



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

- MULTI-COUNTY: Inland Counties Emergency Medical Agency
- STATE AGENCY: Department of Resources Recycling and Recovery (CalRecycle)

A written comment period has been established commencing on April 28, 2023 and closing on June 12, 2023. 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 codes 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 codes will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, 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 codes 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 codes. Any written comments must be received no later than June 12, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes 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. FOOD AND AGRICULTURE

**EMERGENCY CONTROL AND
ERADICATION OF ANIMAL DISEASES**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments can be submitted via email to angelina.velez@cdfa.ca.gov or mail to the address listed below. The written comment period closes on June 12, 2023. The Department will consider only comments received at the Department by that time.

Submit comments to:

Angelina Velez
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 718-8284
Email: angelina.velez@cdfa.ca.gov

AUTHORITY AND REFERENCE

Existing law, section 11342.2 of the Government Code section, allows state agencies to adopt regulations that are reasonably necessary to effectuate the

purpose of a statute, based on implied authority within that governing statute.

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Existing law, section 10610 of the Food and Agricultural Code, authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases by requiring permits before entry of, and limitations on the importation of, cattle and other animals or materials that might act as a cause or a vector of a disease or condition that is infectious or contagious to cattle.

Existing law, section 10781 of the Food and Agricultural Code, authorizes the Director to adopt regulations to control or eradicate hog cholera, swine brucellosis, pseudorabies, and other swine diseases by limitations on the movement of swine.

Existing law, section 9641.5 of the Food and Agricultural Code, provides that any horse or other Equidae brought into this state shall be accompanied by a certificate of health from the state of origin issued by an accredited veterinarian stating that the horse or other Equidae is free from evidence of any communicable disease.

Existing regulations under Section 799 of the California Code of Regulations, specifies the requirements for interstate movement of all susceptible animals that have been potentially exposed to Vesicular Stomatitis Virus (VSV).

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Department is proposing the amendment to section 799 under of Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to update the interstate movement requirements for VSV susceptible animals during an active outbreak in the United States of VSV.

Anticipated Benefits of the Proposal: This amendment will provide the public with clear and accurate information for the requirements for importation of animals susceptible to VSV, upon the Department's notification by the USDA that a state or country has a confirmed or suspect VSV premises. This amendment also ensures the Department has the ability to properly control, manage, and prevent the spread or introduction of VSV within the State.

CONSISTENCY EVALUATION

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department’s existing State regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement: None.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

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 anticipated compliance requirements as a result of this proposal: The proposal contains no additional record keeping or paperwork.

Effect on Housing Costs: None.

Effect on Small Business: The Department has initially determined that the proposed changes to the regulations would have no impact directly affecting small businesses. These regulations do not require any additional costs or outputs for small businesses. These regulations do not establish any new limitations on small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment: The Department is not aware of any specific benefits this proposal will have on worker safety or the State’s environment.

The proposed regulation benefits the health and welfare of California residents, including animal health, public health, the food supply, and the economy by serving to prevent the spread of VSV in the State of California during a VSV outbreak.

Occupations/Businesses Impacted: The Department has determined that this regulatory proposal will not

have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Business Reporting Requirement: There are no new reporting requirements as a result of this proposal.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION AND TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department’s website as indicated below in this Notice.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend 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. Please send requests for copies of any modified regulations to the attention of Angelina Velez at the address listed below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the persons named below.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <https://www.cdfa.ca.gov/ahfss/regulations.html#AHB-rulemaking>.

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Angelina Velez
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 718-8284
Email: angelina.velez@cdfa.ca.gov

The backup contact person is:

Emily Nietrzeba, DVM, MPH
Equine Veterinarian
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 508-3302
Email: emily.nietrzeba@cdfa.ca.gov

TITLE 8. APPRENTICESHIP COUNCIL

**EQUAL OPPORTUNITY IN
APPRENTICESHIP**

**CALIFORNIA CODE OF REGULATIONS
TITLE 8, CHAPTER 2, SUBCHAPTER 1
SECTION 201, ET SEQ.**

Notice is hereby given that the California Apprenticeship Council (CAC or Council) proposes to adopt the regulations described below to implement, interpret, and make specific sections 3071, 3073, 3073.1, 3073.9, 3074, 3074.3, 3075, 3075.6, 3075.7, 3078, 3079, 3080, 3081, 3082, 3083, and 3090 of the Labor Code. The proposal would amend sections 201, 206, 212, 212.3, 212.4, and 215 of Subchapter 1, Chapter 2, Title 8 of the California Code of Regulations and add new sections 201.1, 214, 214.1, 214.2, 214.3, and 214.4. The proposed regulations would advance equal opportunity in building and construction trade apprenticeships, including clarifying the responsibility of apprenticeship programs to uphold equal opportunity and establishing standards to protect apprentices and applicants for apprenticeship from discrimination and harassment.

PUBLIC HEARING

The CAC will hold public hearings on this proposal as follows:

Date: Monday June 19, 2023
Time: 10:00 a.m. until all comments have been received
Location: Elihu Harris Oakland State Building,
Room 15
1515 Clay Street
Oakland, CA 94612
Date: Wednesday, June 21, 2023
Time: 10:00 a.m. until all comments have been received
Location: Junipero Serra State Building,
Room 8A
320 W. Fourth Street
Los Angeles, CA 90013

At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest below. The CAC requests but does not require that a person who makes oral comments at a hearing also submit the comments in writing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the attention of Glen Forman at the California Apprenticeship Council, addressed as follows:

- By mail to 1515 Clay Street, Suite 1902, Oakland, CA 94612
- By electronic mail to csuggest@dir.ca.gov
- By facsimile to (510) 286-1448

The CAC will only consider written comments received by 11:59 p.m., June 22, 2023.

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

AUTHORITY AND REFERENCE

Authority: Labor Code sections 3071, 3073.9, and 3081.

Reference: Labor Code sections 3071, 3073, 3073.1, 3073.9, 3074, 3074.3, 3075, 3075.6, 3075.7, 3078, 3079, 3080, 3081, 3082, 3083, and 3090.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing California Laws and Regulations

Existing law authorizes the CAC to promulgate regulations that establish standards for minimum wages, maximum hours, and working conditions for apprentices in the building and construction trades.

Existing law also authorizes the chief of the Division of Apprenticeship Standards (DAS) of the Department of Industrial Relations (DIR) to evaluate, approve, and withdraw state approval of apprenticeship programs under regulations established by the CAC. CAC regulations govern how the administrator of apprenticeship investigates and resolves complaints against apprenticeship programs.

Existing law prohibits discrimination and harassment in employment on specified bases and makes it a misdemeanor for any person to willfully discriminate on those bases in any recruitment or apprenticeship program.

The building and construction trades are dominated by men and have historically excluded not only women, but also minorities and people with disabilities. To attract more women, both the trades themselves and the apprenticeship programs that feed into them must become more welcoming to women.

In 2018, the legislature passed Assembly Bill (AB) 2358 (Ch. 675, Stats. 2018) to strengthen California’s

commitment to prohibiting discrimination and to ensure equal opportunity in apprenticeship for the building and construction trades specifically. AB 2358 borrows much of its language from recently-promulgated federal regulations governing equal employment opportunity in apprenticeship (29 C.F.R. Part 30). AB 2358 replaces the State of California Plan for Equal Opportunity on Apprenticeship (CalPlan), which has been rendered obsolete since its last update in 1986.

AB 2358 expressly prohibits discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age for individuals over forty years of age, military or veteran status, or sexual orientation, with regard to acceptance into, or participation in, any building or construction trade apprenticeship program. AB 2358 further requires apprenticeship programs in the building and construction trades to develop and implement procedures to ensure that apprentices are not harassed or discriminated against, such as providing antiharassment and antidiscrimination training, establishing procedures for investigating and resolving complaints, and maintaining records that demonstrate compliance with AB 2358. AB 2358 expressly authorizes the CAC to issue regulations to implement the statute.

Determination of Consistency with Existing State Regulations

The CAC has determined that the proposed regulations are consistent with existing state regulations. The proposed regulations supplement those promulgated by the Civil Rights Department under California’s Fair Employment and Housing Act (FEHA), Title 2, Division 4.1, Chapter 5, Subchapter 2. AB 2358 is consistent with the FEHA in protecting the same personal characteristics from discrimination during all aspects of the operation of a building or construction trade apprenticeship program. (California Labor Code § 3073.9 and Government Code § 12940.)

AB 2358’s differences from the FEHA enhance the FEHA’s protections. Whereas FEHA regulations apply to apprenticeship programs with five or more “employees,” including apprentices, AB 2358 has no size threshold and therefore ensures that even the smallest programs are covered by its antidiscrimination protections. AB 2358 also goes further by enhancing the FEHA’s training requirements and directing apprenticeship programs to take affirmative steps in drafting program standards, assigning staff to monitor compliance, and recruiting and orientating apprentices.

With respect to determining whether a building or construction trade apprenticeship program has engaged in a practice prohibited by AB 2358, the statute references the legal standards, defenses, and exceptions applied under the FEHA and its implementing

regulations. (Labor Code § 3073.9, subdivision (b).) In addition, the proposed amendments will ensure that government officials enforcing the FEHA are provided relevant information on request and that apprentice selection procedures comply with FEHA regulations.

Comparable Federal Regulations

Comparable federal regulations govern equal employment opportunity in apprenticeship and are applicable to all apprenticeship programs registered with the U.S. Department of Labor’s Office of Apprenticeship. (29 C.F.R. Part 30.) Most of California’s apprenticeship programs in the building and construction trades are federally registered¹ and subject to these regulations, on which the proposal is modeled. In particular, proposed section 214.1 is modeled on 29 C.F.R. section 30.3(b)(2)(iii), proposed section 214.2 on 29 C.F.R. section 30.3(b)(3), and proposed section 214.3 on 29 C.F.R. section 30.12.

The proposed regulations differ from federal regulations in significant respects. The proposed regulations are broader, covering additional personal characteristics (ancestry, medical condition, marital status, gender, gender identity, gender expression, and military or veteran status) and the minority of California programs that are not registered with the federal Office of Apprenticeship. However, the proposed regulations are narrower in applying only to apprenticeship programs in the building and construction trades rather than to all apprenticeship programs. The federal regulations impose on apprenticeship programs additional responsibilities primarily related to affirmative action plans, which do not exist in state law. (See e.g., 29 C.F.R. §§ 30.3(b) [general duty to engage in affirmative action], 30.4 [adoption of affirmative action programs], and 30.5–30.6 [utilization goals for race, sex, and ethnicity].) Further differences are detailed in the Initial Statement of Reasons.

Rulemaking Effects

The proposed regulations interpret and make more specific the requirements of AB 2358, clarifying an apprenticeship program’s responsibilities and consequences for noncompliance. In particular, the amendments address the following matters:

- Procedures for handling a complaint filed with the administrator of apprenticeship and alleging a violation of AB 2358;
- Procedures for initiating DAS evaluation of programs suspected of violating AB 2358, temporarily suspending the registration of new apprentices

¹ To be eligible to dispatch apprentices to work on federal public works projects, a California apprenticeship program must be federally registered. Since 2007, the federal government has not recognized state registration because California law conflicts with federal law in limiting the creation of new apprenticeship programs. (See Labor Code section 3075(b).)

by such programs, and ultimately deregistering violators;

- Requirement that an apprenticeship program’s governing documents (known as “apprenticeship standards” or “apprenticeship program standards”) expressly include AB 2358’s antidiscrimination provisions;
- Requirements for annual notice to contractors employing apprentices of the contractors’ non-discrimination obligations under AB 2358;
- Requirements for orientation and annual information sessions for program employees, instructors (who may not be directly employed by the program), and apprentices;
- Requirements for outreach and apprentice recruitment efforts, including targeting all demographic groups within the relevant recruitment area;
- Recordkeeping requirements;
- Requirements for antidiscrimination training of employees, instructors, and apprentices;
- Prohibition of discrimination based on specified characteristics in specified aspects of apprenticeship programs; and
- Requirements for apprentice selection procedures.

Other proposed amendments conform existing regulatory language to AB 2358 and make that language consistent with the new sections.

Anticipated Benefits of the Proposed Regulations

Adopting the proposed amendments would enable full implementation of AB 2358’s protections, providing benefits for apprentices in the building and construction trades, their employers, and apprenticeship programs.

Reducing or eliminating workplace discrimination and harassment would encourage workers from historically underrepresented groups to enter the construction industry as apprentices and enable them to work without facing intimidation or coercion. Enforcement procedures would provide apprentices and applicants for apprenticeship avenues for redress should they be subject to discrimination or harassment. Psychologically healthier work environments would benefit apprentices, coworkers, and supervisors. Finally, apprentices who might have been driven to quit their apprenticeships would benefit both psychologically and monetarily from retaining stable incomes and work schedules.

Eliminating the distractions and discord caused by workplace discrimination would benefit employers by improving workers’ job performance and reducing business disruption. Employers would also benefit from a more diverse and competitive workforce, lower staff turnover, and lower liability. Proper training

of employees, instructors, and apprentices about discrimination and harassment could also reduce incidences of work-related violence.

Regulations clarifying AB 2358’s requirements would enable apprenticeship programs to implement the requirements and incorporate them into program standards more easily. Apprenticeship programs would be better able to retain apprentices and participating employers. In addition, clear enforcement procedures would enable a program suspected of violating AB 2358 to know what to expect in an enforcement action.

Reducing or eliminating workplace discrimination and harassment would also have broader impacts, advancing social equity generally and promoting the health and welfare of California’s workforce.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Council made the following initial determinations.

Mandate on local agencies or school districts: None.

Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code: None.

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

Cost or savings to any state agency: None.

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

Significant effect on housing costs: None.

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

Cost impacts on representative private person or business:

The CAC expects no cost impacts on apprenticeship programs in the building and construction trades related to complaint investigation by the administrator of apprenticeship or evaluation by the DAS chief (section 201.1), suspension or deregistration (section 206), revision of program standards (sections 212 and 215(b)), written notice to contractors (section 214), or selection of apprentices (section 215(c)).

The CAC expects negligible cost impacts for compliance with the proposed orientation and periodic information session requirements (section 214.1), outreach and recruitment requirements (sections 214.2 and 215(b)), and record retention requirements (section 214.3). Nearly all California building and construction trade programs are also registered with the federal Office of Apprenticeship and are therefore already subject to 29 C.F.R. Part 30, upon which these requirements are modeled.

For apprenticeship programs that are not registered with the Office of Apprenticeship, the cost impacts would also be negligible. Providing orientation is already a regular practice to onboard employees and apprentices. Inclusion of an equal opportunity component would add little time or cost. Similarly, reminding employees and apprentices of the program’s equal opportunity policy can be part of a packet of information that is likely already provided on an annual basis. Outreach recruitment efforts are central to an apprenticeship program’s operation and developing lists of recruitment sources that Will generate apprentice referrals is already crucial for a program’s survival. Outreach to underrepresented communities would be incorporated in this established process. Apprenticeship programs already retain records for a variety of reasons. For instance, programs must retain records in case any question arises about whether an apprentice actually graduated, why an apprentice did not graduate, or the hours of training an apprentice underwent. (See, e.g., Labor Code § 3073.1.) Segregating medical information from other records is already a legal requirement. (See Cal. Code Regs. title 2, § 11069(g); 29 C.F.R. § 1630.14(d)(4).)

Proposed section 214.4 imposes a biannual antidiscrimination and antiharassment training requirement for employees (two hours) and apprentices (one hour). Apprentices are not compensated for instruction time, but programs would bear the cost of the time that their employees spent in training. Employees are compensated at the prevailing wage for journey-level construction workers, currently \$78.10 per hour.² For a program with the average number of employees — 25 — the annual cost of employee time used for training would be \$1,953. A program would also spend about \$1000 for implementation in the first year, which is an average of costs for obtaining the material for the training courses—from free material from the Civil Rights Department to more detailed courses costing up to \$5,000. Over 10 years, the total cost of meeting the requirements of 214.4 for a program of average size would be \$3,839,110.

Effects on small business:

All 187 registered apprenticeship programs in the building and construction trades are small businesses because they have fewer than 100 employees. All would be affected by the proposed regulations to the extent that they would be required to comply. However, as explained above, costs would be negligible. If, under section 206, registration of new apprentice agreements by a program were suspended or the program were deregistered, the program would be affect-

² Department of Industrial Relations, “Index 2022–2 general prevailing wage journeyman determinations,” accessed November 3, 2022, <https://www.dir.ca.gov/oprl/2022-2/PWD/index.htm>.

ed in that it would incur a detriment, but deregistration is expected to be extremely rare.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

After analyzing the potential economic impact of the proposal, the CAC concludes that it is unlikely that the amendments would create or eliminate any jobs within California, create new businesses or eliminate existing businesses, or expand businesses currently doing business in the state. The amendments would benefit the health and welfare of California residents generally and worker safety in all the ways explained above. (See Anticipated Benefits of the Proposed Regulations.) However, the proposal would not have a discernible benefit for the state's environment beyond encouraging electronic recordkeeping, which reduces paper consumption.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the CAC must determine that no reasonable alternative that it considered or that otherwise has been identified and brought to the attention of the CAC 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 CAC invites interested persons to present statements or arguments about alternatives to the proposed regulations at the scheduled hearing or in writing during the public comment period.

CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Glen Forman
California Apprenticeship Council
1515 Clay Street, Suite 1902
Oakland, CA 94612
Telephone: (510) 286-3966
Email: GForman@dir.ca.gov

The backup contact person for these inquiries is:

Deneen Phillips
Division of Apprenticeship Standards
1515 Clay Street, Suite 1902
Oakland, CA 94612
Telephone: (510) 879-3966
Email: DLPhillips@dir.ca.gov

AVAILABILITY OF RULEMAKING DOCUMENTS

Rulemaking File

As of the date of this notice, the rulemaking file consists of this notice, the Text of Proposed Regulations (express terms), and the Initial Statement of Reasons. Other documents will be added in the course of rulemaking. The entire file, including information upon which the proposal is based, will be available for inspection and copying throughout the rulemaking process at the CAC office above. Rulemaking records may also be accessed on *the CAC's website* or by contacting Deneen Phillips.

Modified Text

After holding the hearing and considering all timely and relevant comments received, the CAC may adopt the proposed regulations substantially as described in this notice. If the CAC makes modifications which are sufficiently related to the originally proposed text, the agency will make the modified text (with changes clearly indicated) available to the public and accept written comments for at least 15 days before adopting the regulations as revised. Any such modifications will also be posted on *the CAC's website*.

Final Statement of Reasons

Upon completion, the Final Statement of Reasons will be available as indicated above along with the other rulemaking documents.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

LEVEL IV 180/270 DESIGN HOUSING FACILITY

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend sections 3375 and 3375.1 of Title 15, Division 3, Chapter 1, regarding Level IV 180/270 Design Housing Facility.

PUBLIC COMMENT PERIOD

The public comment period begins **April 28, 2023** and closes on **June 13, 2023**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

R. Ruiz
 Telephone: (916) 455-2244
 Regulation and Policy Management Branch
 P.O. Box 942883
 Sacramento, CA 94283-0001

Back-Up

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

Program Contact

C. Alcazar
 Telephone: (916) 322-1164
 Division of Adult Institutions
 Sacramento, CA 94283-0001

PUBLIC HEARING

Date and

Time: **June 15, 2023**
10:00 a.m. to 11:00 a.m.

Place: Department of Corrections and
 Rehabilitation
 Sequoia Conference Room 150
 1515 S Street — North Building
 Sacramento, CA 95811

AUTHORITY AND REFERENCE

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

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employ-

ment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the department require adoption, amendment, or repeal of regulation on an emergency basis.

INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW

The California Department of Corrections and Rehabilitation (CDCR or the department) proposes to amend sections 3375 and 3375.1 of the California Code of Regulations (CCR) Title 15, for determining placement of an inmate in a Level IV 180-design or 270-design facility. The objective of this regulatory action is to better serve the inmate population by providing flexible Level IV housing options to accommodate the interests and behavioral needs of the inmate while simultaneously reducing the impact and strain on departmental resources.

Upon arrival to CDCR, inmates are processed through a Reception Center (RC), in order to complete the classification process. The classification process is conducted by CDCR counseling staff and includes a thorough review of the inmate's case factors. As a result, the inmate is assigned a Placement Score pursuant to section 3375.3. This placement score determines housing at one of four security levels as established in subsections 3375.1(a)(1) through 3375.1(a)(4). Lower placement scores correspond with lower security controls, and higher placement scores correspond with higher security controls. Level I housing is designated for inmates who require the least secure housing and supervision. Levels II and III are designed for inmates who require more secure housing and supervision, and Level IV is designated for inmates who require the most secure housing and direct observation.

The Placement Score is the primary case factor used in determining the security level of the inmates and the appropriate facility to house the inmate to ensure the safety, security, treatment, and rehabilitative needs of the inmates are met, as well as the safety of staff, inmates and security of the institution. Once the classification process is completed, the inmate is transferred to a facility which corresponds with their placement score, security level, and case factors such as medical or mental health needs. Pursuant to subsection 3376(d)(2)(A), each year a review is performed by a

Unit Classification Committee to determine the accuracy of the inmate's placement score. The inmate's placement score is recalculated pursuant to section 3375.4.

The department's Level IV housing includes 180–design and 270–design facilities for General Population (GP) inmates. As described in subsection 3377(d), Level IV 180–design facilities utilize housing units comprised of two wings; each wing is partitioned into three self-contained “pods” that have their own dayroom and control room. Each wing is linked by a dining facility and ancillary functions. The design of the housing unit allows for a 180–degree view of all cells and dayrooms from the control room. A Level IV 270–design facility utilizes housing units comprised of three connected sections and one dayroom. Portions of the first and third sections extend back behind the blind side of the control room. The design of the housing unit places cells within a 270–degree circumference of a circle with the control room in the center of the circle. A Level IV 270–design facility provides less direct observation than the 180–design facility.

The department's current criteria for placement of an inmate in either a Level IV 180–design or 270–design facilities is delineated in existing subsections 3375.1(a)(4)(A) through 3375.1(a)(4)(D). The previous 180–design or 270–design placement criteria focused primarily on excluding inmates for a certain period of time from Level IV 270–design facility placement, thereby requiring Level IV 180–design facility placement. Those inmates routinely excluded from Level IV 270–design facility engaged in the most violent incarcerated behavior, but also included such acts as possession of inmate manufactured weapons and distribution of controlled substances. The inmate would then become eligible for Level IV 270–design facility placement after meeting the Level IV 270–design facility exclusionary timeframe detailed in existing subsections 3375.1(a)(4)(A)1. and 2. Additionally, existing subsection 3375.1(a)(4)(A)4 allowed exclusion from Level IV 270–design facility placement during RC processing when an inmate with a Level IV placement score has case factors which exhibit an ongoing heightened security risk that potentially threatens institutional safety and security. The inmate may be deemed a security concern thereby requiring placement in a Level IV 180–design facility.

The existing criteria also allowed an inmate with 270–design facility exclusionary case factors to still be housed in a Level IV 270–design facility when the inmate required exceptional placement, as described in existing subsection 3375.1(a)(4)(A)5. Additionally, an Institution Classification Committee (ICC) had authority to override placement pursuant to existing subsection 3375.1(a)(4)(D).

Criteria for placing an inmate in a Level IV 180–design facility requires revision to better serve the inmate population and improve the allocation of departmental resources. Although the current regulations allow an ICC to override placement based on various factors, the proposed regulations will authorize all Classification Committees as described in subsections 3376(d)(1)–3376(d)(5)(E) to evaluate the inmates' case factors and determine the most appropriate placement to accommodate the interests and behavioral needs of the inmate. By revising the existing criteria, Classification Committees will no longer be required to transfer inmates back and forth between Level IV 180–design and 270–design facilities. Numerous transfers negatively impact inmates' job assignments, programming needs, and continuity of medical and mental health care. In addition, the changes in the proposed regulations will reduce staff workload, which can include conducting numerous committee actions and completing transfer audit reviews, which create an unnecessary and undue burden on departmental resources.

The department recognizes the security differences between a 180–design facility and 270–design facility, and staff will continue to consider security when housing Level IV inmates. The 180–design facility is equipped with security measures to control movement and has a direct line of sight throughout the entire building for the officer assigned to the control room, which reduces blind spots, as described in subsection 3377(d). Inmates who may need extra security controls of a 180–design facility may include those with documented Security Threat Group (STG) behavior or disciplinary history involving violence. Although set exclusionary criteria is being eliminated, the Classification Committee will be required to review the totality of inmates' case factors to include disciplinary history, documented STG behavior as well as the inmates' medical and mental health needs, family reunification and rehabilitative programming pursuant to section 3375(b) to determine their housing needs.

This action will:

- Give classification committees and reception centers more Level IV placement options.
- Promote family reunification, provide inmates with greater access to rehabilitative programs and assist the department with population, housing, and security management.
- Improve the continuity of medical and mental health care.
- Ensure fewer disruptions to an inmate's job assignment and rehabilitative programs.
- Reduce pressure on departmental resources by reducing the number of committees, audits, transfers, and inmate grievances.

- Reduce workload of classification committees, audits, and transfers for inter-level, Level IV inmates.
- Promote effective utilization of department resources.
- Enhance effective population management.
- Replace reference to CDC 128–G, Classification Chrono, with reference to the automated form stored in the Strategic Offender Management System.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The proposed regulatory action will immediately benefit the Level IV inmate population by allowing inmate housing assignments to be dictated by specific case factors, which allows the department to address rehabilitation needs leading to reduced recidivism. The proposed regulations will alleviate staff workload and reduce costly expenditures of departmental resources, eliminating unnecessary committee actions, audits, and transfers.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH
EXISTING REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern Level IV 180/270 Design Housing Facility.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

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

EFFECT ON HOUSING COSTS

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

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

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

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

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

EFFECT ON SMALL BUSINESSES

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

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on the state’s environment. These regulations may benefit the welfare of California residents by helping to make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

CONSIDERATION OF ALTERNATIVES

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

of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

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

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

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

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

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

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

TITLE 17. AIR RESOURCES BOARD

**GREENHOUSE GAS EMISSION
STANDARDS FOR CRUDE OIL AND
NATURAL GAS FACILITIES**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the proposed amendments to the Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities (the Oil and Gas Methane Regulation, or the Regulation).

Date: June 22, 2023

Time: 9:00 a.m.

In-Person

Location: California Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

Remote Option: Zoom

This public meeting may continue at 9:00 a.m., on June 23, 2023. Please consult the public agenda, which will be posted ten days before the June 22, 2023, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

**WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS**

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on April 28, 2023. Written comments not submitted during the hearing must be submitted on or after April 28, 2023, and received **no later than June 12, 2023**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:

Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, CA 95814

Electronic submittal:

<https://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code, § 7920.000 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.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38510, 38562, 38566, 38580, 39600, 39601, 39603, 39607, 41511 and 42710. This action is proposed to implement, interpret, and make specific sections 38551, 38560, 39600, 40701, 40702, 41511, 42300, 42301, 42311 and 42710.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

(Government Code, § 11346.5, subdivision (a)(3))

Sections Affected:

Proposed amendments to California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 4, subarticle 13, by amending or adding sections 95665, 95666, 95667, 95668, 95669, 95669.1, 95670, 95670.1, 95671, 95672, 95673, 95674, 95675, 95676, 95677, Appendix A, Appendix C, Appendix D, Appendix E, Appendix F, and Appendix G.

Documents Incorporated by Reference (Cal. Code Regs., title 1, § 20, subdivision (c)(3)):

The following documents would be incorporated in the regulation by reference:

- ASTM International, 2006. Specification D4891–89: Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion. Reapproved 2006. Copyrighted. **Appendix F(d)(5)(B)(3).**
- ASTM International, 2000. Specification D6522–00: Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas–Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers. February 10, 2000. Copyrighted. **Appendix F(b)(4)(A)(1).**

- ANSI/ASME, 1981. PTC 19.10–1981: Flue and Exhaust Gas Analyses. Copyrighted. **Appendix F sections (b)(4)(A)(1) and (d)(7)(C).**
- United States Environmental Protection Agency (U.S. EPA), 2012. Protocol 1: EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards. May 2012. **Appendix F(d)(9)(D).**
- Title 40 Code of Federal Regulations, Part 60, Appendix A–1 — Test Methods 1 through 2F. Last amended January 14, 2019. **Section 95667(a)(17)(B), Appendix F section’s (b)(1), (d)(4)(A), (d)(4)(B), and (d)(6)(A)(2), and Appendix G section (a)(4)(B).**
- Title 40 Code of Federal Regulations, Part 60, Appendix A–2 — Test Methods 2G through 3C. Last amended October 31, 2016. **Appendix F sections (b)(2), (b)(4)(A), (d)(7)(A)(4), (d)(7)(B), (d)(7)(C), and (d)(9)(F).**
- Title 40 Code of Federal Regulations, Part 60, Appendix A–3 — Test Methods 4 through 5I. Last amended March 23, 2021. **Appendix F sections (b)(3), (d)(7)(A), and (d)(7)(B).**
- Title 40 Code of Federal Regulations, Part 60, Appendix A–4 — Test Methods 6 through 10B. Last amended December 7, 2020. **Appendix F section (d)(8).**
- Title 40 Code of Federal Regulations, Part 60, Appendix A–7 — Test Methods 19 through 25E. Last amended December 7, 2020. **Appendix E sections (b)(1)(A)(3), (b)(1)(C), (d)(2)(A)(2), and (f)(6), and Appendix F sections (a)(1), (b)(3), (b)(4), (d)(8), (d)(9)(A), (d)(9)(B), (d)(10), (d)(11)(A)(1), (d)(11)(A)(2), (e)(3), and (e)(5).**
- Title 40 Code of Federal Regulations, Part 60 — Standards of Performance for New Stationary Sources, section 60.112b. Last amended October 8, 1997. **Sections 95668(a)(2)(C), 95668(a)(3), 95669(c)(3)(B), Appendix D(b)(2), and Appendix D(h)(6).**
- Title 40 Code of Federal Regulations, Part 60 — Standards of Performance for New Stationary Sources, section 60.18. Last amended December 22, 2008. **Appendix E(b)(1)(C) and Appendix F(a)(1).**
- Title 40 Code of Federal Regulations, Part 63 — National Emission Standards for Hazardous Air Pollutants for Source, section 63.1207. Last amended October 28, 2008. **Appendix E sections (b)(2)(B)(3) and (b)(2)(B)(4) and Appendix F sections (a)(4) and (a)(5).**
- Title 40 Code of Federal Regulations, Part 60 — Standards of Performance for New Stationary

- Sources, Subpart Kb. Last amended January 19, 2021. **Appendix D(b)(2).**
- Title 40 Code of Federal Regulations, Part 63 — National Emission Standards for Hazardous Air Pollutants for Source, Subpart EEE. Last amended October 28, 2008. **Appendix E sections (b)(2)(B)(3) and (b)(2)(B)(3) and Appendix F sections (a)(4) and (a)(5).**
 - Title 40 Code of Federal Regulations, Part 264 — Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart X. Last amended February 7, 2020. **Appendix E(b)(2)(B)(1).**
 - Title 40 Code of Federal Regulations, Part 266 — Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, Subpart H. Last amended March 18, 2010. **Appendix E sections (b)(2)(B)(5) and (b)(2)(B)(6) and Appendix F section (a)(4).**
 - Title 40 Code of Federal Regulations, Part 270 — EPA Administered Permit Programs: the Hazardous Waste Permit Program. December 9, 2019. **Appendix E sections (b)(2)(B)(1) and (b)(2)(B)(5) and Appendix F section (a)(4).**
 - San Joaquin Valley Air Pollution Control District (SJVAPCD). Rule 4623 — Storage of Organic Liquids. Amended May 19, 2005. **Section 95668(a)(2)(C)(1).**
 - South Coast Air Quality Management District (SCAQMD). Rule 463 — Organic Liquid Storage. Amended November 4, 2011. **Section 95668(a)(2)(C)(2).**
 - South Coast Air Quality Management District (SCAQMD). Rule 1178 — Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities. Amended April 7, 2006. **Section 95668(a)(2)(C)(3).**
 - Ventura County Air Pollution Control District (VCAPCD). Rule 71.1 — Crude Oil Production and Separation. Amended June 16, 1992. **Section 95668(a)(2)(C)(4).**
 - San Joaquin Valley Air Pollution Control District (SJVAPCD). Rule 4401 — Steam-Enhanced Crude Oil Production Wells. Amended June 16, 2011. **Section 95669(c)(1)(B)(1).**
 - San Joaquin Valley Air Pollution Control District (SJVAPCD). Rule 4409 — Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities. Adopted April 20, 2005. **Section 95669(c)(1)(B)(2).**
 - South Coast Air Quality Management District (SCAQMD). Rule 1148.1 — Oil and Gas Production Wells. Amended March 5, 2004. **Section 95669(c)(1)(B)(3).**
 - South Coast Air Quality Management District (SCAQMD). Rule 1173 — Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants. Amended February 6, 200. **Section (c)(1)(B)(4).**
 - South Coast Air Quality Management District (SCAQMD). Rule 1176 — VOC Emissions from Wastewater Systems. Amended September 13, 1996. **Section (c)(1)(B)(5).**
 - Ventura County Air Pollution Control District (VCAPCD). Rule 74.10 — Components at Crude Oil and Natural Gas Production and Processing Facilities. Amended March 10, 1998. **Section (c)(1)(B)(6).**
 - Yolo-Solano Air Quality Management District (YSAQMD). Rule 2.23 — Fugitive Hydrocarbon Emissions. Amended March 23, 1994. **Section (c)(1)(B)(7).**

BACKGROUND AND EFFECT OF THE PROPOSED REGULATORY ACTION

Background on Oil and Gas Methane Regulation

California is the 7th largest oil producer and 15th largest natural gas producer in the U.S.^{1,2} According to CARB’s Greenhouse Gas Inventory, the oil and natural gas sector was responsible for approximately 14% of California’s methane emissions in 2020.³ Reducing methane emissions is important as methane is a potent climate pollutant, especially in the near-term. In addition, pollutants with potential air quality or health implications are often co-emitted with methane.

The Oil and Gas Methane Regulation is designed to reduce methane emissions from the oil and natural gas sector primarily through equipment replacement, emission control systems, maintenance, and leak detection and repair (LDAR). The Regulation responds to California’s emission reduction goals for greenhouse gases, as codified in Assembly Bill (AB) 32⁴ and Senate Bill (SB) 32.⁵

The Regulation covers new and existing oil and gas facilities, including oil and gas production, processing,

¹ Energy Information Administration (EIA) (2022). Crude Oil Production. https://www.eia.gov/dnav/pet/pet_crd_crpdn_adc_mdbl_a.htm. Accessed 8 Aug 2022.

² EIA (2022). National Gross Gas Withdrawals and Production. https://www.eia.gov/dnav/ng/ng_prod_sum_a_EPG0_FGW_mmcf_a.htm. Accessed 8 Aug 2022.

³ CARB (2022). 2000–2020 GHG Inventory (2022 Edition). California Methane Inventory for 2000–2020 — by Sector and Activity. Last updated 26 October 2022.

⁴ AB 32, Nuñez, Chapter 488, Statutes of 2006.

⁵ SB 32, Pavley, Chapter 249, Statutes of 2016.

and storage facilities; natural gas gathering and boosting stations; natural gas underground storage facilities; and natural gas transmission compressor stations. The Regulation includes requirements for LDAR, vapor control on uncontrolled tanks above an emission threshold, replacement of compressors' high-emitting rod packing or wet seals, no-bleed pneumatic devices and pumps, additional monitoring at natural gas underground storage facilities, measuring of liquids unloading and well casing vent emissions, and record-keeping and reporting.

Proposed Amendments to Oil and Gas Methane Regulation and Their Effects

One type of co-pollutant that may be emitted along with methane is volatile organic compounds (VOC), which contribute to the formation of ozone. Because of this, CARB included the Oil and Gas Methane Regulation in its State Implementation Plan (SIP) submittal in 2018 to address emissions in ozone non-attainment areas. In September 2022, the United States Environmental Protection Agency (U.S. EPA) issued a *limited approval, limited disapproval* of the Oil and Gas Methane Regulation as submitted into the SIP.⁶ Specifically, U.S. EPA identified a number of inconsistencies between the CARB Oil and Gas Methane Regulation and U.S. EPA's 2016 Control Techniques Guidelines (CTG)⁷, which define the level of control required for oil and natural gas sector sources in ozone non-attainment areas. CARB needs to amend the regulation to address areas where CARB's regulation may be less stringent than the CTG for ozone non-attainment areas to achieve approval of the SIP.

In addition to changes to address the SIP deficiencies, the proposed amendments include changes related to knowledge gained through implementation of the Regulation and the increasing availability of remote leak detection technology. These proposed amendments will add new requirements that will affect the same set of industries and businesses that were already subject to the Regulation. According to reporting data from the Regulation, the proposed amendments will directly impact 302 businesses, including 294 businesses in the oil and natural gas extraction segment and 8 businesses in the natural gas transmission and storage segment. All of these are California businesses. None of the primary industries are small businesses.

The total cost of the proposed amendments over a five-year analysis period is estimated at \$6.6 million,

⁶ U.S. EPA (2022). Limited Approval, Limited Disapproval of California Air Plan Revisions; California Air Resources Board. FR Doc 2022-20870. Filed 9-29-22; 8:45 am. <https://www.govinfo.gov/content/pkg/FR-2022-09-30/pdf/2022-20870.pdf>.

⁷ U.S. EPA (2016). Control Techniques Guidelines for the Oil and Natural Gas Industry. <https://www.epa.gov/sites/production/files/2016-10/documents/2016-ctg-oil-and-gas.pdf>.

which includes \$2.2 million in the first year and \$1.1 million annually thereafter. The proposed amendments are estimated to cost a typical business \$7,449 in the first year and \$3,631 in subsequent years. For businesses with larger operations, the costs may be higher than the averages presented.

The costs of the proposed amendments are estimated to be approximately 0.03% and 0.01% of the output of the affected industries in the first and subsequent years, respectively. Therefore, there is not expected to be quantifiable changes to the number of jobs or businesses in the primary industries as a result of the proposed amendments. There may be some increase in demand for companies that contract with the primary industries to provide services related to LDAR, vapor collection system testing, and other tasks.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, or other sections within the scope of this notice, during the course of this rulemaking process.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION

The proposed amendments are designed primarily to comply with U.S. EPA's requirements for California's SIP. U.S. EPA outlined each deficiency in the Oil and Gas Methane Regulation in their decision and provided further detail in an accompanying technical support document that was posted with their earlier proposed decision.^{8,9} Most of these changes are minor or administrative in nature. Some of the more substantial provisions in response to the U.S. EPA decision include requiring operators to identify components and equipment subject to LDAR (accomplished through required development of LDAR plans), testing and other provisions to demonstrate that vapor collection and control systems are achieving sufficient control efficiency, and reducing the amount of CARB Executive Officer discretion. These changes are necessary to achieve approval of the SIP and avoid sanctions that would otherwise occur.

Some proposed amendments are based on experience implementing the Regulation or for cleanup reasons. These proposed amendments are mostly administrative in nature, such as changing reporting methods, fixing typos, improving definitions, removing re-

⁸ U.S. EPA (2022). Limited Approval, Limited Disapproval of California Air Plan Revisions; California Air Resources Board. FR Doc 2022-20870. Filed 9-29-22; 8:45 am. <https://www.govinfo.gov/content/pkg/FR-2022-09-30/pdf/2022-20870.pdf>.

⁹ U.S. EPA (2022). Technical Support Document for EPA's Rulemaking for the California State Implementation Plan: California Air Resources Board (CARB) Regulation for Greenhouse Gas Emissions Standards for Crude Oil and Natural Gas Facilities. April 2022. <https://www.regulations.gov/document/EPA-R09-OAR-2022-0416-0002>.

quirements for time periods in the past, and clarifying provisions that have caused confusion. The changes will make it easier for regulated parties to understand and adhere to the Regulation.

The proposed amendments are also intended to utilize the State's investments in improved methane monitoring technologies, including the recently budgeted \$100M for remote methane monitoring satellites. A new provision based on this remote monitoring data is expected to reduce emissions from large sources from the time period between when the detection occurs and the next regularly scheduled quarterly LDAR survey. For components not covered by periodic LDAR, the remote monitoring provision may also result in the repair of leaks that could have continued much longer.

The changes in the proposed amendments will improve the clarity and effectiveness of the Oil and Gas Methane Regulation, will provide CARB with additional data, and will reduce time delays in addressing methane leaks.

COMPARABLE FEDERAL REGULATIONS

Oil and natural gas operations are subject to the federal Clean Air Act (CAA), including its permitting requirements. Operations are also subject to U.S. EPA performance standards for oil and natural gas operations. These regulations, 40 C.F.R. Part 60, Subpart OOOO, limit emissions of VOC from new equipment installed at crude oil and natural gas operations. Corresponding air toxics standards for certain pieces of oil and natural gas equipment are also codified in 40 C.F.R Part 63.

In May 2016, U.S. EPA also finalized methane emission standards under section 111 of the CAA for new equipment in oil and natural gas fields. These regulations are codified at 40 C.F.R Part 60, Subpart OOOOa. U.S. EPA has issued CTG for control of VOC from existing sources, which is the reason for many of the proposed amendments discussed herein. In December 2022, U.S. EPA published its supplemental proposed Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources to further reduce methane and VOC emissions from the oil and natural gas sector. Finally, in November 2022, the U.S. Bureau of Land Management (BLM) issued a proposed Waste Prevention Rule to regulate new and existing sources on federal BLM and Tribal leases to prevent waste of natural gas.

However, all of these federal rules do not fully address the universe of sources emitting pollution in this sector in California. The proposed amendments regulate methane emissions from both new and existing facilities and equipment across all land types in California unlike the current U.S. EPA rules, which only apply to methane from new, or newly modified, facil-

ities, and the proposed BLM rule, which only applies to sources on federal BLM leases and Tribal leases. In sum, the California requirements in the proposed amendments are necessary to achieve additional benefits for human health, public welfare, and the environment as envisioned by authorizing legislation.

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS (Government Code, § 11346.5, subdivision (a)(3)(D))

Many air districts with significant oil and natural gas production have rules designed to reduce criteria pollutant and criteria pollutant precursor emissions from the oil and natural gas sector in order to meet federal ambient air quality requirements. Air district rules do not cover methane-specific sources, and the proposed amendments address emissions from equipment and processes not already controlled by those existing air district rules.

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

DISCLOSURE REGARDING THE PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Government Code, § 11346.5, subdivisions (a)(5)&(6)):

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would not create costs or mandate to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

Housing Costs (Government Code, § 11346.5, subdivision (a)(12)):

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

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Government Code, §§ 11346.3, subdivision (a), 11346.5, subdivision (a)(7), 11346.5, subdivision (a)(8)):

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Results of The Economic Impact Analysis/Assessment (Government Code, § 11346.5, subdivision (a)(10)):

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter VIII of the Initial Statement of Reasons (ISOR).

Non-Major Regulation: Statement of the Results of the Economic Impact Assessment (EIA):

(A) *The creation or elimination of jobs within the State of California.*

The proposed amendments are not anticipated to directly result in job creation or elimination; however, it may indirectly have an impact on job creation. It is possible that a small number of jobs may be created related to the performance of follow-up LDAR for remotely detected emission sources, development of LDAR plans, compliance demonstration of vapor recovery and control equipment, and administrative tasks.

(B) *The creation of new business or the elimination of existing businesses within the State of California.*

The creation or elimination of businesses is not anticipated because the costs of the proposed amendments to the regulated industries are small relative to their overall output. Secondary industries may be impacted due to increased demand for scientific, technical, and consulting services. Impacts to the secondary industries are expected to be small and are not expected to result in business creation.

(C) *The expansion of businesses currently doing business within the State of California.*

As explained in the section above, the expansion of businesses is not anticipated.

(D) *The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.*

Greenhouse gas and co-pollutant emission reductions are expected from the measure that requires owners or operators to investigate remote emission plume detections and repair discovered leaks, though these reductions are unquantified. Most of the other changes in the proposed

amendments will help to ensure that the Oil and Gas Methane Regulation is being followed, to provide CARB with additional data, and to improve clarity. At minimum, this includes greater assurance that systems and processes are operating in compliance through increased testing, monitoring, design analysis, recordkeeping, and reporting. These emission reductions and greater assurance that regulated parties are adhering to the requirements of the Regulation are expected to result in benefits to the health and welfare of California residents and the State's environment through decreases in air pollution and climate change forcing emissions. The proposed amendments are not expected to impact worker safety.

Benefits of the Proposed Regulation:

The objectives of the proposed regulatory action are to 1) comply with requirements for California's SIP as identified by U.S. EPA, 2) improve the clarity and effectiveness of the Oil and Gas Methane Regulation based on implementation experience, and 3) leverage the increasing availability of remote emission detection technologies. These objectives will ensure compliance with the Regulation (thereby ensuring the originally envisioned emission reductions), provide CARB with additional data, and achieve new emission reductions.

A summary of these benefits is provided. Please refer to "Objectives and Benefits", under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5, subdivision (a)(3) discussion on pages 6 to 7.

Business Report (Government Code, §§ 11346.5, subdivision (a)(11); 11346.3, subdivision (d)):

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Cost Impacts on Representative Private Persons or Businesses (Government Code, § 11346.5, subdivision (a)(9)):

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB 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 Business (Cal. Code Regs., title 1, § 4, subdivisions (a) and (b)):

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because none of the affected industries are

small businesses according to California Government Code 11342.610(b). Thus, there are no costs to small businesses.

Consideration of Alternatives (Government Code, § 11346.5, subdivision (a)(13)):

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, 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.

State Implementation Plan Revision

If adopted by CARB, CARB plans to submit the proposed regulatory action to the U.S. EPA for approval as a revision to the California SIP required by the federal CAA. The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

Environmental Analysis

CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the state's ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA) (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. Instead, CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report to comply with CEQA (17 CCR 60000-60008).

CARB finalized an environmental analysis (EA) for the current Regulation in 2017 under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of CEQA (Public Resources Code section 21080.5). The EA, included in Appendix C of the ISOR, entitled Final Environmental Analysis for the Regulation for Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities (2017 EA), dated March 10, 2017, determined the Regulation could result in: beneficial impacts to greenhouse gas emissions (long-term operational-related); less-than-

significant impacts to aesthetics, agricultural and forest resources, air quality, biological resources (long-term operational-related), cultural resources (long-term operational-related), energy demand, geology and soils (long-term operational-related), greenhouse gas emissions (short-term construction-related), hazards and hazardous materials, hydrology and water quality (long-term operational-related), land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems; and potentially significant and unavoidable adverse impacts during short-term construction-related activities to biological resources, cultural resources, geology and soils, and hydrology and water quality.

Staff has determined that no additional environmental review is required for the current proposed amendments because there are no changes that involve new significant environmental effects or a substantial increase in severity of previously identified significant effects than previously identified in the prior 2017 EA. The basis for reaching this conclusion is provided in Chapter VI of the ISOR.

SPECIAL ACCOMMODATION REQUEST

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

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

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled 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:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 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 pue-

den marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Quinn Langfitt, Air Resource Engineer, Program Assessment Section, at (279) 208-7487 or (designated back-up contact) Jim Nyarady, Air Resources Supervisor I, Oil and Gas Section, at (279) 208-7596.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Public Hearing to Consider the Proposed Amendments to the Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulation, may be accessed on CARB’s website listed below, on April 25, 2023. Please contact Bradley Bechtold, Regulations Coordinator, at Bradley.Bechtold@arb.ca.gov or (279) 208-7266 if you need physical copies of the documents. Because of current travel, facility, and staffing restrictions, the California Air Resources Board’s offices have limited public access. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (279) 208-7266. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also ap-

prove for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text from CARB’s Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, CA, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB’s website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB’s website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2023/oil-and-gas-2023>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES MONITORING AND RESEARCH AT CALIFORNIA LEAST TERN NESTING COLONIES

The Department of Fish and Wildlife (“Department”) received a proposal from Monica Jacinto of Rincon Consulting, Inc., requesting authorization to take California Least Terns (*Sternula antillarum brownii*; tern), for research purposes, consistent with protection and recovery of the species. The tern is a Fully Protected bird, and is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Monica Jacinto is planning to conduct research on the tern in southern California (primarily at the Port

of Los Angeles, Los Angeles County), in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service. The following research activities are proposed: survey for, and locate and monitor nests using binoculars, spotting scopes, and walking transects; mark nests with low profile nest markers; and salvage carcasses of terns.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Monica Jacinto as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have a valid federal recovery permit for the tern, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after a 30 day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after May 29, 2028, for an initial and renewable term of up five years. Contact: Hans Sin, Hans.Sin@wildlife.ca.gov, Phone (858) 539-9022.

**DEPARTMENT OF
FISH AND WILDLIFE**

**PROPOSED PROJECT ON A FULLY
PROTECTED SPECIES
WEST OF BAYSHORE: SAN FRANCISCO
GARTER SNAKE RECOVERY
ACTION PLAN
2081(A)-2023-0003-R3
COUNTY OF SAN MATEO**

The Department of Fish and Wildlife (CDFW) received a project proposal on April 5, 2023 from San Francisco International Airport (SFO) requesting authorization to take fully protected San Francisco garter snake (SFGS) (*Thamnophis sirtalis tetrataenia*), in an effort to recover fully protected, threatened, or endangered species.

San Francisco International Airport proposes to implement the 2019-2029 San Francisco Garter Snake Recovery Action Plan (RAP) on the West of Bayshore (WOB) property to address enhancement and management actions for SFGS and their prey species, as well as operation and maintenance of WOB. SFGS recovery actions defined in the RAP were previously completed from 2008-2018. Continued RAP-defined habitat enhancement and management activ-

ities are intended to increase the prey base for SFGS by promoting breeding of species such as California red-legged frog (CRLF) (*Rana draytonii*). RAP activities include non-native vegetation management, increased site security and access maintenance, protocolled sampling to monitor populations of SFGS and their prey, several strategies to maintain open water habitat, and management of local feral cat populations that typically prey on SFGS. The proposed project will occur throughout 180-acre WOB property located in San Mateo County, California east of the cities of San Bruno and Millbrae and west of U.S. Highway 101. CDFW intends to issue, under specified conditions, a Restoration Management Permit (RMP) to authorize applicant to carry out the proposed project.

Pursuant to California Fish and Game Code section 5050, CDFW may authorize take of fully protected San Francisco garter snake after 30 days' notice has been provided to affected and interested parties through publication of this notice. If CDFW determines that the proposed project is consistent with the requirements of Section 5050 for take of fully protected San Francisco garter snake, it may issue the authorization in the form of an RMP on or after May 21, 2023 for an initial and extendable term of 6 years.

**DEPARTMENT OF
PESTICIDE REGULATION**

**PESTICIDE DECONTAMINATION SITES
DPR REGULATION NUMBER 23-001**

**NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD**

The Department of Pesticide Regulation (DPR) published a Notice of Proposed Regulatory Action concerning pesticide decontamination sites in the *California Regulatory Notice Register* on March 17, 2023, Register 2023, Number 11-Z, p. 257-261.

DPR is hereby giving notice that it is extending the written comment period on this matter from 5:00 p.m. on May 2, 2023, to 5:00 p.m. on May 17, 2023.

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on May 17, 2023. Comments regarding this proposed action may also be transmitted via email <dpr23001@cdpr.ca.gov> or by facsimile at (916) 324-1491.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulations; and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Senior Environmental Scientist
(Specialist)
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, CA 95812-4015
(916) 445-5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Emily Bryson, MPH, Senior Environmental
Scientist (Supervisory)
Worker Health and Safety Branch
(916) 324-6344

The Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

California Gambling Control Commission
File # 2023-0306-03
Commission Fees Modernization III

In this Certificate of Compliance action, the California Gambling Control Commission (CGCC) finalizes regulations which were initially promulgated via emergency action. These regulations set fees for cardroom businesses in California and regulate the process of paying those fees.

Title 04
Adopt: 12318, 12368.2
Amend: 12112, 12360, 12368, 12470, 12472
Filed 04/14/2023
Effective 04/14/2023
Agency Contact: Josh Rosenstein (916) 274-5823

Board of Equalization
File # 2023-0308-01
Exclusion from Change in Ownership —
Intergenerational Transfers

This certificate of compliance action makes permanent the changes in emergency action number 2022-0707-01E (readopted in 2023-0112-01EE), which modified the property tax reassessment exclusions for certain transfers between parents and their children or grandparents and their grandchildren.

Title 18
Amend: 462.520
Filed 04/18/2023
Effective 04/18/2023
Agency Contact: Honey Her (916) 274-3523

Board of Equalization
File # 2023-0308-02
Change in Ownership — Base Year Value Transfers

This certificate of compliance action makes permanent the changes in emergency action number 2022-0707-02E (readopted in 2023-0112-02EE). That action amended regulations for base year value transfers in response to Senate Bill 539 (Stats. 2021, ch. 427) which codified the provisions of Proposition 19 (2020) that authorized any person who is over 55 years of age, any severely and permanently disabled person, or a victim of wildfire or natural disaster who resides in property that is eligible for the homeowner's exemption or the disabled veteran's exemption to transfer the taxable value of that property to a replacement dwelling that is purchased or newly constructed as a principal residence.

Title 18
Amend: 462.540
Filed 04/18/2023
Effective 04/18/2023
Agency Contact: Honey Her (916) 274-3523

Department of Corrections and Rehabilitation
File # 2023-0329-03
Discharge Consideration Hearing for Youth
Committed for an Offense Under PC 290.008(c)

This emergency action requires the Division of Juvenile Justice to set discharge hearings for certain impacted youth before the Board of Juvenile Hearings in June 2023, prior to the closure, mandated by Welfare

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and Institutions Code section 736.5(e), of the Division of Juvenile Justice on June 30, 2023. The Department of Corrections and Rehabilitation submitted this action to OAL as an emergency of operational necessity pursuant to Penal Code section 5058.3.

Title 09
Adopt: 30817
Filed 04/18/2023
Effective 05/01/2023
Agency Contact:
Dmitriy Kostyuk (916) 445-2276

California State Auditor's Office
File # 2023-0327-01
Conflict-of-Interest Code

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

Title 02
Amend: 54300
Filed 04/19/2023
Effective 04/19/2023
Agency Contact:
Brianna Behnoud (916) 445-0255

California State University
File # 2023-0307-01
The Doctor of Public Health Degree

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends Doctor of Public Health degree requirements. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05
Adopt: 40519.2, 40519.3, 41025
Filed 04/19/2023
Effective 04/19/2023
Agency Contact: Jason Taylor (562) 951-4500

Department of Health Care Access and Information
File # 2023-0315-08
Conflict-of-Interest Code

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

Title 02
Amend: 35101
Filed 04/12/2023
Effective 05/12/2023
Agency Contact:
Heather Cline Hoganson (916) 326-3657

Department of Motor Vehicles
File # 2023-0315-01
Fee Adjustment (2024)

This action by the Department of Motor Vehicles ("DMV") makes changes without regulatory effect to adjust Various Vehicle Code ("VC"), Revenue & Taxation Code ("R&TC"), and Code of Civil Procedure ("CCP") authorized fees relating to motor vehicles pursuant to VC sections 1678(b), 1685(e), and 9250.6(b), and R&TC section 11052(b).

Title 13
Amend: 423.00
Filed 04/19/2023
Agency Contact: Randi Calkins (916) 282-7294

Department of Resources Recycling and Recovery
File # 2023-0306-02
SB 1215 Section 100 Changes

This action without regulatory effect by the Department of Resources Recycling and Recovery (CalRecycle), in part, amends regulations promulgated pursuant to the Electronic Waste Recycling Act of 2003, Chapter 8.5 (commencing with Section 42460) of Part 3 of Division 30 of the Public Resources Code, by making regulatory provisions therein consistent with changed statutes amended by Senate Bill 1215 (Stats. 2022, ch. 370), filed September 16, 2022. This action without regulatory effect also revises cross-references and corrects other typographical errors.

Title 14
Amend: 18660.5, 18660.6, 18660.9, 18660.24,
18660.25, 18660.34, 18660.41
Filed 04/17/2023
Agency Contact: Kris Chisholm (916) 322-2404

Board of Psychology
File # 2023-0303-01
Psychological Associate Regulations

This rulemaking action by the Board of Psychology amends regulations pertaining to the registration, supervision, and practice of registered psychological associates.

Title 16
 Amend: 1391.1, 1391.2, 1391.5, 1391.6, 1391.8,
 1391.11, 1391.12, 1392.1
 Repeal: 1391.10
 Filed 04/17/2023
 Effective 07/01/2023
 Agency Contact:
 Troy Polk troy.polk@dca.ca.gov

**PRIOR REGULATORY
 DECISIONS AND CCR
 CHANGES FILED WITH THE
 SECRETARY OF STATE**

Public Employment Relations Board
 File # 2023–0306–01
 Judicial Council Employer Employee Relations Act

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.

This rulemaking action by the Public Employment Relations Board amends existing procedural requirements to cover disputes between parties subject to the Judicial Council Employer–Employee Relations Act (JCEERA). This rulemaking action also adopts several new JCEERA–specific representation procedures, including the filing of severance petitions and representation elections.

Title 08
 Adopt: 32007, 32008, 95000, 95010, 95020, 95030,
 95040, 95050, 95060, 95070, 95080, 95090, 95100,
 95110, 95120, 95130, 95140, 95150, 95160, 95200,
 95210, 95220, 95230
 Amend: 31001, 32020, 32030, 32040, 32050,
 32055, 32060, 32075, 32080, 32085, 32090, 32091,
 32092, 32093, 32094, 32100, 32105, 32110, 32111,
 32115, 32120, 32125, 32130, 32132, 32135, 32136,
 32140, 32143, 32145, 32147, 32149, 32150, 32155,
 32162, 32164, 32165, 32166, 32168, 32169, 32170,
 32175, 32176, 32178, 32180, 32185, 32190, 32200,
 32205, 32206, 32207, 32209, 32210, 32212, 32215,
 32220, 32230, 32295, 32300, 32305, 32310, 32312,
 32315, 32320, 32325, 32350, 32360, 32370, 32375,
 32380, 32400, 32410, 32450, 32455, 32460, 32465,
 32470, 32500, 32602, 32612, 32615, 32620, 32621,
 32625, 32630, 32635, 32640, 32644, 32645, 32647,
 32648, 32649, 32650, 32661, 32680, 32690, 32700,
 32720, 32721, 32722, 32724, 32726, 32728, 32730,
 32732, 32734, 32735, 32736, 32738, 32739, 32740,
 32742, 32744, 32746, 32748, 32750, 32752, 32754,
 32761, 32762, 32763, 32770, 32772, 32774, 32776,
 32781, 32783, 32784, 32786, 32791, 32792, 32793,
 32795, 32980
 Filed 04/18/2023
 Effective 07/01/2023
 Agency Contact: Ronald Pearson (916) 591–3166

