



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 1. OFFICE OF ADMINISTRATIVE LAW

Incorporation of Prior Files by Reference; Notice by Electronic Communication, Statement of Mailing Notice, Notice of Scheduled, Continued, or Postponed Hearings, and Method of Electronic Notice — Notice File Number Z2024-1114-01 1561

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File Number Z2024-1119-06 1566

AMENDMENT

MULTI-COUNTY: Santa Barbara San Luis Obispo Regional Health Authority dba CenCal Health
Donner Summit Public Utility District

TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY

California Capital Access Program for Small Businesses — Notice File Number Z2024-1119-02 1567

TITLE 17. AIR RESOURCES BOARD

2024 Area Designations — Notice File Number Z2024-1112-03 1569

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Consistency Determination Number 1653-2024-150-001-R1, Sheep Corral Stream Restoration, Lassen County 1574

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Public Meeting and Business Meeting 1576

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Air Toxic Hot Spots Program, Notice of Public Comment Period and Workshops on Draft Reference Exposure Levels for 1,4-Dichlorobenzene 1576

(Continued on next page)

***Time-
Dated
Material***

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Request for Relevant Information on the Carcinogenicity of N-Methyl-N-Formylhydrazine,
MFH Data Call-in 1577

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
Notice of Availability of Precedential Decision Index 1578

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 1578

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

TITLE 1. OFFICE OF ADMINISTRATIVE LAW

INCORPORATION OF PRIOR FILES BY REFERENCE, NOTICE BY ELECTRONIC COMMUNICATION, STATEMENT OF MAILING NOTICE, NOTICE OF SCHEDULED, CONTINUED, OR POSTPONED HEARINGS, AND METHOD OF ELECTRONIC NOTICE

The Office of Administrative Law (OAL) proposes to adopt the proposed changes to regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

OAL will hold a public hearing on January 22, 2025, beginning at 9:30 a.m.

Attendees may participate via Microsoft Teams online meeting platform or telephone conferencing. To participate via Microsoft Teams online meeting platform, contact Nicole Carrillo at Nicole.carrillo@oal.ca.gov or (916) 323–6808 by 4:30 p.m. on January 21, 2025, to request a link to the meeting. A link to the hearing will also be posted under the “Announcements” heading on the homepage of the OAL website at oal.ca.gov, no later than 8:00 a.m. the day of the hearing. To participate by telephone, call 1–916–245–8850 and enter Conference ID: 701 021 252#.

For those who wish to attend the hearing in person, including those who require reasonable accommodations, limited seating will be available in the OAL Training Room, 300 Capitol Mall, Suite 1210, Sacramento, CA 95814. Please contact Nicole Carrillo at nicole.carrillo@oal.ca.gov or (916) 323–6808 by 4:30 p.m. on January 21, 2025 to request to attend the hearing in person or by 4:30 p.m. on January 8, 2025 if reasonable accommodations are necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the date noted above until all testimony is submitted or until 12:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments that are relevant to the proposed action. OAL requests, but does not require, that persons who make oral com-

ments at the hearing also submit a written copy of their testimony via email.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

Office of Administrative Law
Attention: Nicole Carrillo
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 323–6826 or by email to

OALProposedRulemakings@oal.ca.gov. The written comment period closes on January 18, 2025. To ensure that OAL will consider your comment, it must be received by 11:59 p.m. on January 18, 2025. When commenting, please indicate the proposed rulemaking action to which your comment refers.

AUTHORITY AND REFERENCE

Government Code sections 11342.4 and 11349.1 authorize OAL to adopt the proposed regulations. The proposed regulations further implement, interpret, and make specific Government Code sections 11340.85, 11346.1, 11346.4, 11346.8, 11347.1, 11347.3, 11349.1 and 11349.4.

INFORMATIVE DIGEST

Section 84. Incorporation of Prior Rulemaking Records by Reference.

Summary of Existing Laws & Regulations Related Directly to the Proposed Action

Government Code section 11347.3 requires each agency to maintain a rulemaking record for its regulatory action and submit the record with the proposed regulatory changes to OAL for review.

Government Code section 11349.3, subdivision (a), requires OAL to either approve or disapprove a regulation submitted to it within 30 working days after the regulation has been submitted to OAL for review. If the adopting agency determines, on its own initiative, that a regulation submitted to OAL should be returned to the agency prior to completion of OAL’s review, Government Code section 11349.3, subdivision (c), permits the agency to withdraw that regulation from OAL review.

When an agency resubmits a withdrawn or disapproved regulation to OAL, Government Code section 11349.4, subdivision (c), requires that the agency identify the prior withdrawn or disapproved regulation and

“specify the portion of the prior rulemaking record that should be included in the resubmission.”

Existing regulation (Cal. Code Regs, title 1, section 84) allows each agency, in resubmitting a previously withdrawn or a disapproved action to OAL, to incorporate by reference all or any specified parts of the prior withdrawn or disapproved file by submitting a “transmittal memo” identifying the prior rulemaking file by date of submission and specifying which portions of the prior file are incorporated by reference.

Effect of Proposed Action

This action proposes to amend section 84 to require that each agency include its statement incorporating by reference all or specified parts of its prior rulemaking record within the table of contents of the record for the resubmitted rulemaking action, rather than in a separate transmittal memo, to ensure that this statement becomes part of the final record for the resubmitted rulemaking action.

This action also proposes to amend section 84 to update terminology to clarify the process and require each agency to identify its incorporated prior rulemaking record by its previous related OAL action number.

Policy Statement Overview & Anticipated Benefits

When resubmitting a previously disapproved or withdrawn action to OAL, if an agency decides to incorporate by reference all or parts of its prior rulemaking record, there is no requirement that the agency’s “transmittal memo,” (which specifically identifies the parts of the prior record incorporated by reference into the record for the resubmittal) be included in the actual record for the resubmitted action. Use of a separate memorandum to identify contents of the rulemaking record can make it difficult to ascertain and locate the contents of an approved rulemaking record, which can impede public or judicial review of the rulemaking action. The proposed amendment promotes clarity and certainty as to the contents of the rulemaking record because it will result in one document contained in the rulemaking record (the table of contents for the resubmitted action) that informs readers of the content of the rulemaking record for resubmitted actions, including which parts of the prior record are incorporated into the resubmitted record by reference. Judicial review of rulemaking actions, as well as government transparency and the public’s access to public records, will be facilitated and enhanced by a single itemization, within the final record, of all materials and their locations.

Section 85. Notice by Electronic Communication.

Summary of Existing Laws & Regulations Related Directly to the Proposed Action

Notwithstanding the provisions of the Administrative Procedure Act (APA) that refer to mailing or sending, Government Code section 11340.85 permits and

encourages the use of electronic communication when publishing and transmitting notices and rulemaking documents. Government Code section 11340.85, subdivision (a), defines “electronic communication” to include “electronic transmission of written or graphical material by electronic mail, facsimile, or other means, but does not include voice communication.”

Government Code section 11340.85, subdivision (b)(3), permits agencies to deliver any notice required or authorized by the APA via electronic communication “if the person has expressly indicated a willingness to receive the notice by means of electronic communication.” There are no existing regulations that define what constitutes an “[express] willingness to receive” an APA notice electronically.

Effect of Proposed Action

This action proposes to adopt section 85 to define certain circumstances under which a person is deemed to have “expressly indicated a willingness to receive [a] notice by means of electronic communication,” within the meaning of Government Code section 11340.85, subdivision (b)(3), and further specifies permissible electronic delivery methods.

Policy Statement Overview & Anticipated Benefits

One of the primary purposes of the APA is to ensure meaningful public participation in the rulemaking process. (See *Grier v. Kizer* (1990) 219 Cal.App.3d 422 at 438; *Tidewater Marine Western, Inc., et al. v. Bradshaw* (1996) 14 Cal.4th 557.) The stated intent of Government Code section 11340.85 is “to make the regulatory process more user-friendly and to improve communication between interested parties and the regulatory agencies.” (Gov. Code, section 11340.85, subdivision (f).) The adoption of section 85 will promote meaningful public participation and improve communication in the APA rulemaking process by providing certainty for agencies regarding when and how their notices may be sent electronically to the regulated public.

Section 86. Statement of Mailing Notice.

Summary of Existing Laws & Regulations Related Directly to the Proposed Action

Government Code section 11346.4, subdivision (a), requires that, at least 45 days before the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation, a notice of the proposed action (NOPA) be:

- mailed by the state agency to the persons described in Government Code section 11346.4, subdivisions (a)(1), (a)(3), and (a)(4);
- mailed or delivered to the director of the department in cases in which the agency is within a department;
- published in the California Regulatory Notice Register; and

- posted on the state agency’s website if the agency has a website.

Existing regulation (Cal. Code of Regs., title 1, section 86) requires each agency to include a statement in its rulemaking record confirming that the agency sent its NOPA in compliance with “Government Code Section 11346.4(a) (1) through (4) regarding the mailing of notice of proposed action . . . and stating the date upon which the notice was mailed.” [Emphasis added.]

Effect of Proposed Action

This action proposes to amend section 86 to require each agency to include additional language in its mailing statement confirming compliance with the Internet posting requirement of Government Code section 11346.4, subdivision (a)(6), which was added to the statute after promulgation of the regulation and is not currently addressed in the regulation. In effect, the amendment ensures that each agency properly documents in its rulemaking records that the NOPA was sent and posted online properly and in compliance with the APA.

This action also proposes to add subsection (b) to section 86 to further specify that the term “mailing” includes delivery by means of electronic communication pursuant to Government Code section 11340.85, subdivision (b)(3), and proposed section 85, which, in effect, clarifies the scope of “mailing” under the APA.

Policy Statement Overview & Anticipated Benefits

One purpose of the formal rulemaking procedures of the APA is to give those persons and entities affected by a regulation a voice in its creation, and another purpose is to create an administrative record assuring effective judicial review. (*POET, LLC v. State Air Resources Bd.* (App. 5 Dist. 2013) 160 Cal.Rptr.3d 69, 217 Cal.App.4th 1214, 218 Cal.App.4th 681.)

Proposed section 86 advances the purposes identified by the court in *POET* by ensuring that mailing statements in the record include enough information to determine whether the agency complied with the notice requirements of the APA, assuring the creation of an adequate record and effective judicial review.

It is also required that an agency post the NOPA on its website, and it is likewise important to include a statement in the rulemaking record that confirms the adopting agency complied with the relevant notice requirements of the APA. Because an agency’s Internet web site is an accessible, centralized location where the public can review the NOPA, along with the agency’s originally proposed regulation with sufficient time to comment, it is essential to update the regulations to reflect that agencies must comply, and confirm compliance in the record, with the Internet posting requirement of Government Code section 11346.4, subdivision (a)(6).

Section 87. Notice of Scheduled, Continued, or Postponed Hearings.

Summary of Existing Laws & Regulations Related Directly to the Proposed Action

If an agency does not initially schedule a public hearing in its NOPA, Government Code section 11346.5, subdivision (a)(17), requires that the NOPA include a statement explaining that any interested person may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code section 11346.8.

Government Code section 11346.8, subdivision (a), provides that if a public hearing is timely requested after publication of the NOPA, the “agency shall, *to the extent practicable*, provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice thereby with the agency.” [Emphasis added.]

Government Code section 11346.8, subdivision (b), also permits an agency to continue or postpone a public hearing from time to time and at the place it determines. If an agency continues or postpones a hearing, Government Code section 11346.8, subdivision (b), requires “[t]he state agency [to] provide notice to the public as to when [the continued or postponed hearing] will be resumed or rescheduled.”

Effect of Proposed Action

This action proposes to adopt section 87 to further implement Government Code section 11346.8 by establishing standardized requirements governing how each agency must provide notice of hearings scheduled, postponed, or continued under Government Code section 11346.8.

If an agency is required to provide notice to the public of a hearing scheduled by request or postponed under Government Code section 11346.8, subdivisions (a) or (b), respectively, the proposed regulation requires that the agency send a notice stating the time, date, and place of the hearing to persons specified in the regulation. Proposed section 87 also requires that the record include the notice of hearing and a mailing statement confirming the agency complied with the requirements of subsection (a) of section 87 and stating the method(s) of delivery and date(s) upon which the notice was sent. Lastly, the regulation specifies that if a public hearing has commenced and is continued to a subsequent date or time, an agency must explain in its Final Statement of Reasons how and when the agency provided notice as to the time, date, and place of the resumed hearing.

Policy Statement Overview & Anticipated Benefits

The adoption of section 87 will provide certainty for agencies regarding notice of hearings requirements, which, in effect, will ensure that agencies provide adequate notice of hearings to the interested parties, as

well as include sufficient documentation within the rulemaking record that demonstrates compliance with the notice requirements.

Section 88. Method of Electronic Notice.

Summary of Existing Laws & Regulations Related Directly to the Proposed Action

Government Code section 11340.85, subdivision (b)(3), provides that “[a] notice required or authorized by this chapter [Chapter 3.5, Part 1, Div. 3 of the Gov. Code] may be delivered to a person by means of electronic communication if the person has expressly indicated a willingness to receive the notice by means of electronic communication.” There are no existing regulations governing or standardizing the methods by which each agency may deliver notices by means of electronic communication.

Effect of Proposed Action

Proposed section 88 prescribes three methods by which an agency may deliver notice of any APA-related document by means of electronic communication. Proposed section 88 also clarifies that an agency may only provide notice exclusively by means of electronic communication if specified conditions are met. Proposed section 88 also cross-references proposed section 85, which deems certain ways in which a person consents to receive electronic notice, to clarify to each agency that its recipient(s) must express a willingness to receive the notice electronically.

Policy Statement Overview & Anticipated Benefits

This promotes meaningful public participation in the APA rulemaking process by ensuring that electronic notices are provided in a manner that allows the recipient to readily access the notice information while also giving the agency flexibility in the method used to provide the notice electronically.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY OF THE PROPOSED REGULATION WITH EXISTING STATE REGULATIONS

The regulation of the rulemaking process under the APA was delegated to OAL. (Gov. Code, section 11342.4.) No other state agency promulgates regulations for this purpose. Nevertheless, OAL has conducted an exhaustive, section-by-section, as well as subdivision-by-subdivision, electronic search of all titles of the California Code of Regulations and has found no section, subdivision, phrase, or clause with which any of the proposed sections conflicts or is incompatible. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

IMPOSITION OF LOCAL MANDATE

The proposed regulations impose no mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

Cost to any local agency or school district requiring reimbursement under Gov. Code section 17500 et seq.:

None.

Cost or savings to any state agency:

Section 84 is not estimated to result in additional costs or savings to any state agency as it will only change where an agency includes its statement regarding incorporation by reference of a prior rulemaking action from a separate transmittal memo to the table of contents of the record for the resubmitted action. The replacement of a statement in a transmittal memo to the same statement in the table of contents for the resubmitted action (which must be created for every resubmitted action in any event) will have no impact on any state agency budget or state employees responsible for this task.

Section 85 is not estimated to result in additional costs or savings to any state agency. The regulation further specifies circumstances under which a person is deemed to have “expressly indicated a willingness” to receive APA notices electronically and specifies permissible electronic delivery methods. While this is a new regulation, it is consistent with the APA, which permits each state agency to deliver notices electronically, and may aid agencies by clarifying ways in which a person is deemed to have consented to receive APA notices electronically. Any additional time that may be required by agency staff to comply with this regulation is minimal. No new positions are required, and no positions will be eliminated as a result of compliance.

Section 86 is not estimated to have additional costs or savings to any state agency. The regulation requires each state agency to include additional language in its mailing statement in the record. The same agency staff who draft these mailing statements are capable, without any additional training or fiscal appropriation, of complying with this requirement. While this is a new requirement, the additional time that will be required by agency staff to add compliance language into these documents is expected to be de minimis. No new positions are required, and no positions will be eliminated as a result of compliance. The cost to state agencies in ink and paper of these additional words is without any measurable significance and would require no agency layoffs or cause any budgetary pressure on any agency.

Section 87 is not estimated to result in additional costs or savings to any state agency. The regulation is consistent with the APA, which already requires each

agency to provide notice of hearings to the public. The regulation requires that an agency include an additional mailing statement in the record. The same state agency staff who prepare documents for the rulemaking record are capable, without any additional training or fiscal appropriation, of complying with this requirement. While these are new requirements, any additional time that will be required by agency staff to comply will be de minimis. No new positions are required, and no positions will be eliminated as a result of compliance. The cost to agencies in ink and paper of an additional document is without any measurable significance and would require no agency layoffs or cause any budgetary pressure on any agency.

Section 88 is not estimated to result in increased costs to any state agency because it is not requiring agencies to do anything new or different. Section 88 may, however, result in savings for state agencies because it provides agencies with a clear rule about how notices may be sent via electronic communication. The options provided in section 88 may allow agencies to send electronic notices when, due to the file size or other limitations, sending notices with notice documents attached as files prohibited agencies from using this option. Agencies that now are able to send notices electronically may see a reduction in mailing and copying costs, the amounts of which would depend on the size and number of rulemakings and the number of persons who have expressed a willingness to receive notices by way of electronic communication.

Other non-discretionary cost or savings imposed upon local agencies:

None.

Cost or savings in federal funding to the state:

None.

SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

This proposal 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. This rulemaking makes small changes to the rulemaking process conducted by state agencies.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Creation of Jobs in California:

None.

Elimination of Jobs in California:

None.

Creation of New Businesses in California:

None.

Elimination of Existing Businesses in California:

None.

Expansion of Businesses Currently Doing Business within California:

None.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulations benefit the general welfare of California residents and businesses by promoting informed public participation in the APA rulemaking process. The regulations may also benefit the state's environment by reducing the need for paper products.

EFFECT ON REPRESENTATIVE PRIVATE PERSONS

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

BUSINESS REPORT

The proposed regulations do not require a report to be made by business.

HOUSING

There will be no effect on housing costs.

DETERMINATION OF EFFECT ON SMALL BUSINESS

The proposed regulations may potentially affect small businesses that sell paper and printing products to state agencies.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Inquiries concerning this proposed rulemaking action may be directed to:

Nicole Carrillo
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323–6808
Nicole.carrillo@oal.ca.gov

The backup contact person for these inquiries is:

Kevin Hull
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323–8916
Kevin.hull@oal.ca.gov

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

OAL will make the entire rulemaking record available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking record consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests to inspect or copy the rulemaking record to the contact person(s) listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, OAL may adopt the proposed regulations substantially as described in this notice. If OAL makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, OAL will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

Upon its completion, OAL will make copies of the Final Statement of Reasons available. Please direct a request for copies to the contact person(s) listed above.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the proposed text of the regulations in underline/strikeout format, as well as other rulemaking documents as they are completed, may be accessed via OAL's website at www.oal.ca.gov.

**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: Santa Barbara San Luis Obispo
Regional Health Authority
dba CenCal Health
Donner Summit Public Utility
District

A written comment period has been established commencing on November 29, 2024 and closing on January 13, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, 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 their review, unless any interested person or their 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 their 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 January 13, 2025. 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 should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email bcisneros@fppc.ca.gov.

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 Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email bcisneros@fppc.ca.gov.

TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY

CAPITAL ACCESS PROGRAM FOR SMALL BUSINESSES

The California Pollution Control Financing Authority (“CPCFA” or the “Authority”) proposes to amend Section 8078 of Title 4 of the California Code of Regulations (the “Proposed Regulations”) concerning the administration of the California Pollution Control Financing Authority’s California Capital Access Loan Program (“CalCAP”). These Proposed Regulations are necessary to ensure program clarity and continuity, and to refine and clarify program features of the California Pollution Control Financing Authority Act (the “Act”). The Proposed Regulations have been approved by the Office of Administrative Law (“OAL”) on an emergency basis, and this proposed rulemaking would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections, 44520 (a), 44520 (b) and 44559.5 (f), Health and Safety Code.

Reference: Sections 44559–44559.9, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Capital Access Program (“CalCAP”) and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. (Health and Safety Code, § 44559)

The proposed amendments to the CalCAP Small Business Program regulations will clarify and revise processes for selling CalCAP loans and extend the timeframe CalCAP has to pay claims in the CalCAP for Small Business Program. The anticipated benefits will be the increased functionality of the California Capital Access Program (“CalCAP”) which will ultimately benefit small business borrowers and loan institutions who participate in the program.

The Authority has performed a search of existing regulations and has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

§ 8073. Loss Reserve Accounts.

Section 8073 (e). Clarifies the language regarding the sale of CalCAP loans.

Necessity. The proposed amendments are necessary to clarify the process for CalCAP Lenders to sell CalCAP Loans to Lenders within and outside of the Capital Access Program for Small Business.

§ 8074. Claim for Reimbursement.

Section 8074 (c). Extends the current timeframe for CalCAP to pay claims from 30 days to 180 days.

Necessity. The proposed amendments are necessary to allow CalCAP additional time to process and pay the increased number of claims submitted to CalCAP due to the effects Covid–19 had on small businesses.

DISCLOSURE REGARDING THE
PROPOSED ACTION

The Authority has made the following determinations regarding the effect of the Proposed Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

Other non–discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

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

Small Business: The proposed regulations will not have an effect on small business because the program is voluntary for any small business that seeks to apply for financial assistance in any of the CalCAP Programs.

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

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The proposed regulations will not have a significant

effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment: The broad objective of the regulations is to provide sustainable access to capital for small businesses that have difficulty obtaining financing.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the proposed regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the proposed regulations are 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 Authority invites interested parties to present statements with respect to alternatives to the Proposed Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries, and any questions regarding the substance of the Proposed Regulations must be submitted or directed to:

Lauren Dominguez, SSBCI Program Manager
California Pollution Control Financing Authority
P.O. Box 942809
Sacramento, CA 94209–0001
Telephone: (916) 653–9249
Fax: (916) 589–2805
Email: Lauren.Dominguez@treasurer.ca.gov

Kamika McGill, Associate Treasury Program
Officer
California Pollution Control Financing Authority
P.O. Box 942809
Sacramento, CA 94209–0001
Telephone: (916) 653–9249
Fax: (916) 589–2805
Email: Kamika.McGill@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to

the Proposed Regulations to the Authority. The written comment period on the Proposed Regulations ends **on January 13, 2024**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time and day in order to be considered by the Authority.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority’s office at 901 P Street, Third Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the California Regulatory Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Proposed Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority’s website located at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found on the Authority’s website at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

TITLE 17. AIR RESOURCES BOARD

PROPOSED 2024 AMENDMENTS TO AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

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 2024 Amendments to Area Designations for State Ambient Air Quality Standards.

Date: January 23, 2025

Time: 9:00 a.m.

In–Person Location:

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

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on January 24, 2025. Please consult the public agenda, which will be posted ten days before the January 23, 2025, 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 November 29, 2024. Written comments not submitted during the hearing must be submitted on or after November 29, 2024, and received **no later than** January 13, 2025. 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, California 95814
Electronic submittal: <https://ww2.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 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 39600, 39601, 39608, 40718, and 40925.5. This action is proposed to implement, interpret, and make specific sections 39608, 40718, and 40925.5.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (Gov. Code, § 11346.5, subdivision (a)(3))

Sections Affected:

Proposed amendment to California Code of Regulations, title 17, sections 60201, 60205, and 60210.

Background and Effect of the Proposed Regulatory Action:

CARB is charged with the responsibility of adopting ambient air quality standards in consideration of the public health, safety, and welfare (Health & Saf. Code (HSC) section 39606). To date, CARB has adopted State ambient air quality standards (State standards) for ten pollutants, set forth in California Code of Regulations (CCR), title 17, section 70200. In addition, HSC section 39607(e) requires CARB to establish designation criteria which provide the basis for designating areas of California as attainment or non-attainment with respect to the State standards. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 3 thereof. Based on these designation criteria, HSC section 39608 further requires CARB to establish and annually review area designations for State standards.

CARB may also consider other changes to the sections affected, as listed on page 3 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:

During the annual review, CARB determines whether changes to the existing area designations are warranted based on an evaluation of recent air quality data. The proposed amendments to the area designations classify the air quality in communities as to whether it meets the State standards. Depending on the proposed changes to an area's designation, the local air quality management district or air pollution control district (district) may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide. Districts may modify the emissions reduction strategy or alternative measure of progress in the plan if the district demonstrates to CARB's satisfaction that the modified strategy is at least as effective in improving air quality as the strategy in the plan. The annual review and update of the area designations gives the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

Objectives

This year's review of the area designations is based on air quality data from 2021 through 2023. The proposed amendments provide for the changes described below.

Ozone Area Designations (section 60201):

- Redesignate Shasta County in the Sacramento Valley Air Basin as Nonattainment–Transitional.
- Suspended Particulate Matter (PM₁₀) Area Designations (section 60205):
- Redesignate Nevada County in the Mountain Counties Air Basin as Unclassified.
- Redesignate Plumas County in the Mountain Counties as Unclassified.
- Redesignate Sierra County in the Mountain Counties Air Basin as Unclassified.

Fine Particulate Matter (PM_{2.5}) Area Designations (section 60210):

- Redesignate San Francisco Bay Area Air Basin as Attainment.

Benefits

Environmental Justice. Some communities experience higher exposures to air pollutants, and it is a priority of CARB to ensure that full protection is

afforded to all Californians. Though the proposed amendments to the area designations do not contain any requirements for action, the area designations are designed to identify areas with unhealthful air quality, based on the most recently available complete data, and can help better inform actions to improve air quality. CARB's designations provide members of these communities with updated information about the air quality of their communities which, as stated, allows them to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities.

Safeguarding the quality of the physical environment. An area's designation status provides a classification that assists local districts in more accurately assessing local air quality. As discussed above, depending on the proposed changes to an area's designation, a district may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide. As a result, indirect benefits to the quality of the physical environment may result if the district adopts or amends its regulations with a goal toward achieving the State standards.

Encouraging a regional approach to meeting the State standards, whenever possible. The proposed designations by discrete areas allow each district to assess the air quality of individual areas and address their unique situations and needs. This approach allows each district to identify the most cost-effective, efficient, and acceptable approach to achieve the State standards.

Consistency with the State goal of providing a healthy and safe environment. The annual review and update of the area designations gives districts an updated and more accurate indication of whether the health-based standards are being met. This information allows districts to make informed decisions regarding appropriate actions to meet the State standards.

Protection of worker safety. The annual review and update of the area designations gives the public, businesses, and government an updated and more accurate indication of whether the health-based air quality standards are being met. This information also allows businesses and government the opportunity to make better informed decisions regarding worker health and safety.

Comparable Federal Regulations:

There are no comparable federal or local regulations that address area designations for the State standards.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subdivision (a)(3)(D)):

The proposed changes, as well as the process for affecting those changes, to the area designations are consistent and compatible with existing State regulations.

In proposing the designation changes, CARB has considered the "data for record" (defined in CCR, title 17, section 70301(a))¹, which meet the representativeness and completeness criteria. The representativeness criteria are set forth in Appendix B to the Initial Statement of Reasons and in the CCR, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 1. The completeness criteria are also set forth in Appendix B to the Initial Statement of Reasons and in the CCR, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 3. In addition, CARB has considered the criteria for designating areas as nonattainment (Cal. Code Regs., title 17, section 70303), nonattainment–transitional for pollutants other than ozone (Cal. Code Regs., title 17, section 70303.1), nonattainment–transitional for ozone (CCR, title 17, section 70303.5), and attainment (Cal. Code Regs., title 17, section 70304) in making these proposed designations.

(2) Any other data which are provided by a district or by any other person will be data for record if the Executive Officer or his or her delegate determines within 90 days of submittal of complete supporting documentation that the data comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures...."

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.

DISCLOSURES REGARDING THE PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. 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 reason-

¹ California Code of Regulations, title 17, section 70301(a) provides, "Except as otherwise provided in this article, designations shall be based on 'data for record.' (1) Data for record are those data collected by or under the auspices of the state board or the districts for the purpose of measuring ambient air quality, and which the Executive Officer or his or her delegate has determined comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures.

able compliance with the proposed regulatory action are presented below.

Under Government Code section 11346.5, subdivision (a)(5) and section 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 (Gov. 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 (Gov. Code, §§ 11346.3, subdivision (a), 11346.5, subdivision (a)(7), 11346.5, subdivision (a)(8)):

CARB has made an initial determination that the amendment of this regulation would not have a significant adverse economic impact on 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 (Gov. Code, § 11346.5, subdivision (a)(10)):

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

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

The area designations are labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves are labels of an area's air quality, they do not contain any specific requirements for action, but may trigger or suspend the review, adoption, and submittal of a triennial plan by a district. As a result, in most cases they have no specific, direct economic impact. In general, this regional approach to categorizing air quality allows each dis-

trict to identify the most cost-effective and efficient approach to achieve the ambient air quality standards.

In addition, the annual review and update of the area designations gives the public an indication of whether the health-based standards are being met, thereby allowing the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. These personal health and residency decisions may translate into cost savings from reduced medical expenses, hospitalizations, and time off from work, as well as improved psychological benefits. It also allows businesses and government the opportunity to make informed decisions about worker health and safety. These business and government decisions may also translate into cost savings from reduced workers' expenses such as medical expenses, hospitalizations, time off from work, and worker's compensation, as well as improved worker morale.

Benefits of the Proposed Regulation:

The objective of the proposed amendments is to review and update the area designations which give the public, businesses, and government, an indication of whether the health-based air quality standards are being met.

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 page 3.

Cost Impacts on Representative Private Persons or Businesses (Gov. 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 the proposed regulatory actions are labels of an area's air quality; they do not contain any specific requirements for action, other than triggering the review, adoption, and submittal of a triennial plan by the district. As a result, they have no specific, direct impact on small businesses.

Consideration of Alternatives (Gov. 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.

Environmental Analysis

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulation and concluded that this is exempt under the CEQA Guidelines, section 15061(b)(3) of title 14 of the CCR, because it can be seen with certainty that there is no possibility that the proposed action may result in significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in the Environmental Analysis section 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 pueden 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 Jenette Kwong, Air Resources Engineer, Air

Quality Analysis Section, at (279) 208-7626 or (designated back-up contact) Theresa Najita, Air Pollution Specialist, Central Valley Air Quality Planning Section, at (279) 842-9813.

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: Proposed 2024 Amendments to Area Designations for State Ambient Air Quality Standards.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, on November 26, 2024. Please contact Bradley Bechtold, Regulations Coordinator, at bradley.bechtold@arb.ca.gov or (279) 208-7266 if you need physical copies of the documents. 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 non-substantive 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 approve 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, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 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/2024/2024–state–area–designations–regulation>

California Air Resources Board
Steven S. Cliff, Ph.D.,
Executive Officer
Date: November 12, 2024

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND
ENHANCEMENT ACT CONSISTENCY
DETERMINATION NUMBER
1653–2024–150–001–R1

Project: Sheep Corral Stream Restoration
Location: Lassen County
Applicant: Amy Holmen, Lassen Land and Trails Trust

Background

Project Location: The Sheep Corral Restoration Project (Project) is located along Horse Lake Road approximately 8 miles from Highway 139 in Susanville, CA, at a property owned by the Bureau of Land Management, Assessor Parcel Number (APN) 079–110–04–11 and 079–070–10–11, and affects Sheep Corral Spring a tributary to Horse Lake.

Project Description: Lassen Land and Trails Trust (Applicant) proposes to enhance or restore habitat within Sheep Corral Spring to provide a net conser-

vation benefit for greater sage–grouse (*Centrocercus urophasianus*). The Project includes the installation of 80 beaver dam analogs (BDAs) and 20 zeedyk rock structures. Currently Sheep Corral Spring is an incised channel. The addition of these structures will slow and spread the spring flows and widen the riparian area. These activities will also increase the wetted period in the riparian area. Restoration activities will not only benefit greater sage–grouse but other native sagebrush obligate species including: Sagebrush sparrow (*Artemisiospiza nevadensis*), Brewer’s sparrow (*Spizella breweri*), Sage thrasher (*Oreoscoptes montanus*), Sagebrush vole (*Lemmiscus curtatus*), Sagebrush lizard (*Sceloporus graciosus*) and Sagebrush pocket mouse (*Perognathus parvus*).

All construction activities will occur using hand tools. A gas–powered post pounder will be utilized to drive wooden posts into the ground surface, and saws and brush cutters will be used to harvest material for the BDAs. Other hand tools including shovels, rock bars, and picks may be used to fit rocks into the stream channel and level back overhanging head cuts. ATVs with trailers may be used to haul material.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.21 acres and 499 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: rock rip rap, native vegetation, untreated wooden posts, and native soil.

Project Timeframes: Start date: January 2025.

Completion date: March 2027.

Work window: September 1st–March 15th.

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve riparian habitat, the Lahontan Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 6A18241000 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to riparian species.

Receiving Water: Sheep Corral Spring, tributary to Horse Lake.

Filled or Excavated Area: Temporary area impacted: 0.21 acres maximum.

Permanent area impacted: 0.21 acres maximum.

Length temporarily impacted: 499 linear feet.

Length permanently impacted: 499 linear feet.

Discharge Volume: 9 cubic yards (cy) of native rock rip rap, 99 cy of native vegetation, 20 cy of untreated wooden posts, and 40 cy of native soil.

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

Noticing: on October 30, 2024, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on October 30, 2024, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2024–1030–02) on November 15, 2024. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in the addendum titled:

HREA Project Description Bio–Assessment MinMeasures, in the section titled Avoidance/Minimization Measures (beginning on page 11), of the addendum.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, titled: HREA Project Description Bio–Assessment MinMeasures in the section titled, Monitoring and Reporting Plan (beginning on page 7).

Notice of Completion

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

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

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

Project Authorization

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

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING: On **January 16, 2025**, at 10:00 a.m. in the Auditorium of the May Lee State Office Complex 651 Bannon Street, Sacramento, California, as well as via the following:

- Videoconference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

BUSINESS MEETING: On **January 16, 2025**, at 10:00 a.m. in the Auditorium of the May Lee State Office Complex 651 Bannon Street, Sacramento, California, as well as via the following:

- Videoconference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1 (866) 326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by

dialing 711 or 1 (800) 735-2929 (TTY) or 1 (800) 855-3000 (TTY-Spanish).

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

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

ENVIRONMENTAL PROTECTION AGENCY AIR TOXICS HOT SPOTS PROGRAM

NOTICE OF PUBLIC COMMENT PERIOD AND WORKSHOPS ON DRAFT REFERENCE EXPOSURE LEVELS FOR 1,4-DICHLOROBENZENE

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document for public review that summarizes the toxicity and derivation of proposed Reference Exposure Levels (RELs) for 1,4-Dichlorobenzene. RELs are airborne concentrations of a chemical that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code section 44360(b)(2)). The draft 1,4-Dichlorobenzene RELs were developed using the most recent “Air Toxics Hot Spots Program Technical Support Document for Derivation of Noncancer Reference Exposure Levels,” finalized by OEHHA in 2008.

The draft 1,4-Dichlorobenzene RELs document is available on the OEHHA website at <http://www.oehha.ca.gov>. The posting of the document will commence a 45-day public review period that will end on January 13, 2025.

Public workshops will be held in Northern and Southern California at the following locations and times.

Northern California

December 16, 2024

9:00 a.m.–11:00 a.m.

Sierra Hearing Room

Cal EPA Building

1001 I Street

Sacramento, CA 95814

<https://video.calepa.ca.gov/>

Southern California

To Be Determined

After the close of the public comment period, January 13, 2025, the document will be revised as appropriate by OEHHA, and peer reviewed by the state’s Scientific Review Panel on Toxic Air Contaminants.

The public is encouraged to attend a public workshop, or submit written comments via OEHHA’s website, rather than in hard-copy paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy paper comments may be mailed, faxed, or hand-delivered to the address below:

Dr. Rima Woods

Chief, Air Toxicology and Risk Assessment
Section

Office of Environmental Health Hazard
Assessment

1001 I Street, 12th Floor

Sacramento, CA, 95814

Email: Rima.Woods@oehha.ca.gov

Fax: (916) 323–2265

Telephone: (916) 322–2136

OEHHA encourages all submissions to be in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines (WCAG) 2.1 (see *the World Wide Web Consortium [W3C] WCAG 2 Overview*), and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide a public comment, please be aware that your name, address and email may be available to third parties.

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

If you have any questions, please contact Dr. Rima Woods at Rima.Woods@oehha.ca.gov or at (916) 322–2136.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

REQUEST FOR RELEVANT INFORMATION
ON THE CARCINOGENICITY OF
N–METHYL–N–FORMYLHYDRAZINE

Request for Information

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) has selected N–methyl–N–formylhydrazine for the Carcinogen Identification Committee (CIC)’s review for possible listing under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code [HSC] section 25249.5 et seq. (Proposition 65). This notice announces a data call-in to solicit information from the public relevant to the assessment of its carcinogenicity. N–Methyl–N–formylhydrazine was selected from chemicals prioritized by the CIC. See *the 2010 CIC Meeting Summary* for more information.

Relevant information on N–methyl–N–formylhydrazine includes but is not limited to:

- Cancer bioassays
- Cancer epidemiological studies
- Studies related to cancer mechanisms and the key characteristics of carcinogens
- Other pertinent studies on:
 - Pharmacokinetics
 - Effects on biochemical and physiological processes, including findings in humans

Interested parties wishing to provide such information should submit it in accordance with the instructions given below.

The publication of this notice marks the start of a 49–day data call-in period, ending at 5 p.m. PST, on **Friday January 10, 2025**. The information received during this period will be reviewed and considered by OEHHA as it prepares the cancer hazard identification materials on N–methyl–N–formylhydrazine.

Background

OEHHA is the lead agency for the implementation of Proposition 65. The CIC of OEHHA’s Science Advisory Board serves as the state’s qualified experts and renders an opinion about whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause can-

cer. (HSC section 25249.8(b); Title 27, California Code of Regulations, sections 25302, et seq., 25305(a)(1).) Chemicals identified as carcinogens by the CIC are added to the Proposition 65 list.

Hazard identification materials will be made available to the public for comment prior to the CIC’s consideration of the chemical for possible listing. The availability of hazard identification materials will be announced in the *California Regulatory Notice Register* and on OEHHHA’s website.

Submission of Relevant Information

All written submissions must be provided to OEHHHA by electronic submission, mail, or hand-delivery, by 5 p.m. PST on **Friday, January 10, 2025**. OEHHHA strongly recommends that submissions be made electronically through our website at <https://oehha.ca.gov/comments>, rather than in paper form. Alternatively, the submission can be in paper form, either by mail or delivered in person.

Electronic Submission (preferred):

Through OEHHHA website at: <https://oehha.ca.gov/comments>

Mailed Submission:

Attention: Kiana Vaghefi
Office of Environmental Health Hazard
Assessment
P.O. Box 4010
Sacramento, California 95812–4010

In-person delivery submission:

Attention: Kiana Vaghefi
Office of Environmental Health Hazard
Assessment
1001 I Street, 23rd Floor
Sacramento, California 95814

OEHHHA encourages all submissions to be in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines (WCAG) 2.1 (see the *World Wide Web Consortium [W3C] WCAG 2 Overview*), and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

OEHHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide a submission, your comment may be available to third parties.

If you have any questions, please contact Kiana Vaghefi at Kiana.Vaghefi@oehha.ca.gov or at (279) 216–0002.

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Notice is hereby given, pursuant to subdivision (c) of Section 11425.60 of the Government Code, that the California Occupational Safety and Health Appeals Board (“Board”) maintains an index of precedential decisions. The index is available to the public at: <https://www.dir.ca.gov/OSHAB/PrecedentialDecisions.html>. The index is available to the public by annual email subscription from the Board. The index and text of the precedential decisions can also be viewed by appointment at the Board’s office. For subscription or additional information, or to schedule an appointment to view precedential decisions, contact:

Aaron Jackson, Staff Counsel
California Occupational Safety and Health
Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone: (916) 274–5751
Email: ajackson@dir.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.

Board of Forestry and Fire Protection
File # 2024–1004–01
Less than 3–acre Conversion Exemption
Amendments

This regular rulemaking action by the Board of Forestry and Fire Protection revises the less than three–acre conversion exemption, which relieves qualifying Timberland owners from certain portions of the Z’Berg–Nejedly Forest Practice Act of 1973. Additionally, this action revises the defined term “Timberland Conversion” to clarify its application to both

non–Timberland Preserve Zones and Timberland Preserve Zones.

Title 14
Amend: 1100, 1104.1
Filed 11/18/2024
Effective 01/01/2025
Agency Contact:
Jane Van Susteren (916) 619–9795

Board of Forestry and Fire Protection
File # 2024–1009–03

Drought Mortality and Forest Fire Prevention
Exemption Amendments

In this rulemaking action, the Board amends its regulations to update its drought mortality and forest fire prevention exemptions. The amendments modify canopy closure requirements. They add an acreage limitation for the exemption related to harvesting dead trees, dying trees or diseased trees. They remove the Small Timberland Owner Exemption and other provisions related to it. They add a sunset date of January 1, 2026, to the Forest Fire Prevention Exemption, pursuant to Public Resources Code section 4584, subdivision (k)(12).

Title 14
Amend: 1038, 1038.3, 1052.4
Filed 11/20/2024
Effective 01/01/2025
Agency Contact:
Jane Van Susteren (916) 619–9795

Board of Pharmacy
File # 2024–1008–02
Pharmacy Technician Fees

This action reduces the fee for biennial renewal of a pharmacy technician license and reduces the penalty fee for failure to renew in response to changes made by Senate Bill 816 (Stats. 2023, chapter 723).

Title 16
Amend: 1749
Filed 11/20/2024
Effective 01/01/2025
Agency Contact: Anne Sodergren (916) 518–3110

Dental Board of California
File # 2024–1009–02
Dental Assisting Exams

This action by the Dental Board of California adopts, amends, and repeals regulations governing dental auxiliary written examinations to reflect current practice and align with recent statutory changes.

Title 16
Adopt: 1081.3, 1081.4
Amend: 1080, 1080.3, 1081, 1081.2
Repeal: 1080.1, 1080.2, 1081.1, 1082, 1082.1, 1082.3, 1083
Filed 11/20/2024
Effective 01/01/2025
Agency Contact: Brant Nelson (916) 263–0919

Department of Public Health
File # 2024–1001–01
Clinical Laboratory Personnel Standards

This rulemaking action by the California Department of Public Health amends definitions and requirements relating to education, training, experience, and examinations leading to licensure and certification of clinical laboratory personnel.

Title 17
Adopt: 1030.8, 1032, 1032.5, 1034, 1035.3
Amend: 1029, 1030, 1030.5, 1030.6, 1030.7, 1030.16, 1030.17, 1031, 1035.1, 1035.2
Filed 11/13/2024
Effective 01/01/2025
Agency Contact: Veronica Rollin (916) 445–2529

Fish and Game Commission
File # 2024–1002–02
Inland Sport Fishing Regulations

In this regular rulemaking, the Fish and Game Commission is amending inland sport fishing regulations. These amendments include the following: (1) adding American Shad as a species that may be taken by spearfishing in the Valley District; (2) revising the spearfishing boundaries for the Valley District and Black Butte Lake (Tehama County); (3) reducing the 15–inch total length minimum size limit for black bass at Castaic Lake to 12 inches; (4) revising the fishing boundary for Deep Creek (San Bernadino County); (5) revising the fishing regulations for Parker Lake (Mono County) and Willow Creek (Alpine County); and (6) revising the process for accessing low–flow information.

Title 14
Amend: 2.30, 5.00, 7.50, 8.00, 703
Filed 11/13/2024
Effective 01/01/2025
Agency Contact: David Haug (916) 902–9286

Fish and Game Commission
File # 2024–1003–01
Fisheries Logbook Forms And Fishing Block Charts

In this rulemaking action the Fish and Game Commission updates its Commercial Dive Fishing Log, its Daily Lobster Log, and the Fisheries Series Charts de-

picting different fishing blocks along the California coast (including some inland waters).

Title 14

Amend: 120.7, 122, 165, 190, 705.1

Filed 11/13/2024

Effective 01/01/2025

Agency Contact: Jennifer Bacon (916) 653–4899

Office of Historic Preservation

File # 2024–1002–01

Application for State Historic Rehabilitation Tax

Credits

Senate Bill 451 (Ch. 703, Stats. 2019) provided a 20% credit or 25% tax credit for qualified rehabilitation expenditures if the structure met specified criteria for rehabilitation of a certified historic structure or a qualified residence. This action adopts the procedures required for taxpayers to apply for the tax credit.

Title 14

Adopt: 4859.01, 4859.02, 4859.03, 4859.04,
4859.05, 4859.06

Filed 11/13/2024

Effective 11/13/2024

Agency Contact: Mark Huck (916) 502–8731

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

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.