



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)¹ by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **November 17, 2022**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **November 15, 2022**.

BACKGROUND/OVERVIEW

- (1) *Biennial Cost of Living Adjustment for Campaign Contribution Limits, Voluntary Expenditure Ceilings, and State Officeholder Contribution Limits: Adoption of Amendments to Regulation 18545.*

Regulation 18545 contains the current campaign contribution limits, voluntary expenditure ceiling amounts, and state officeholder contribution limits. Sections 83124, 85301(d)(1), 85316(b)(4), and 89503(f) of the Act, charge the Commission with making a biennial cost of living adjustment to limit amounts in order to reflect changes in the Consumer Price Index (“CPI”). The California Department of Finance (“DOF”) provides the forecast and actual annual California CPI for All Urban Consumers, which is based upon U.S. Bureau of Labor Statistics. (Section 82001, Regulation 18544(c).)

This amendment makes the cost of living adjustments for the period of January 1, 2023 through December 31, 2024. The adjustments are based on “the Department of Finance Consumer Price Index Fore-

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18104 through 18998 of Title 2 of the California Code of Regulations (hereafter Regulation).

cast, May Revise, annual California Consumer Price Index for All Urban Consumers, for the calendar year immediately preceding the year in which the adjustment is to take effect.” (Regulation 18544(c).) The DOF CPI Forecast, May Revise, prepared in April 2022, lists the 2022 annual forecast California CPI as “317.8.”²

- (2) *Biennial Gift Limit Adjustments: Adoption of Amendments to Regulations 18700, 18730, and 18940.2.*

Section 89503 establishes a gift limit for public officials and Section 87100 et seq. prohibits officials from taking part in certain decisions with a financial effect on a source of any gift exceeding the gift limit. The gift limit must be adjusted biennially by the Commission to reflect changes to the California CPI. (Sections 87103(e) and 89503(f).) Regulation 18940.2 provides the adjusted gift limit, and Regulations 18700 and 18730 both reference the limit.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18545: The proposed amendments to Regulation 18545 reflect the adjusted campaign contribution limits, voluntary expenditure ceilings, and state officeholder contribution limits for the period of January 1, 2023 through December 31, 2024.

Amend 2 Cal. Code Regs. Sections 18700, 18730, 18940.2. The proposed amendments reflect the adjustment of the gift limit from \$520 to \$590 for the period of January 1, 2023 through December 31, 2024.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation of the CPI adjustments.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

² A forecast annual CPI is used due to the fact that the actual CPI for a given year is not available until mid-January of the following year. See <https://dof.ca.gov/wp-content/uploads/Forecasting/Economics/Documents/US-CA-Inflation-Forecast-MR-2022-23.xlsx>, CPI-U all items for 2022, for the relevant CPI figure.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 82028, 83124, 85301, 85302, 85303, 85316, 85400, 87100, 87103, 87300–87302, 89502, 89503 and 89506.

CONTACT

Any inquiries should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **November 17, 2022**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **November 15, 2022**.

BACKGROUND/OVERVIEW

Sections 86203 and 86205 address the Act’s prohibitions pertaining to lobbyists. Section 86203 makes

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

it unlawful for a lobbyist or lobbying firm to make, or arrange for the making of a gift of more than \$10 in a calendar month to an official the lobbyist is registered to lobby. Section 86205(a) prohibits a lobbyist or lobbying firm from placing officials under personal obligation and Section 86205(f) prohibits a lobbyist or lobbying firm from accepting or agreeing to accept “any payment in any way contingent” on a specific outcome of any legislative or administrative action.

An express purpose of the Act is that “[t]he activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.” (Section 81002(b).) To that end, the Act provides that “[t]he commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission.” (Section 83112.)

The Commission has identified certain areas of improvement to regulations governing lobbyist prohibitions including codifying a 1982 Commission opinion concerning when a lobbyist arranges for the making of a gift under Section 86203, prohibiting a lobbyist or lobbying firm from failing to make sufficient efforts to collect debt from qualifying officials under Section 86205(a) and providing a definition for the phrase “any payment in any way contingent” under Section 86205(f). These recommended improvements would amend existing regulations in accordance with governing statutes to promote and facilitate compliance with, and enforcement of, the Act, by providing more clarity to the prohibitions.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18624 — Lobbyist Arranging Gifts

The Commission will consider amending Regulation 18624 to codify the general conclusion reached in a 1982 Commission opinion concerning when a lobbyist arranges for the making of a gift under Section 86203. At a minimum, the Commission may consider:

- A provision that addresses when a lobbyist does not arrange for the making of a gift regarding the lobbyist making recommendations or providing information to the lobbyist’s employer concerning gifts to a public official.

Amend 2 Cal. Code Regs. Section 18625 — Placing Official Under Personal Obligation

The Commission will consider amendments to Regulation 18625 to clarify the application of Section 86205(a) to debt owed by an official to a lobbyist or lobbying firm. The proposed amendments are informed by a prior Enforcement matter where a respondent lobbyist was alleged to have violated Section 86205(a) by providing consulting services to two

candidates for State Legislature and failing to make adequate attempts to collect debt for those services, thereby placing them under personal obligation. At a minimum, the Commission may consider:

- Adding a prohibition against failing to make sufficient efforts to collect debt owed from state or legislative officials by failing to follow the “collection processes or procedures provided for in the contract;” failing to “[f]ollow the collection processes or procedures employed by the lobbyist or lobbying firm during its regular course of business in similar circumstances;” or failing to “[a]ttempt in good faith and use best efforts to collect the past due debt.”
- A safe harbor provision where the lobbyist or lobbying firm pursues legal action, such as filing a civil complaint, to collect the past due debt within six months of the last day of the month in which the services are provided or the date of a candidate’s election to office.

Adopt 2 Cal. Code Regs. Section 18626 — Contingency Fees Prohibition

The Commission will consider adopting Regulation 18626 to provide a definition for the phrase “any payment in any way contingent” to clarify the broad application of the statutory prohibition. At a minimum, the Commission may consider:

- A provision defining the phrase “any payment in any way contingent” that identifies the more common types of potential payments a lobbyist or lobbying firm might accept, such as a salary, bonus or commission. It would also clarify that the prohibition applies to all potential payments, not only payments a lobbyist or lobbying firm has agreed to accept in a contract for lobbying services;
- A provision stating that contract for lobbying services does not, in itself, violate the contingency fee prohibition if it contains the expressly agreed upon terms of compensation to be received and provides no discretion to make the agreed upon payment dependent to any degree on a specific outcome of the legislative or administrative action.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state entity or program.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE

Sections 86203, 86205

CONTACT

Any inquiries should be made to Jack Woodside, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 13. CALIFORNIA HIGHWAY PATROL

CALIFORNIA CODE OF REGULATIONS,
TITLE 13, DIVISION 2, CHAPTER 6,
ARTICLE 3, AMEND SECTION 1160.2

GENERAL HAZARDOUS MATERIALS REGULATIONS (CHP-R-2021-06205)

In compliance with the requirements of Title 49, United States Code, Chapter 51, Section 5125, and Title 49, Code of Federal Regulations (CFR), Part 107, Subpart C, the California Highway Patrol (CHP) proposes to amend the state’s hazardous materials regulations (HMR) to be consistent with national transportation requirements as required by federal law.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Title 13, California Code of Regulations (CCR), Division 2, Chapter 6, Article 3, Sections 1160 through 1167, contain the CHP's regulations governing the highway transportation of hazardous materials (HM). These sections contain general provisions, hazard classification and shipping names, HM training, and the reporting of incidents involving HM or hazardous waste.

The proposed rulemaking action will make nonsubstantive changes to align state and federal HMR for persons subject to federal jurisdiction pursuant to Title 49, CFR, Section 171.1. Adopting and incorporating by reference the October 1, 2021, edition of the federal HMR in Title 13, CCR, Section 1160.2, ensures this alignment.

Anticipated Benefits of Proposed Regulation:

This amendment would provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment, as well as consistency between state and federal regulations, by providing a regulatory authority for enforcement efforts as they relate to violations of the current HMR found in Title 49, CFR.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined this proposed regulation is neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, CHP has concluded that these are the only regulations that concern the General Hazardous Materials Regulations.

PUBLIC COMMENTS

Interested persons may submit written comments on these proposed actions via facsimile to (916) 322-3154, by electronic mail to cvsregulations@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Sergeant Robert Daniels, Jr.
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until November 28, 2022.

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

AVAILABILITY OF INFORMATION

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

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment. All documents regarding the proposed action are also available through the CHP's Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Sergeant Robert Daniels, Jr., or Officer Kasonja Pochop, CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

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

FISCAL AND ECONOMIC IMPACT/RESULTS
OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will impose no new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Sections 17500-17630 of the Government Code (GC) require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses

in the State of California; (5) will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states; and (6) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory authority for enforcement efforts as they relate to violations of the current HMR found in Title 49, CFR. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a private person or business would incur while maintaining compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant adverse effect on small businesses. The proposed regulations do not increase any requirements upon any small businesses. Businesses subject to federal jurisdiction are currently required to comply with the federal HMR and, therefore, the mere adoption of regulations to avoid preemption or to grant enforcement authority of preexisting regulations provides no additional impact on businesses. The proposed regulatory amendment to Title 13, CCR, Section 1160.2, is already applicable and enforceable on businesses subject to federal jurisdiction pursuant to Title 49, CFR, Part 171. The federal HMR being adopted by reference in Title 13, CCR, were subjected to procedures under the Federal Administrative Procedures Act (FAPA). The FAPA provided regulated businesses the opportunity to participate in the rulemaking process, prior to adopting the current federal HMR.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered, or otherwise 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 CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the Final Statement of Reasons for this proposed regulatory action is available, the public may request to review or receive copies of the statement. Requests should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402.7 and 34501(b) CVC.

REFERENCE

This action implements, interprets, and/or makes specific Sections 2402.7 and 34501(b) CVC.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6 AMEND ARTICLE 2.5, SECTION 1157.21

Inhalation Hazards Safe Stops (CHP-R-2022-06203)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Division 2, Chapter 6, Article 2.5, Section 1157.21, Stops, to update the list of safe stops for commercial vehicles transporting inhalation hazards on the highways in the state.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Division 14.3, Transportation of Inhalation Hazards, commencing with Section 32100 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of inhalation hazards. The CVC requires the CHP to keep the information current in regulations with maps clearly indicating the designated routes, and a list of locations for inspection stops, required inspection stops, and safe stopping places. The

proposed amendments will not change any inhalation hazards routes, but will only update the information on the safe stopping places to be used by carriers in the transportation of inhalation hazards along the designated routes.

The CHP's field commands conduct annual surveys of the inhalation hazards routes and stops to determine if changes are necessary. After the CHP field commands inspected the locations of the listed business establishments serving as safe stopping places, the business owners have expressed their willingness to provide their business location and service information in the CCR by signing the CHP 114, Designation as Safe Stopping Place. Upon consultation, the proposed changes have received concurrence from the State Fire Marshal.

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

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

PUBLIC COMMENT

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

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

Written comments must be received by November 28, 2022.

PUBLIC HEARINGS

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

AVAILABILITY OF INFORMATION

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

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

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

CONTACT PERSON

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

ADOPTION OF PROPOSED REGULATIONS

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

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the

state; (4) will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the designated safe stopping places for commercial vehicles transporting inhalation hazards on the highways. As a result, no small business will be affected by the update.

ALTERNATIVES

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

AUTHORITY

This regulatory action is being taken pursuant to Section 32102 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 32101, 32102, 32103, 32104, and 32105 CVC.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE WATER RESOURCES CONTROL BOARD

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 14, 2022 and closing on November 29, 2022. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: adding all technical staff, including engineers, geologists, and environmental scientists; certain staff involved in procurement and contract activities; and due to the sensitive nature of their work, all staff in the Office of Enforcement and Division of Financial Assistance.

Information on the code amendment is attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *November 29, 2022*. In addition, the State Water Resources Control Board will hold a public meeting prior to its adoption of the proposed amendments on December 20, 2022. Comments on the proposed amendments must be submitted to the clerk of the board by November 29, 2022. Comments should be sent to commentletters@waterboards.ca.gov, and identify in the subject line "Conflict-of-Interest Code."

The State Water Resources Control Board has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Kim Niemeyer, Attorney IV – tele: 916–341–5547; email: Kim.Niemeyer@waterboards.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION
AND ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653–2022–101–001–R3**

Project: Hal Brown Park Tidal Restoration Project

Location: Marin County

Applicant: Marin County Parks

Background

Project Location:

The Hal Brown Park Tidal Restoration Project (Project) is located at is located at 255 Bon Air Road in unincorporated Marin County, California (Latitude 37.947372 N., Longitude – 122.5383539 W.) at a property owned by the County of Marin. Assessor Parcel Number (APN) 022–010–32, and affects Creekside Marsh Tidal Wetland Habitat, located adjacent to Corte Madera Creek. The Creekside Marsh Tidal Wetland supports populations of:

- Steelhead, Central California Coast (CCC) Distinct Population Segment (*Oncorhynchus mykiss irideus*; federally threatened);
- Green sturgeon (*Acipenser medirostris*; federally threatened);
- Salt marsh harvest mouse (*Reithrodontomys raviventris*; federally endangered, state endangered);
- California black rail (*Laterallus jamaicensis coturniculus*; state threatened);

- Ridgway’s rail (*Rallus obsoletus*; federally endangered, state endangered);
- White tailed kite (*Elanus leucurus*; state fully protected species)

Project Description:

Marin County Parks (Applicant) proposes to enhance or restore habitat within Creekside Marsh Tidal Wetlands to provide a net conservation benefit for CCC steelhead, green sturgeon, salt marsh harvest mouse, California black rail, Ridgway’s rail and white tailed kite. The Project proposes to restore tidal habitat and includes removing and replacing an existing wood–framed bridge and adjacent asphalt pathway sections with a longer, higher–elevation, prefabricated Corten steel bridge, a wooden boardwalk, and raised, re–paved asphalt pathway sections. Other aspects of the project include converting an existing upland island to tidal flow, removing bridge abutments and boulders from within tidal habitat, as well as re–grading the area to enhance tidal flow.

The project replacement bridge will be 120 feet long and 10 feet wide and will be supported by two concrete abutments and helical anchors which will be placed in upland areas. The new boardwalk that will connect to the eastern side of the replacement bridge will be approximately 45 feet long and 10 feet long. The replacement boardwalk will be supported by helical anchors and an additional abutment placed in upland areas. 80 linear feet of asphalt pathway will be replaced and raised to a surface elevation at or above 10.0 feet per NAVD88. The raised pathway sections will be constructed with aggregate base and lightweight backfill material. In addition, four rocks adjacent to the existing bridge and one rock adjacent to the existing pathway will also be removed, further enhancing tidal flow.

The existing upland island will be removed, and the native soils will be re–located within the existing bridge and pathways system’s footprint. The regrading of the upland island will restore the area to tidal flow, and the re–located native soil will be used to re–grade the area to match adjacent grades, further improving tidal flow in the area. By replacing the existing bridge and raising the elevation of the asphalt pathway, the project will enhance tidal circulation, decrease shading effects on marsh vegetation, and address the effects of localized flooding, anticipated sea–level rise, and more frequent storm events resulting from climate change during the next 50 years.

Project Size:

The total area of ground disturbance associated with the Project is approximately 0.20 acres and 262 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from

the California Environmental Quality Act (CEQA; Cal. Code Regs., title 14, § 15333).

Project Associated Discharge:

Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) approximately 54 cubic yards of soil backfill.

Project Timeframes:

Start date: September 2023

Completion date: January 2024

Work window:

September 1, 2023 – January 31, 2024

Water Quality Certification Background:

Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and restore tidal habitat, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No.2 CW444847, for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to CCC steelhead, green sturgeon, salt marsh harvest mouse, California black rail, Ridgway's rail and white tailed kite.

Receiving Water: Creekside Marsh, tributary to Corte Madera Creek

Filled or Excavated Area:

Permanent area impacted: 0.04 acres

Temporary area impacted: 0.16 acres

Length temporarily impacted: 116 linear feet

Length permanently impacted: 146 linear feet

Dredge Volume: 10 cubic yards (cy) of concrete and wood (existing bridge abutments), 2 cy of rocks, 20 cy of asphalt (asphalt pathway removal), 54 cy of soil (island removal).

Discharge Volume: 54 cubic yards (cy) of native soil backfill.

Project Location: Latitude 37.947372 N. and Longitude 122.5383539 W., (NAD 83); APN: 022-010-32

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

On August 31, 2022, the Director of the California Department of Fish and Wildlife (CDFW) received a

notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 1, 2022, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2022-0901-03) on September 16, 2022. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Tidal Wetlands and Waters; (2) California Black Rail and Ridgway's Rail; (3) Salt Marsh Harvest Mouse; (4) Nesting Birds and (5) Steelhead and Green Sturgeon. The specific avoidance and minimization requirements are found in an attachment to the NOI, Supplemental Information Package, Prepared by WRA, Inc.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Habitat Restoration and Monitoring Plan, Hal Brown Park, Unincorporated (Greenbrae), Marin County California*, prepared by Marin County Parks.

Notice of Completion

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

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

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

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

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

By:

/s/

Date: 9/27/2022

Erin Chappell, Regional Manager
California Department of Fish and Wildlife
Bay Delta Region

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY
DETERMINATION REQUEST FOR
Howsley Road Bridge Replacement Project
2080-2022-015-02
Sutter County

The California Department of Fish and Wildlife (CDFW) received a notice on September 27, 2022, that the Sutter County Development Services Department proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the removal and replacement of an existing two-lane bridge with a new, safer two-lane structure. Proposed activities will include, but are not limited to, excavation, bank disturbance, vegetation removal, construction of the new bridge abutments and bents, buildup of embankments and roadway approaches, placement of scour projection measures, and development of the construction access into the channel. The proposed project will occur on the Howsley Bridge between the Cities of Marysville and Sacramento approximately 1 mile east of State Route 99 and 70 along Howsley Road and west of the community of Pleasant Grove in Sutter County.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO) (Service Ref. No. 08ESMF00-2020-F-2743-1) in a memorandum to the California Department of Transportation on October 1, 2021, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, the Sutter County Development Services Department is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, the Sutter County Development Services Department will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF
FISH AND WILDLIFE

HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NO. 1653-2022-100-001-R1

Project: Beaver Creek Barrier Removal Project

Location: Siskiyou County, CA

Applicant: Ryan Fogerty

Notifier: U.S. Fish and Wildlife Service

Background

Project Location: The Project is located within Beaver Creek, approximately one mile upstream from its confluence with the Klamath River. Coordinates for the Project are 41.877831° N, 122.820624° W.

Project Description: This project will remove two cement pillars and a cement wall that were part of a historic weir in the main channel of Beaver Creek. Currently, the cement pillars rack woody debris which creates an adult fish passage barrier during most flows and causes riverbank erosion along the right bank. The remnant weir infrastructure will be removed from the channel and a large wood structure will be installed along the river right bank to improve instream habitat and protect the stream bank. The cement pillars, located in-stream, will be excavated out of the stream bottom. Once the pillars are removed, the excavated holes will be backfilled with locally sourced gravel and cobble. The pillars will be broken down on site and disposed of at an offsite location.

All work will be done from the top of the stream bank during the lowest-flow months of the year. The wood structure will be installed in 2023 and will consist of ten trees with rootwads buried in an excavated trench along the stream bank and backfilled with local boulders and fill from the trench excavation.

A temporary weir made of sandbags will be used to divert water around project area into a channel on river left. A silt fence will be installed downstream to exclude fish from the project site. After construction is complete and all equipment removed from the site, weed-free straw and native grass seed will be spread around all disturbed ground. Straw wattles will be placed at the base of the wood structure for erosion control

Project Size: The total area of ground disturbance associated with the Project is approximately 0.04 acres and 90 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Temporary Impacts to jurisdictional resources: 0.04 acres, 90 linear feet of streambed, bank, and/or channel.

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) removal on concrete pillars and wall and regrading holes left by removal (2) installation of large wood structure for habitat and streambank protection. These activities shall require discharge of approximately ten conifer logs with rootwads, and approximately 1 cubic yard of native soil.

Project Timeframes:

Start date:

September 1, 2022 (proposed, actual start date will be upon execution of this Consistency Determination)

Completion date: November 1, 2023

Seasonal work window: September 1 to October 31 with an option for variance or extension with written approval from the Regional Board and CDFW.

Number of work days: Approximately 5

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) Waste Discharge Identification (WDID) No. 1A22102WNSI for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided supplemental documents that set forth measures to avoid and minimize impacts to fish and wildlife.

Receiving Waters: Beaver Creek, a tributary to the Klamath River.

Filled or Excavated Areas:

Temporary Fill/Excavation Impact Information: 0.04 acres, 90 linear feet

Discharge volume: 10 conifer with rootwad, and 1 cubic yard of soil.

Project location: Siskiyou County, Latitude: 41.877831° N, Longitude: 122.820624° W. Assessor's Parcel number: 006-140-200

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

On 8/31/2022, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on 9/1/2022, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2022-0901-02) on 9/16/2022. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an addendum to the NOI. The specific avoidance and minimization measures as well as water quality protection measures are found in the addendum titled: *Beaver Creek Barrier Removal Project: Addendum to 1653 Application – Species Protection Measures Incorporated into the Project Design and Supplemental Avoidance and/or Minimization Measures to Protect Fish, Wildlife, and Plant Resources*. Prepared by Mid Klamath Watershed Council (PDF titled: HREA1653ADDENDUM2022.pdf)

MONITORING AND REPORTING

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration and monitoring parameters and protocols. Specific requirements of the plan are found in the supplemental document titled: *Beaver Creek Barrier Removal Project Monitoring Plan*. Prepared by Mid Klamath Watershed Council

(PDF titled:

BeaverCreekBarrierRemoval_Monitoring_Plan_Final.pdf)

Notice of Completion

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

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

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

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

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

By:
/s/
Date: 9/29/2022
Tina Bartlett, Regional Manager
Northern Region
California Department of Fish and Wildlife

**DEPARTMENT OF
HEALTH CARE SERVICES**

**FINAL RULES, CMS–2249–F, REQUIRE
HOME AND COMMUNITY BASED (HCB)
SETTING COMPLIANCE STATEWIDE
TRANSITION PLAN RESUBMISSION**

Purpose

The California Department of Health Care Services (DHCS) gives notice that the revised Statewide Transition Plan (STP) will be submitted for approval to the Centers for Medicare and Medicaid Services (CMS) in November, 2022. The Community–Based Adult Services (CBAS) Transition Plan is included as Attachment #1 to the STP.

The revised STP describes California’s current efforts, and actions the state proposes to ensure Home and Community–Based Services (HCBS) waiver providers achieve compliance with the federal HCB settings rule. DHCS, partner agencies and stakeholders have updated the STP based on CMS guidance, and the continued work of DHCS and its partners. More information about the HCBS Settings Final Rule is available at: *CMS HCBS Guidance*.

Information

DHCS invites all interested parties to review the STP along with the CBAS Transition Plan and provide public input. The public comment period will begin October 14, 2022 and conclude November 13, 2022. Public comments on the STP may be emailed or mailed to the addresses below. The *DHCS website* will also provide a link to the STP, which will include the CBAS Transition Plan.

Public comments should be submitted through the following routes:

- By Email: STP@dhcs.ca.gov subject line “STP Public Comment”
- By US Mail:
Department of Health Care Services
Integrated Systems of Care Division
1501 Capitol Avenue, MS 4502
P.O. Box 997437
Sacramento, CA 95899–7413

For further information on the STP, please contact:

- By Email: STP@dhcs.ca.gov
- By US Mail:
Department of Health Care Services
Integrated Systems of Care Division
1501 Capitol Avenue, MS 4502
P.O. Box 997437
Sacramento, CA 95899–7413
For further information on the CBAS Transition Plan attachment, please contact:
• By Email: cbascda@aging.ca.gov
• By Phone: 916–419–7545
• By US Mail:
California Department of Aging
2880 Gateway Oaks, Suite 200
Sacramento, CA 95833

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

DTSC PUBLIC NOTICE

**Notice of Proposed HSAA and
CERCLA Administrative
De Minimis Settlement
for the BKK Class I Landfill**

**30–Day Public Comment Period:
October 14, 2022 through November 14, 2022**

WHAT IS BEING PROPOSED: The California Department of Toxic Substances Control (“DTSC”) invites public comment on a Proposed Administrative Consent Order and Settlement Agreement – De Minimis Contributors (“Proposed Order and Agreement”), Docket Number HSA–FY22/23–014. In accordance with applicable law, DTSC hereby provides notice of a proposed de minimis settlement concerning the BKK Class I Landfill in West Covina, California (the “Site”).

DTSC proposes to enter into this order and *de minimis* settlement pursuant to the Carpenter–Presley–Tanner Hazardous Substance Account Act, Health and Safety Code sections 25358.3, 25360, and 25360.6, and Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) sections 107 and 113 (42 U.S.C. § § 9607, 9613). This settlement is intended to resolve liabilities of the 10 settling parties identified below (individually, “*De Minimis* Settling Party,” and collectively, “*De Minimis* Settling Parties”) for past and future response costs incurred at the Site. The Proposed Order and Agreement serves as an administrative order and settlement with DTSC, and a private party settlement with the BKK Working

Group (“BWG”), a group comprised of potentially responsible parties that have incurred response costs related to the Site. The *De Minimis* Settling Parties will receive a Site-wide covenant not to sue from DTSC and the BWG, as well as contribution protection for the specific matters addressed in the settlement, pursuant to section 25360.6(b) of the California Health and Safety Code, and section 113(f)(2) of CERCLA (42 U.S.C. § 9613(f)(2)).

The *De Minimis* Settling Parties collectively sent a combined total of 7,305.80 tons of waste to the Site, which represents 0.14 percent of the approximately 5.18 million tons of manifested waste disposed of at the Site. This settlement requires the *De Minimis* Settling Parties to collectively pay a combined total of \$3,414,803.98. Ten percent of the settlement amount will be paid to DTSC as reimbursement for past response costs relating to the Site. After certain costs related to the Proposed Order and Agreement are reimbursed to DTSC and the BWG, as specified in the Second Disbursement Amendment to the Third Partial Consent Decree (see *Cal. Dep’t of Toxic Substances Control v. Am. Honda Motor Co. Inc.*, No. 2:15-CV-00729-DDP-AJW (C.D. Cal., Feb. 2, 2015)), the remaining settlement amount will be distributed to the Third-Party PRP Settlement Escrow Account, which will fund future response actions at the Site.

The identities of the *De Minimis* Settling Parties that have elected to settle their liability with DTSC and the BWG under Proposed Order and Agreement, Docket Number HSA-FY22/23-014 are as follows:

1. **AT&T of California/Pacific Bell Telephone Company;**
2. **Atlas Galvanizing, LLC;**
3. **Budget Industrial Uniform Supply, Inc.;**
4. **Carol Cable Co./Carol Cable Company, Inc. is n/k/a Prysmian Cables and Systems USA, LLC;**
5. **Celanese Corp/Celanese Coatings/Celanese Coatings and Specialty/Celanese Polymer Specialties/Celanese Specialty Resins/Celanese Plastics;**
6. **Noxell Corporation, on behalf of the former Max Factor Company;**
7. **Prudential Overall Supply;**
8. **Takeda Pharmaceuticals U.S.A., Inc. as successor in interest to Hyland Laboratories, formerly a division of Baxter Healthcare Corporation;**
9. **Tracy Industries, Inc., on behalf of and successor to Tomadur Engine; and**
10. **Baxter Healthcare Corporation, formerly known as Travenol.**

HOW YOU CAN PARTICIPATE: You can review the Proposed Order and Agreement and submit your comments, if any, to DTSC.

WHERE TO FIND THE PROPOSED ORDER AND AGREEMENT: The Proposed Order and Agreement can be found for review at the following locations:

- (1) On the following DTSC website: <https://dtsc.ca.gov/third-party-initiative-cost-recovery>.
- (2) At the Walnut Library: 21155 La Puente Road, Walnut, CA 91789. The telephone number for the Walnut Library is (909) 595-0757.
- (3) In EnviroStor, which can be accessed at https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19490005 (additional Site documents also can be found in EnviroStor).

WHERE TO SUBMIT COMMENTS: Comments should be in writing and should be submitted to BKK Third Party Initiative, 8800 Cal Center Drive, Sacramento, CA 95826 or BKKPRSupport@dtsc.ca.gov. All comments should include “BKK Proposed Order and Agreement Docket Number HSA-FY22/23-014” in the subject line of the email or letter.

DTSC will accept written comments relating to the Proposed Order and Agreement between **October 14, 2022** and **November 14, 2022**. DTSC will consider all comments postmarked or received during this period and may modify or withdraw the Proposed Order and Agreement with respect to any *De Minimis* Settling Party if any comment discloses facts or considerations indicating that the Proposed Order and Agreement is inappropriate, improper, or inadequate as to that *De Minimis* Settling Party.

FOR ADDITIONAL QUESTIONS ABOUT THE SITE: Please contact the following DTSC staff:

BKK Third Party Initiative
8800 Cal Center Drive
Sacramento, CA 95826
(833) 343-0053
BKKPRSupport@dtsc.ca.gov

Elsa Lopez
Public Participation Specialist
9211 Oakdale Ave.
Chatsworth, CA 91311
(818) 717-6566
Elsa.Lopez@dtsc.ca.gov

Russ Edmonson
 Public Information Officer
 P.O. Box 806
 Sacramento, CA 95812
 (916) 323-3372
Russ.Edmonson@dtsc.ca.gov

In order to receive public notices for future proposed *de minimis* settlements via email, please visit <https://dtsc.ca.gov/dtsc-e-lists> and subscribe to the E-List titled, “BKK Class I Landfill PRP Public Notices.”

**DEPARTMENT OF TOXIC
 SUBSTANCES CONTROL**

**NOTICE OF THE COOPER
 CONSENT AGREEMENT AND
 PUBLIC COMMENT PERIOD**

**Cooper Consent Agreement for Gardena Sumps
 1450 West Artesia Boulevard,
 Gardena, CA 90247**

The Department of Toxic Substances Control (DTSC) has entered into an agreement called a Consent Agreement (CA) with the Cooper Trust. This CA recovers a portion of the California’s costs in responding to the release of hazardous substances at the Cooper’s property at 1450 West Artesia Boulevard (Site) in the City of Gardena.

This notice provides a summary of the Site’s background, the CA and opportunities for public involvement and comment.

**SITE LOCATION, HISTORY
 AND BACKGROUND**

The approximately 1-acre Site is located at 1440–1450 West Artesia Boulevard, in a mixed-used area at the southwest corner of the Artesia Boulevard and Normandie Avenue intersection, in the City of Gardena, Los Angeles County, California. The areas adjacent to the Property are used for residential, commercial, and industrial purposes. A public high school and early educational center are approximately 250 feet southeast of the Site.

During the 1920’s, the Moneta Brick Company leased the Site to mine clay for its brick manufacturing operation. By 1928, clay mining at the Site had stopped. In the early 1940’s, the Site’s sumps were used to dispose of oil sludge from nearby refineries and oil fields; disposal practice ended in 1946. The property was sold and purchased several times

through the decades. Mr. Thomas Cooper purchased the property in December 1977, with the intention of recovering the oil sludge but was unable to do so. In March 1986, DTSC issued a Remedial Action Order to Mr. Cooper due to releases of the oil sludge from the sumps into nearby streets and stormwater drains. The Site’s sumps contained hazardous substances, including petroleum products, volatile organic compounds, and semi-volatile organic compounds in acidic oil sludge. DTSC determined that response actions were necessary at the Site because there was a release and a continuing threat of release of hazardous substances.

In 1993, DTSC performed an emergency response action to prevent the oil sludge from going off-site, capping the sumps on the Cooper property with a geosynthetic liner. A second geosynthetic cover was installed above this liner in August 2013 by Atlantic Richfield Company (ARC). ARC has maintained the Site’s cover and performed long-term monitoring of the Site’s groundwater since 2004, under a Consent Decree with DTSC.

DTSC is entitled to recover its response costs from responsible parties under the California Hazardous Substances Account Act. Details are outlined in the Cooper Consent Agreement.

**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.

California Alternative Energy and Advanced
 Transportation Financing Authority
 File # 2022-0819-04
 GoGreen Home Energy Financing Program

This rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority makes permanent revisions and updates the GoGreen Home Energy Financing Program.

Title 04

Adopt: 10091.4, 10091.6
Amend: 10091.1, 10091.2, 10091.3, 10091.4
[renumbered as 10091.5], 10091.5 [renumbered
as 10091.6], 10091.6 [renumbered as 10091.7],
10091.8, 10091.9, 10091.10, 10091.11, 10091.12,
10091.13, 10091.14, 10091.15
Repeal: 10091.7
Filed 09/29/2022
Effective 09/29/2022
Agency Contact: Kelly Delaney (916) 651-5581

California Pollution Control Financing Authority
File # 2022-0826-01
CPCFA Bond Program — Update in permitted SBAF
fee uses

In this certificate of compliance, the Authority makes permanent amendments to its regulation. The amendment allows the Authority to assist applicants in paying for the Authority's costs associated with a post-issuance request to amend bond documents to reflect an index rate change.

Title 04
Amend: 8043
Filed 10/05/2022
Effective 10/05/2022
Agency Contact: Deanna Hamelin (916) 657-4337

Department of Corrections and Rehabilitation
File # 2022-0912-03
Employee Discipline

This action makes permanent, with amendments, emergency regulations concerning California Department of Corrections and Rehabilitation employee discipline. The action primarily adopts an employee penalty-levels disciplinary matrix and related definitions and procedures to be used by hiring authorities in determining and imposing disciplinary measures on employees for misconduct directed at inmates, parolees, wards, other employees, or members of the public.

Title 16
Adopt: 3392.1, 3392.2, 3392.3, 3392.4, 3392.5,
3392.6, 3392.7, 3392.8, 3392.9, 3392.10, 3417
Amend: 3391, 3392
Filed 09/29/2022
Effective 09/29/2022
Agency Contact: Rosie Ruiz (916) 445-2244

California Film Commission
File # 2022-0921-01
California Soundstage Filming Tax Credit Program

This emergency rulemaking action by the California Film Commission readopts, with modifications, regu-

lations originally adopted in emergency matter 2022-0330-03E, that implement a tax credit for qualified expenditures paid or incurred during a taxable year by a qualified motion picture produced in California at a certified studio construction project as provided for in Revenue and Taxation Code sections 17053.98(k) and 23698(k).

Title 10

Adopt: 5530, 5531, 5532, 5533, 5534, 5535, 5536,
5537, 5538, 5539, 5540, 5541
Filed 10/03/2022
Effective 10/11/2022
Agency Contact: Hedvig Marx (323) 817-4115

California Gambling Control Commission
File # 2022-0922-01
Commission Fees Modernization Project III

In this emergency re-adoption of OAL action 2022-0721-07E, California Gambling Control Commission ("CGCC") is re-adopting regulations regarding fee collection methodologies and procedures for cardroom and third-party gambling establishments. CGCC is also further clarifying its fee collection procedures and methodologies.

Title 04
Adopt: 12252.2, 12318, 12368.2
Amend: 12002, 12112, 12252, 12360, 12368,
12470, 12472
Repeal: 12368.1
Filed 09/30/2022
Effective 09/30/2022
Agency Contact: Josh Rosenstein (916) 274-5823

Fish and Game Commission
File # 2022-0922-03
Recreational Sub-Bag Limits for Vermilion, Copper
& Quillback Rockfish

This emergency action readopts, for a second time, and 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 09/28/2022
Effective 10/05/2022
Agency Contact: Sherrie Fonbuena(916) 902-9284

Board of Equalization
 File # 2022-0907-01
 Conflict-of-Interest Code

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

Title 18
 Amend: 6001
 Filed 09/28/2022
 Effective 09/28/2022
 Agency Contact: Honey Her (916) 274-3523

Department of Child Support Services
 File # 2022-0909-02
 Conflict-of-Interest Code

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

Title 22
 Amend: 123000
 Filed 09/28/2022
 Effective 10/28/2022
 Agency Contact: Katya White (916) 464-1743

Department of Public Health
 File # 2022-0819-03
 Licensure of Clinical Laboratory Personnel

In these changes without regulatory effect, the Department amends its regulations to renumber various sections related to Licensure of Clinical Laboratory Personnel.

Title 17
 Amend: 1030 [renumbered as 1030.20], 1030.5 [renumbered as 1030.21], 1030.6 [renumbered as 1030.25], 1030.7 [renumbered as 1030.26], 1030.8 [renumbered as 1030.27], 1031 [renumbered as 1030.10], 1031.1 [renumbered as 1030.15], 1031.2 [renumbered as 1030.16], 1031.3 [renumbered as 1030.17], 1031.4 [renumbered as 1031], 1031.5 [renumbered as 1031.1], 1032 [renumbered as 1030.7], 1032.5 [renumbered as 1030.6], 1033 [renumbered as 1030.5], 1034 [renumbered as 1030]
 Filed 10/03/2022
 Agency Contact: Christy Correa (279) 217-0674

Department of Public Health
 File # 2022-0826-03
 Clinical Laboratory Regulations — Article 2 Training

In this rulemaking, the Department of Public Health (DPH) intends to move and renumber four CCR sections. Namely, the existing text from 17 CCR 1035 will

be moved to 1035.2; existing text from section 1035.1 will be moved to 1035; existing text from 1035.3 will be moved to 1035.1; and existing text from 1035.4 will be moved to 1035.10.

Title 17
 Adopt: 1035.2, 1035.10
 Amend: 1035, 1035.1
 Filed 10/05/2022
 Agency Contact: Christy Correa (279) 217-0674

Air Resources Board
 File # 2022-0823-01
 Heavy-Duty Inspection & Maintenance Regulation

This rulemaking action by the Air Resources Board establishes an inspection and maintenance program for certain non-gasoline heavy-duty vehicles operating in California with a gross vehicle weight rating greater than 14,000 pounds, as specified, in accordance with Senate Bill 210 (Stats. 2019, ch. 298.)

Title 13
 Adopt: 2195, 2195.1, 2196, 2196.1, 2196.2, 2196.3, 2196.4, 2196.5, 2196.6, 2196.7, 2196.8, 2197, 2197.1, 2197.2, 2197.3, 2198, 2198.1, 2198.2, 2199, 2199.1
 Amend: 2193
 Filed 10/05/2022
 Effective 01/01/2023
 Agency Contact: Chris Hopkins (279) 208-7347

Board of Forestry and Fire Protection
 File # 2022-0823-03
 Class II-L Determination Amendments, 2022

This rulemaking action by the Board of Forestry and Fire Protection amends regulations relating to Class II-Large Determinations. Pursuant to Public Resources Code, section 4554.5, subdivision (a), these amendments become effective January 1, 2023.

Title 14
 Amend: 916.9, 936.9, 956.9
 Filed 10/05/2022
 Effective 01/01/2023
 Agency Contact: Eric Hedge (916) 917-3170

California Highway Patrol
 File # 2022-0825-01
 Vehicle Sound Measurement

In this action, California Highway Patrol updates the Society of Automotive Engineers test procedures for compliance with the vehicle sound limits in Article 2 of Chapter 5 of Division 12 of the Vehicle Code.

Title 13
Amend: 1041,1046
Filed 10/05/2022
Effective 01/01/2023
Agency Contact: David Kelly (916) 843-3400

Department of Food and Agriculture
File # 2022-0817-02
Fertilizing Materials Labeling/Sampling/
Investigational Allowances

The Secretary of the Department of Food and Agriculture is required to “adopt and enforce such regulations relating to the manufacture, guaranteeing, labeling, and distribution of, the manner of reporting tonnage for, and making inspection tonnage fee payments upon, fertilizing materials”. (Food & Ag. Code, § 14502.) In this regular rulemaking, the Secretary is amending regulations relating to labeling requirements, sampling procedures, investigational allowances, product label registration, and administrative penalties.

Title 03
Amend: 2303, 2309, 2315, 2317.5, 2320.4, 2322
Filed 09/29/2022
Effective 01/01/2023
Agency Contact: Nick Young (909) 266-7994

California Gambling Control Commission
File # 2022-0926-05
Commission Fees Modernization Project

In this resubmitted rulemaking action, the Commission adopts and amends regulations to add

definitions for the terms “active licensee,” “annual fee,” “application cost,” “non-application cost,” and “surrendered or revoked licensee.”

Title 04
Amend: 12250
Filed 09/30/2022
Effective 09/30/2022
Agency Contact:
Alexander Hunter (916) 263-1301

**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.