132, 18133, 18134, 18135, 18136, 18140, 18145, 18150, 18155, 18160, 18165
 Filed 07/01/2022
 Effective 07/01/2022
 Agency Contact: Lorie Adame (916) 319-0860

Board of Psychology
 File # 2022-0127-01
 Continuing Professional Development

In this regular rulemaking, the Board of Psychology is amending continuing education guidelines and requirements that must be completed by a licensee as a condition of renewal or reactivation of their license.

Title 16
 Adopt: 1397.60.1, 1397.61.1, 1397.62.1, 1397.67.1
 Amend: 1381.9, 1397.60, 1397.61, 1397.62, 1397.67
 Filed 06/29/2022
 Effective 10/01/2022
 Agency Contact:
 Jason Glasspiegel (916) 574-7137

Department of Alcoholic Beverage Control
 File # 2022-0620-02
 Drawing for Priority of Obtaining Limited General Licenses

This action by the Department of Alcoholic Beverage Control adopts regulations to establish procedures for drawings for priority of obtaining limited general alcoholic beverage licenses.

Title 04
 Adopt: 69, 69.1, 69.2, 69.3, 69.4
 Filed 06/29/2022
 Effective 06/29/2022
 Agency Contact:
 Robert de Ruyter (916) 419-8958

Office of Spill Prevention and Response
 File # 2022-0525-04
 General Provisions

In this regular rulemaking action, the Office of Spill Prevention and Response adopts, amends, and repeals sections in Subdivision 4 to consolidate and make consistent provisions related to severability, confidentiality, and reconsideration.

Title 14

Adopt: 790.1, 790.3, 790.5

Amend: 791.7, 796, 797, 816.01, 816.03, 817.02,
817.04, 819.02, 819.07, 820.01, 820.02, 826.01,
826.03, 830.7, 830.11, 852.61.11, 885.2, 885.3

Filed 07/05/2022

Effective 10/01/2022

Agency Contact: Christine Kluge (916) 327-0910

**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.