



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: California Lands Commission
Office of Traffic Safety

A written comment period has been established commencing on **May 10, 2013** and closing on **June 24, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 24, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, 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 re-

spective agency. Requests for copies from the Commission should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. OFFICE OF TRAFFIC SAFETY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF TRAFFIC SAFETY

NOTICE IS HEREBY GIVEN that the Office of Traffic Safety, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its conflict-of-interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of Traffic Safety proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment includes changes to position titles, addition and deletion of designated positions and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later June 24, 2013, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than June 9, 2013, by contacting the Contact Person set forth below.

The Office of Traffic Safety has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Office of Traffic Safety has determined that the proposed amendments:

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

In making these proposed amendments, the Office of Traffic Safety must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Kimberly Garcia
2208 Kausen Drive, Suite 300,
Elk Grove CA, 95758
916-509-3010
Kim.garcia@ots.ca.gov

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION

ISSUANCE OF SUBPOENAS IN MATTERS BEFORE THE COMMISSION CGCC-GCA-2013-02-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described below in the Informative Digest and Policy Statement Overview.

NO PUBLIC HEARING

The Commission has not scheduled a public hearing on this matter. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period. To be eligible for the Commission’s consideration, all written comments must be **received at its office no later than 5:00 p.m. on June 24, 2013**. Written comments should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19811, 19823(a), 19824(h), 19840, and 19841, of the Business and Professions Code, and section 11450.5(b), of the Government Code; and to implement, interpret or make specific sections 19840, 19870, and 19871 of the Business and Professions Code, sections 1985, 1985.1, 1985.2, 1985.3, and 1985.4, of the Code of Civil Procedure, sections 1560 and 1561, of the Evidence Code, and sections 11450.05, 11450.20, 11450.30, 11450.50, and 11455.10 of the Government Code, the Commission is proposing to adopt the following changes to Chapter 1 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Commission is the state agency charged with the administration and implementation of the Gambling

Control Act (Act).¹ The Commission is authorized to adopt regulations governing the issuance of subpoenas and subpoenas duces tecum in meetings or hearings before the Commission or its committees.² The Government Code³ authorizes an agency to use the subpoena procedures of the Administrative Procedure Act (APA)⁴ in adjudicative proceedings not otherwise required to be conducted pursuant to the APA.

While the Act provides the Commission the authority to issue subpoenas and subpoenas duces tecum to compel attendance of witness and the production of documents at meetings and hearings, it provides no formal processes for doing so. There are currently no regulations that establish any procedures or guidance for parties to use in issuing or requesting the issuance of a subpoena in any non-APA proceeding before the Commission.

EXISTING LAW:

Section 19824, subdivision (h) of the Business and Professions Code provides authority for the issuance of subpoenas and subpoenas duces tecum, and states that the Commission may “issue subpoenas to compel attendance of witnesses and production of documents and other material things at a meeting or hearing of the commission or its committees, including advisory committees.”

Section 11450.5, subdivision (b) of the Government Code states that “An agency may use the subpoena procedure provided in this article [Article 4.5] in an adjudicative proceeding not required to be conducted under Chapter 5 (commencing with Section 11500), in which case all the provisions of this article apply including, but not limited to, issuance of a subpoena at the request of a party or by the attorney of record for a party under Section 11450.20.”

EFFECT OF REGULATORY ACTION:

This proposed regulation has been prepared to implement subdivision (h) of section 19824 of the Business and Professions Code by utilizing the existing procedures established in Articles 11 and 12 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code. This regulation establishes clear direction by referencing and adopting a well-established subpoena process already used in administrative adjudicative proceeding under the APA. Providing clarity helps to ensure consistency and uniformity. The ability to require the attendance of witnesses or the production of documents is a vitally important part of ensuring that the Commission

¹ Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

² Business and Professions Code section 19824, subdivision (h).

³ Government Code section 11450.05, subdivision (b).

⁴ Chapter 5 (commencing with section 11500) of Title 2, Division 3, Part 1 of the Government Code.

makes informed decisions and furthers the State's interest in fairly and effectively regulating gambling.

SPECIFIC PROPOSAL:

This proposed action would make the following specific changes in Chapter 1 of Division 18 of Title 4 of the California Code of Regulations:

Adopt Section 12014. Subpoenas.

This proposed action would establish new Section 12014 within Chapter 7, Division 18, Title 4 of the California Code of Regulations. Section 12014 would provide rules governing the issuance of subpoenas in proceedings before the Commission by applying the existing provisions of Articles 11 and 12 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

Subsection (a) would provide direction and authorization for the Commission, any presiding officer or any party's attorney of record to issue a subpoena or subpoena duces tecum. This subsection would also provide a form that could be used for that purpose; however, the use of the form is intended to be optional and any other method that complies with Articles 11 and 12 may be used.

Subsection (b) would provide guidelines to those receiving subpoenas and subpoenas duces tecum for the making of motions in response to the received subpoenas. This subsection would also provide guidelines for the timing of a motion and any response to a motion, and specifies the actions the presiding officer may take in considering a motion.

Subsection (c) allows the presiding officer to modify the timelines on a showing of good cause.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

The Commission is vested with jurisdiction and supervision over gambling establishments, and over all persons or things having to do with the operations of gambling establishments in California. The scope and content of the Commission's regulations is generally set forth in section 19841. As provided in subdivision (h) of section 19824, the Commission may "issue subpoenas to compel attendance of witnesses and production of documents and other material things at a meeting or hearing of the commission or its committees, including advisory committees." As provided in subdivision (b) of Government Code section 11450.5, "An agency may

use the subpoena procedure provided in this article in an adjudicative proceeding not required to be conducted under Chapter 5 (commencing with Section 11500), in which case all the provisions of this article apply including, but not limited to, issuance of a subpoena at the request of a party or by the attorney of record for a party under Section 11450.20." No other regulations have been identified that would be applicable to the issuance of subpoenas in adjudicative proceedings before the Commission that are not required to be conducted under the provisions of Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

While the Bureau [Department of Justice] has also been granted some authority to adopt regulations (section 19826), that authority is limited to the adoption of regulations reasonably related to its specified duties and responsibilities. These proposed regulations are not inconsistent or incompatible with any Bureau regulation (Title 11, CCR, Division 3), nor do they fall within the Bureau's authority to adopt regulations.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE: None.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

EFFECT ON HOUSING COSTS: None.

IMPACT ON BUSINESS:

The Commission has made an initial determination that the adoption of these regulations would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This proposed action imposes no mandatory requirement on businesses. The regulation simply provides a

clear process to follow should a party to a proceeding wish to exercise their rights to present witnesses, information and documents in proceedings before the Commission. While there may be some cost to a business in issuing or requesting the issuance of a subpoena, the cost would be at the discretion of the party. In addition any cost associated with the issuance of a subpoena by a business should be to that business's benefit in the adjudicative proceeding. Lastly, any business that has a subpoena issued to it would be able to recover at least some costs pursuant to section 11450.40 of the Government Code.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The Commission 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:

The Commission has determined that the proposed regulatory action may affect small businesses, if any affected gambling establishment would qualify as a small business.

This proposal is only directed at adjudicative meetings and hearings already being conducted by the Commission. These regulations would only be used by Commission staff, the Bureau of Gambling Control and applicants or their attorney of record. For applicants subject to an adjudicative proceeding, there is no requirement to obtain an attorney in order to request the issuance of a subpoena, as the Commission's presiding officer would be able to issue subpoenas on the applicant's behalf. The regulation simply provides a clear process to follow should a party to a proceeding wish to exercise their rights to present witnesses, information and documents in proceedings before the Commission.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

IMPACT ON JOBS/NEW BUSINESSES:

The Commission has determined that this regulatory proposal will not have a significant impact on the creation of new jobs or businesses, the elimination of jobs or existing businesses, or the expansion of businesses in California.

The basis for this determination is that this proposed action imposes no mandatory requirement on businesses or individuals. The regulation simply provides a clear process to follow should a party to a proceeding wish to exercise their rights to present witnesses, information and documents in proceedings before the Commission.

BENEFITS OF PROPOSED REGULATION:

This proposed regulation will have the benefit of allowing subpoenas to be issued during the course of adjudicative proceedings before the Commission through specified procedures. These subpoenas will help to ensure that witnesses and records are available for review by all parties during the adjudicative process. Moreover, it will facilitate the production and presentation of all documents, testimony and other information which may be relevant and material to a Commission decision thereby enhancing the fairness of the decision and the legitimacy of the decision making process.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of

Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Manager
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: Jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joshua Rosenstein, Regulatory Actions Analyst
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 274-5823
Fax: (916) 263-0499
E-mail: jrosenstein@cgcc.ca.gov

WEB SITE ACCESS

Materials regarding this proposed action are also available on the Commission's Web site at www.cgcc.ca.gov.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The California Pollution Control Financing Authority (CPCFA and the "Authority"), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code, proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Section 8072 of Title 4 of the California Code of Regulations concerning the administration of the California Capital Access Program for Small Businesses (the "Program" and CalCAP). These regulations were readopted on an emergency basis in June 2012. The current rulemaking action would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44559.5(f) of the Act authorize the Authority to adopt necessary regulations relating to the California Capital Access Loan Program (CalCAP) established by the Act.

Reference: Sections 44559-44559.12 of the Health and Safety Code. These amended regulations implement, interpret, and make specific Sections of the Act by amending Section 8072 of Title 4, Division 11, Article 7 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Capital Access Loan Program and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that are having trouble obtaining capital. (Health and Safety Code, § 44559.2.)

Under existing law, borrowers and lenders must pay a fee on CalCAP loans to the lender's loss reserve account. (Health and Safety Code, § 44559.3.) The Authority matches the fees paid by the lender to the Loss Reserve Account at 150 percent or 200 percent, depending on the funding source. (Health and Safety Code, § 44559.4(d).) The funds held in the lender's loss reserve account are the sole property of the Authority and are used to cover losses on any loan that the lender has enrolled in CalCAP. (Health and Safety Code, § 44559.5.)

The proposed amendments allow lenders to submit loan enrollment applications to CalCAP within 15 business days of the date of loan. In addition, the amendments will also give CalCAP 15 business days after the receipt of a completed loan enrollment application to notify the lender of the decision made for the request. These amendments are necessary to remain consistent with the statute.

By including rules for the revised time limit for submission of enrollments within the current CalCAP regulations, the Program will be more lender friendly and will help both the financial institutions and CalCAP meet time requirements in the Program.

The proposed amendments to the current 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 within California.

The proposed amendments to the CalCAP Regulations are consistent and compatible with the existing state statute and regulations, and the objective is as follows:

Section 8072(b)(1). *Change 10 business days to 15 business days.* The revision to this section increases the amount of time a lender has to submit a loan enrollment application to CalCAP to reflect the allowable time limit set forth by the statute with the passing of SB 1116.

Section 8072(g). *Change 10 business days to 15 business days.* To remain consistent with current practices, CalCAP will also be allowed 15 business days to respond to a complete loan enrollment application request.

Disclosures Regarding the Proposed Action: The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Capital Access 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 section 17561: 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 with reasonable compliance with the proposed action.

Small Business: The amended CalCAP Regulations will not have an adverse impact on small business in California. The proposed regulations will not significantly affect small businesses because they do not impose additional costs on small businesses.

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 amended CalCAP 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 amended CalCAP 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 within California.

Benefits of the health and welfare of California residents, worker safety, and the state's environment: The Authority is not aware of any benefits of the health and welfare of California residents, worker safety or the state's environment with the proposed amendment to the CalCAP Regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the amended CalCAP Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the amended CalCAP 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 persons to present statements with respect to alternatives to the amended CalCAP Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the amended CalCAP Regulations shall be submitted or directed to:

Jillian Franzoia, Associate Treasury Program
Officer
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 653-3993
Fax: (916) 657-4821
Email: jfranzoia@treasurer.ca.gov

Or:

Nancee Trombley, Treasury Program Manager I
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 651-8663
Fax: (916) 657-4821
Email: ntrombley@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the amended CalCAP Regulations to the Authority. The written comment period on the amended CalCAP Regulations ends at **5:00 p.m. on June 24, 2013**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantive changes are made to the amended CalCAP Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified amended CalCAP Regulations for fifteen (15) calendar days after the date on which such amended CalCAP Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE 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 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the amended CalCAP Regulations. Copies of these items 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/cpcfai/index.asp>.

PUBLIC HEARING

CalCAP 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 amended CalCAP 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 the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed amended CalCAP 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 at the Authority's website at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to promulgate regulations contained in California Code of Regulations, Title 4, Division 9, Chapter 6, Automotive Products Specifications.

The Department proposes to promulgate regulations contained in Title 4, Division 9, Chapter 6, to provide clarity and uniformity in the implementation and enforcement of California Business and Professions Code (BPC) Section 13446.

A public hearing regarding this proposal is not currently scheduled. However, any interested person, or duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be scheduled. Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department, upon its own motion or at the

instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards (Division), 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828. Comments may also be submitted to Steven Cook, Chief, Enforcement Branch, by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m., June 24, 2013.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

BPC, Division 5, Chapter 6, Section 13446 was added in 2005 to allow for the adoption of standards of fuel quality for hydrogen used in internal combustion engines and fuel cells in motor vehicles. BPC, Division 5, Section 12027 states that the Secretary of the Department of Food and Agriculture (Secretary) “may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this division.” The Department has the authority and responsibility to ensure that Hydrogen used in internal combustion engines and fuel cells is of sufficient quality to prevent damage to the vehicle or harm to the public.

The broad objective of the regulation is to implement the formally adopted standard for hydrogen fuel for use in internal combustion engines and fuel cells and published by SAE International, a standards development organization accredited by the American National Standards Institute (ANSI).

The Department has determined that this proposed regulation is consistent and compatible with existing regulations. After conducting a review of the proposed standard it was determined that it was comparable to our interim standard which is not an ANSI published standard, that it is the latest standard available, and meets the statutory requirements for adoption.

SECTIONS PROPOSED

Chapter 6, Article 8. Hydrogen Fuel

This regulation proposes changing the title of the article to make it uniform with language in the BPC and clarify its purpose.

4180. Definitions Used in This Article

This regulation proposes to revise the definitions for Fuel Cell, Internal Combustion Engine, and Hydrogen

Fuel to make them more clear and precise as to their purpose. The changes also would provide consistency between California regulations and model regulations adopted by the National Conference on Weights and Measures.

4181. Specifications — Hydrogen Fuel Used in Fuel Cells and Internal Combustion Engines

This regulation proposes to change the section title to make it uniform with language in the BPC. The BPC requires that the specifications for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles be adopted by reference from an American National Standards Institute (ANSI) accredited standards development organization. The proposed regulation references SAE International’s J2719, “Hydrogen Fuel Quality for Fuel Cell Vehicles” which was finalized in September 2011.

COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS

The Department has determined that this proposal does not impose a mandate on local agencies or school districts.

The Department also has determined that this action will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS

The Department has made an initial determination that the proposed regulations will not have a statewide impact on businesses as they were already using an equivalent interim standard which mirrors the one promulgated by SAE International.

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS

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

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The Department has made an assessment that the proposed regulation will not: (1) create or eliminate jobs within California; (2) create new businesses within California; or (3) affect the expansion of businesses currently doing business within California.

The benefits of this regulation to the safety of California motorists are the Department's continued testing to ensure the quality of hydrogen fuel necessary to operate a motor vehicle so that their vehicles will operate properly. California motorists will be assured that the fuel used in motor vehicles will not impair the engine or fuel cell requiring a costly repair.

EFFECT ON SMALL BUSINESS

The Department has determined that this regulation will have no effect on small business.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought its attention 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.

If the Department chooses to do nothing, it would be in violation of BPC 13446, which requires the adoption of standard specifications for hydrogen fuels for use in internal combustion engines and fuel cells in motor vehicles are adopted by reference from an American National Standards Institute (ANSI) accredited standards development organization.

Another option would require statutory changes to adopt the interim standard found in present regulations. This option would require one or more years to complete and would make California specifications inconsistent with national and international standards.

Through promulgation of regulations, the Department can adopt by reference the latest standard published by SAE International. Doing so allows the Department to stay abreast of best practices and standards for the industry. The Department believes that this is the best solution.

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.

AUTHORITY

Pursuant to Business and Professions Code, Division 5, Sections 12027 and 13446.

REFERENCE

The Department proposes to amend the current regulations to clarify and make specific the provisions of the Business and Professions Code, Section 13446.

CONTACT PERSON

Inquiries about the notice may be directed to Steven Cook, Chief, Enforcement Branch, Division of Measurement Standards at (916) 229-3039 or Kathy de Contreras, Supervising Special Investigator, Enforcement Branch, Division of Measurement Standards at (916) 229-3047.

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

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the statement of reasons, and the proposed regulations in strikeout and underline form may be obtained upon request. The rulemaking file and all information on which the proposal is based are located at the Division of Measurement Standards, 6790 Florin-Perkins Road, Suite 100, Sacramento, California 95828, and may be obtained upon request. Additionally, all documents relating to this rulemaking file are available on the Department's web site located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differ from, but are sufficiently related to, the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting Steven Cook, Chief, Enforcement Branch, Division of Measurement Standards, at (916) 229-3039.

**TITLE 14. FISH AND GAME
COMMISSION**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 220, 240, 5521 and 7149.8 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 220, 5521, 7145 and 7149.8 of said Code, proposes to amend Section 29.15, Title 14, California Code of Regulations, relating to Abalone.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Under existing regulations (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. Current regulations also specify: season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and minimum size limit.

The regulation change is being proposed in response to the guidelines in the Abalone Recovery and Management Plan (ARMP), adopted by the Commission in 2005, with regard to average abalone density at eight index sites (surveyed on a three-year cycle) within Mendocino and Sonoma counties. Observations by Department of Fish and Wildlife (Department) wildlife officers and data analyses by biologists were considered in proposing the regulation changes, as well as input from fishing groups, the Recreational Abalone Advisory Committee, nongovernmental organizations, and the public. Recent scuba surveys indicate that the average density of emergent abalone (sublegal and legal sized) has trended downward over the past five to ten years. Average density is now at 0.47 abalone per meter square (m²) for the index sites, which is below one of the management triggers established in the ARMP. Low average densities and declining trends indicate a risk that leaving regulations unchanged could result in further reductions in average density across the fishery which could lead to fishery closure if average densities fall below 0.30 abalone/m². Consequently, the Department is proposing regulations which will reduce the catch so that further reductions in average density may be prevented.

Additionally, average abalone density at the Fort Ross index site has fallen below the trigger level for site closure within the ARMP. The Department is proposing

site closure of the Fort Ross area for a period between two and six years to allow recovery of abalone stocks to a level that allows reopening of the area. The Commission may select the duration of closure within the two to six year range or may elect to close the site without specifying a sunset date. The Department will continue to monitor density at Fort Ross (triennially) and recruitment events (annually) in northern California during the site closure in order to evaluate if the site should reopen or remain closed based on current ARMP criteria. The Department also anticipates revising the ARMP during this time frame to transition to the long term, area-based, management plan. Re-opening Fort Ross will likely be considered under the revised ARMP, as well as based on evidence of recovery at the site.

The proposed regulations will close the Fort Ross area and options are provided to reduce fishing hours, the annual limit, daily bag limit, and/or season. The following summarizes the options for regulatory change in Title 14, Section 29.15.

- Option 1: Change the legal fishing hours to begin at a time within the range of 7:00 a.m. to 8:00 a.m. instead of one-half hour before sunrise.
- Option 2: Reduce the daily bag and possession limit from three abalone to two abalone.
- Option 3: Reduce the season from seven months to fewer open months with various sub-options for closing months. If the Fort Ross Area Closure is not adopted, the open season for the Fort Ross area may be different than the general open season.
- Option 4: Reduce the annual limit with various sub-options for reduction (21 to 9 abalone).
- Option 5: Targeted catch reduction in Sonoma and Marin counties by apportioning tags by areas (3–21 tags in the targeted area, not to exceed the total annual limit selected in Option 4).

Options 1 through 5 are designed to reduce the total catch by up to an estimated 33 percent. This conforms to provisions in the ARMP that prescribe a 25 percent reduction in catch when average density levels are below the ARMP trigger for management action.

The Commission may adopt one or more options or a combination of options.

In all options, regulatory language concerning a temporary special closure of Sonoma County is repealed.

The regulation options will benefit the red abalone population in northern California by enhancing the sustainability of the resource. Higher densities of red abalone in closer proximity to their neighbors have better fertilization and reproductive success than those at low densities. The proposed regulation changes are antici-

pated to increase the density of red abalone, leading to a healthier resource and improving the long-term health of the fishery.

Higher densities of red abalone are anticipated to enhance local small businesses in the coastal economy that rely on abalone fishing for their income. A healthy active fishery will attract more business to the coastal regions in the north particularly in the counties of Marin, Sonoma, Mendocino and Humboldt.

The environment will benefit from the proposed regulation options in the following ways: (1) The algal community will continue to be grazed by a stable population of red abalone in northern California rocky subtidal habitats. This grazing will maintain algal communities and prevent them from overgrowing reef communities; (2) Abalone will continue to act as important macrograzers maintaining substrate suitable for other invertebrates; and (3) Abalone will provide an important food source for other marine life in rocky subtidal kelp communities.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the recreational take of abalone (sections 200, and 205, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the recreational take of abalone.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the University of California Los Angeles (UCLA), De Neve Plaza, 351 Charles E. Young Drive — West, Los Angeles, California, on Wednesday, May 22, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1747 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted on or before June 24, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than June 26, 2013 at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Paul Hamdorf, Acting Manager of Marine Region, Department of Fish and Wildlife, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action 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. Depending on which regulatory option the Commission chooses, the proposed action could reduce recreational abalone activity expenditures and thus reduce direct revenue by 1.4 percent to as much as 36.9 percent. These outcomes could result in adverse revenue impacts to businesses ranging from \$182,000 (2009\$) to \$4.8 million (2009\$) in potential direct revenue losses. In the North Coast area most affected by these potential losses, the resulting impact to the economy could range from \$324,000 (2009\$) to \$8.5 million (2009\$) in total economic output losses. This is due to the ripple effect each dollar of direct revenue has on the affected regional economy's total output potential. Nonetheless, the proposed regulations would not result in a significant statewide adverse economic impact.

The impacts are not likely to affect the ability of California businesses to compete with businesses in other States, since these activities focus on resources and features unique to the North Coast.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

Depending on which regulatory option the Commission chooses, the potential reduced recreational abalone activity could result in job losses ranging from 0 jobs to as many as 82 jobs in abalone sport-fishing related businesses. The Commission does not anticipate the creation of any new jobs.

Benefits to the Health and Welfare of California Residents: Depending on which regulatory option the Commission chooses, the potential reduced recreational abalone activity in the spring months when ocean conditions can be dangerous could result in enhanced fisherman safety.

The Commission does not anticipate benefits to California worker safety.

The Commission anticipates benefits to the State's environment. The proposed regulation changes are being made in order to effectively manage the red abalone fishery and maintain its sustainability. The Marine Life Management Act mandates that fisheries in California are managed sustainably. Abalone populations in California have declined and the fishery south of San Francisco was closed in 1997. The proposed regulations will benefit the abalone resource, abalone fishery and local businesses by maintaining a healthy viable fishery for years to come. Red abalone is an iconic species in California and one that is part of the state's natural heritage.

- (c) Cost Impacts on a Representative Private Person or Business:

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Unknown, however the potential exists for some loss in recreational abalone report card sales revenue if some individuals decide not to participate in the fishery due to reduced bag or annual limits.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

GENERAL PUBLIC INTEREST

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

30-Day Public Notice and Comment Period
Trinity County State Certified Unified
Program Agency
Aboveground Petroleum Storage
Act Fee Assessment

NOTICE IS HEREBY GIVEN that the Secretary for Environmental Protection proposes to assess a fee for the Trinity County Unified Program Agency (CUPA) for the administration of the Aboveground Petroleum Storage Act (APSA) program portion of the Unified Program in Trinity County. This is being done according to the California Health and Safety Code (HSC), Division 20, Chapter 6.11, Section 25404.5(a)(2)(B) (Health & Saf. Code § 25404.5(a)(2)(B)).

In 2005, the California Environmental Protection Agency (Cal/EPA) designated the Department of Toxic Substances Control to be the CUPA for Trinity County, as specified by the Health & Saf. Code § 25404.3(f)(2)(A).

On January 1, 2008, Assembly Bill 1130 (Chapter 626, Statutes of 2007) went into effect. This bill vested the CUPAs statewide with the responsibility and authority to implement APSA. The bill allocated funds to the CUPAs for implementation of APSA by means of grants. The Trinity CUPA used its grant funds to train CUPA inspectors in APSA requirements, conduct APSA outreach to the community, and conduct APSA inspections in conjunction with other CUPA inspections. The Trinity CUPA has expended its APSA grant funds and now must charge a fee for the APSA portion of the CUPA program in accordance with Health & Saf. Code § 25404.5(a)(2)(A).

Based on data gathered during the inspection of facilities subject to APSA, Cal/EPA will set the fee at \$55.00 per year per facility for facilities that store 10,000 gallons or less of petroleum and \$145.00 per year per facility for facilities that store more than 10,000 gallons of petroleum.

The Trinity CUPA APSA fee will be publicly noticed in the California Regulatory Notice Register (Z-Register) for 30 days during which time comments will be accepted on the proposed fee. Following the 30-day comment period, the Secretary will publish the final Trinity CUPA APSA fee in the Z-Register.

Written comments must be sent to the address, e-mail or fax below and must be received by close of business May 10, 2013.

Mr. Jim Bohon
Assistant Secretary
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, California 95814

E-mail address: james.bohon@calepa.ca.gov
Fax Number: (916) 324-0908

**Detail Sheet
Establishing the Trinity County
State Certified Unified Program Agency's Fees
to Administer the Aboveground Petroleum
Storage Act Program in Trinity County**

April 8, 2012

Summary

For fiscal year 2012/13 forward, the fee for the Aboveground Petroleum Storage Act (APSA) program in Trinity County should be set as follows:

APSA Program, for storage of < or equal to 10,000 gallons of petroleum	\$55.00
APSA Program, for storage of > 10,000 gallons of petroleum	\$145.00

Background

The Secretary for Environmental Protection is setting the fee for the Trinity County State Certified Unified Program Agency (Trinity CUPA) to implement the APSA program in Trinity County.

In 2005, the California Environmental Protection Agency designated the Department of Toxic Substances Control to be the CUPA for Trinity County, as specified by the California Health and Safety Code section 25404.3, subdivision (f)(2)(A) (Health & Saf. Code § 25404.3(f)(2)(A)).

On January 1, 2008, Assembly Bill 1130 (Chapter 626, Statutes of 2007) went into effect. This bill vested the CUPAs statewide with the responsibility and authority to implement APSA. It also allocated funds to the CUPAs for implementation of APSA by means of grants.

The Trinity CUPA has been implementing the APSA program using this grant money. The Trinity CUPA has expended its APSA grant funds and must now charge a fee for the APSA portion of the CUPA program in accordance with Health & Saf. Code § 25404.5(a)(2)(A).

Health & Saf. Code § 25404.5(a)(2)(B) states that if the Secretary of Cal/EPA has designated a State agency to act as the CUPA, the Secretary will determine the amount to be paid under the single fee system.

Current Trinity CUPA Fees

The way Trinity CUPA fees are assessed is specified in California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Part II, Article 5, Sections 15341–15342.

The proposed APSA fee will result in the following increase in revenue to the Trinity CUPA:

Tier I and Tier II Facilities	25 x \$ 55.00 =	\$1,375
Non-Qualified Facilities	9 x \$145.00 =	<u>\$1,305</u>
Total		\$2,680

The total projected income for fiscal year 2012/13, including the APSA fee, is \$132,621 + \$2,680 = \$135,301.

Calculation of the Proposed APSA Fee

The APSA fee was determined using data from inspections conducted with the APSA grant money from Cal/EPA. From this data it was determined that 1.12 hours are required to conduct a Tier I or Tier II ASPA inspection and 3 hours are required to conduct a Non-Qualified ASPA inspection.

There are two Hazardous Substances Scientists (HSSs) and one Senior HSS (SHSS) who conduct Trinity CUPA inspections, including the APSA portion of the inspections. The hourly rate for an HSS doing Trinity CUPA work is \$46.00 and the hourly rate for an SHSS doing Trinity CUPA work is \$53.00. The average hourly rate for the three employees is \$48.33.

The recommended APSA fee was calculated as follows:

Tier I and Tier II: 1.12 hours x \$48.33 =	\$ 54.13
Non-Qualified: 3.00 hours x \$48.33 =	\$144.99

Trinity CUPA Fees for Typical Facilities using proposed 2013 fees

<u>Business Plan (BP) only</u>			<u>Hazardous Waste Generator (HWG) only</u>			<u>BP and HWG</u>	
80			80			80	
35			35			35	
<u>155</u>			<u>170</u>			155	
\$270			\$285			<u>170</u>	
						\$440	
<u>BP + HWG + Underground Storage Tank</u>			<u>BP + Aboveground Storage Tank</u>				
<19,000 gal	19,000-34,000 gal	>34,000 gal	<10,000 gal		>10,000 gal		
80	80	80	80	80			
35	35	35	35	35			
155	155	155	155	155			
170	170	170	<u>55</u>	<u>145</u>			
800	1,000	1,200	\$325	\$415			
15	15	15					
15	15	15					
<u>15</u>	<u>15</u>	<u>15</u>					
\$1,285*	\$1,485*	\$1,685*					

* Assumes 3 tank compartments

Unified Program Fee Schedule
For Trinity County

2013 (Proposed)

	Flat Fee	Program Element Fee	State Surcharge
All Regulated Businesses	\$80		\$35
Business Plan (Hazardous Materials Inventory)		\$155	
Hazardous Waste Generators		\$170	
Aboveground Petroleum Storage Tanks			
Less than or equal to 10,000 gallons		\$55	
Greater than 10,000 gallons		\$145	
Underground Storage Tanks			
Less than 19,000 gallons		\$800	\$15*
Between or equal to 19,000 – 34,000 gallons		\$1,000	\$15*
Greater than 34,000 gallons		\$1,200	\$15*
California Accidental Release Prevention Program		\$1,200	\$270
Hazardous Waste Recyclers		\$96	
Small Quantity Onsite Hazardous Waste Treatment		\$125	

* per tank compartment

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 19-Z

Facility Name	Inspection Date	APSA Tier	Inspect Time (hours)	Completed SPCC Plan During Inspection?	Included BP &/or HWG Inspections?	Effective Inspection Time
Frontier Fuel & Propane	6/1/2010	Non-Qualified	4	No	Yes	4
The Journey's End	6/2/2010	Tier I/Tier II	1	Yes	Yes	1
Cal Trans Trinity Center	6/21/2010	Tier I/Tier II	1	No	Yes	1
TC Road Dept. - Hayfork	6/22/2010	Tier I/Tier II	2	Yes	Yes	1
TC Road Dept.- Hyampom	6/22/2010	Tier I/Tier II	2	Yes	Yes	1
Hyampom General Store	6/22/2010	Tier I/Tier II	2	Yes	Yes	1.5
Trinity Center Marina	6/23/2010	Tier I/Tier II	2	Yes	Yes	1
TC Road Dept. - Trinity Center	6/23/2010	Tier I/Tier II	2	Yes	Yes	1
KOA	6/23/2010	Tier I/Tier II	2	Yes	Yes	1.5
TC Road Dept. - Zenia	6/24/2010	Tier I/Tier II	2	Yes	Yes	1
TC Road Dept. - Ruth	6/24/2010	Tier I/Tier II	2	Yes	Yes	1
Ruth Store	6/24/2010	Tier I/Tier II	2	Yes	Yes	1.5
Kettenpom Store	6/24/2010	Tier I/Tier II	2	Yes	Yes	1.5
Coffee Creek Ranch	8/9/2010	Tier I/Tier II	2	No	Yes	1
Cal Fire Trinity River Conservation Camp	9/21/2010	Tier I/Tier II	1	No	Yes	1
Western Area Power Administration Trinity Substation	9/23/2010	Tier I/Tier II	2	No	Yes	1.5
Cal Trans Weaverville	4/6/2011	Tier I/Tier II	1	No	Yes	1
Cal Trans Buckhorn Sand House	4/6/2011	Tier I/Tier II	1	No	Yes	1
Trinity River Lumber Company	4/7/2011	Non-Qualified	3	No	Yes	3
CHP in Weaverville	5/17/2011	Tier I/Tier II	1	No	Yes	1
U.S. Bureau of Reclamation - Trinity Powerhouse	5/18/2011	Tier I/Tier II	1	No	Yes	1
U.S. Bureau of Reclamation - Lewiston Powerhouse	5/18/2011	Tier I/Tier II	1	No	Yes	1
Wildwood Store & Café	5/19/2011	Tier I/Tier II	2	Yes	Yes	1.5
Junction City Store	6/3/2011	Tier I/Tier II	2	Yes	Yes	1
Northern Lights Energy	8/10/2011	Non-Qualified	3	No	Yes	3

HSS Hourly Rate = \$46

SrHSS Hourly Rate = \$53

Hourly Rate for APSA Inspections = SrHSS + 2HSSs/3 = \$48.33

SPCC - Spill Prevention Control and Countermeasure Plan

BP - Business Plan

HWG - Hazardous Waste Generator

Non-Qualified - Over 10,000 gallons

Tier I/Tier II - Less than or equal to 10,000 gallons storage

APSA - Aboveground Petroleum Storage Act

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
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.

File# 2013-0315-03
AIR RESOURCES BOARD
Consumer Products 2012

This rulemaking action amends regulations related to the volatile organic compound (VOC) content of windshield washing fluid (WWF) so as to permit the sale of WWF with higher VOC content in areas of the state in which freezing occurs. The action also permits, but does not require, manufacturers of WWF to change their product labels to add instructions for consumers on how to dilute concentrated WWF to adapt to travel in regions of the state which experience freezing.

Title 17
California Code of Regulations
AMEND: 94508, 94509
Filed 04/25/2013
Effective 07/01/2013
Agency Contact: Trini Balcazar (916) 445-9564

File# 2013-0319-01
COMMISSION ON TEACHER CREDENTIALING
Administrative Services Credential

This rulemaking action by the Commission on Teacher Credentialing (CTC) amends section 80054 in title 5 of the California Code of Regulations. Specifically, this rulemaking seeks to amend provisions of section 80054 to reflect changes in the Education Code pertaining to the requirements for candidates seeking Administrative Services Credentials in California. The amendments also incorporate by reference Standards of Quality and Effectiveness for Administrative Services Credentials (rev. 9/2011).

Title 5
California Code of Regulations
AMEND: 80054
Filed 05/01/2013
Effective 07/01/2013
Agency Contact:
Tammy A. Duggan (916) 323-5354

File# 2013-0313-02
DEPARTMENT OF FISH AND WILDLIFE
Hunter Education Instructor Incentive Program

This rulemaking by the Department of Fish and Wildlife adds sections 709 and 709.1 to title 14 of the California Code of Regulations. These sections implement the Hunter Education Instructor Incentive Program, which provides various incentives through special drawings to reward current volunteer instructors and recruit new instructors to teach Hunter Education courses.

Title 14
California Code of Regulations
ADOPT: 709, 709.1
Filed 04/25/2013
Effective 07/01/2013
Agency Contact: Roy Griffith (916) 358-2946

File# 2013-0422-01
FISH AND GAME COMMISSION
Recreational Salmon Fishing—May–November Season

The Fish and Game Commission amended section 27.80 of title 14 of the California Code of Regulations to adopt the seasons, open fishing days, bag limits, and minimum size for ocean sport salmon fishing in effect beginning May 1, 2013.

Title 14
California Code of Regulations
AMEND: 27.80
Filed 04/29/2013
Effective 05/01/2013
Agency Contact:
Sherrie Fonbuena (916) 654-9866

File# 2013-0322-05
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
The Securing of Poles During Removal Operations

This regulatory action requires that damaged or unstable poles be braced during removal operations.

<p>Title 8 California Code of Regulations AMEND: 2940.8 Filed 04/24/2013 Effective 07/01/2013 Agency Contact: Marley Hart (916) 274-5721</p>	<p>20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259, 20260, 20261, 20262, 20265, 20266, 20267 REPEAL: 20237, 20238 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1</p>
<p>File# 2013-0313-01 STATE WATER RESOURCES CONTROL BOARD Recycled Water Policy Amendment</p>	<p>03/20/13 AMEND: 1897 03/12/13 AMEND: 1859.2, 1859.77.3 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95</p>
<p>This regulatory action amends the state Policy for Water Quality Control for Recycled Water by requiring monitoring for constituents of emerging concern and reducing the monitoring of priority pollutants in recycled water used for landscape irrigation. This amendment to the Recycled Water Policy was approved in Resolution 2013-0003.</p>	<p>02/21/13 AMEND: 599.506 02/14/13 ADOPT: 1896.71, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.72, 1896.73, 1896.74, 1896.75, 1896.80, 1896.90, 1896.99.100, 1896.99.120 REPEAL: 1896.63, 1896.64, 1896.85, 1896.98</p>
<p>Title 23 California Code of Regulations AMEND: 2920 Filed 04/25/2013 Effective 04/25/2013 Agency Contact: Gordon Innes (916) 341-5517</p>	<p>01/31/13 AMEND: 649.28 01/09/13 ADOPT: 18756 01/08/13 AMEND: 18723, 18730 01/07/13 AMEND: 18545, 18703.4, 18940.2 01/07/13 AMEND: 18705.5 01/02/13 AMEND: 22500, 22501, 22502, 22503, 22505, 22506, 22508, 22509 REPEAL: 22504, 22507, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519</p>
<p>CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN December 5, 2012 TO May 1, 2013</p>	
<p>All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.</p>	<p>12/31/12 ADOPT: 1859.97 AMEND: 1859.2, 1859.90.2 12/28/12 AMEND: 18410, 18425, 18435, 18465.1, 18550 REPEAL: 18539 12/27/12 AMEND: 649.7 12/26/12 ADOPT: 7294.0, 7294.2 AMEND: 7293.5, 7293.6, 7293.7, 7293.8, 7293.9, 7294.0 (renumbered to 7294.1), 7294.1 (renumbered to 7294.3), 7294.2 (renumbered to 7294.4)</p>
<p>Title 2</p>	<p>12/24/12 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200 12/11/12 AMEND: 649.15 12/06/12 AMEND: 1859.2, 1859.90.2</p>
<p>04/16/13 AMEND: 23000 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13, 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8, 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1, 58.2, 59.1, 59.3, 60.1, 60.3 03/29/13 REPEAL: 26100 03/26/13 ADOPT: 20202, 20203, 20208, 20212, 20217, 20220.5, 20249.5 AMEND: 20200, 20201, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20215, 20216, 20220, 20221, 20222, 20223, 20224, 20225, 20226, 20227, 20230, 20235, 20236, 20245, 20247, 20249,</p>	<p>Title 3</p> <p>04/16/13 AMEND: 3435(b) 04/04/13 AMEND: 3435(b) 04/02/13 AMEND: 3435(b) 02/28/13 AMEND: 3437(b) 02/27/13 AMEND: 3435(b) 02/25/13 ADOPT: 1180.24 AMEND: 1180.1, 1180.3.2, 1180.20 REPEAL: 1180.24</p>

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04/23/13 AMEND: 8035(e)
 04/08/13 ADOPT: 8035.5
 04/02/13 AMEND: 10032, 10033, 10034, 10035
 03/21/13 AMEND: 10178, 10179, 10181, 10182, 10185, 10188
 03/20/13 AMEND: 1462
 03/19/13 AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337
 03/12/13 AMEND: 5000, 5052
 02/11/13 AMEND: 10325
 02/11/13 AMEND: 8072
 02/07/13 ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112
 02/04/13 AMEND: 8070, 8071, 8072, 8078, 8078.2
 01/28/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
 01/24/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
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 12/21/12 ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348
 12/13/12 AMEND: 12391(a)(2)

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05/01/13 AMEND: 80054
 04/03/13 ADOPT: 41906.6
 03/13/13 AMEND: 20135, 20136, 20140
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 02/07/13 ADOPT: 42740
 02/06/13 ADOPT: 9517.3
 01/17/13 ADOPT: 80053.1 AMEND: 80024.6, 80053
 01/14/13 ADOPT: 80048.3.2 AMEND: 80048.3.1
 12/27/12 AMEND: 58108
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12/24/12 ADOPT: 18224.6, 18227, 18227.1
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04/24/13 AMEND: 2940.8
 04/15/13 AMEND: 354, 371.2, 373, 376.1, 386
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 03/18/13 ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410
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 03/18/13 AMEND: 344, 344.1
 03/14/13 AMEND: 3381
 03/13/13 AMEND: 9789.23, 9789.24, 9789.25
 02/28/13 AMEND: 4309
 01/28/13 ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001
 01/24/13 AMEND: 3210, 3900
 12/31/12 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12
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12/31/12 AMEND: 2695.8(f), 2695.8(g)
12/19/12 ADOPT: 2523, 2523.1, 2523.2, 2523.3,
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12/17/12 AMEND: 2248.14
12/11/12 AMEND: 3780

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03/27/13 AMEND: 80.3
12/12/12 AMEND: 1081

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03/07/13 AMEND: 125.12, 125.16, 126.00,
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02/07/13 AMEND: 2193
01/28/13 ADOPT: 426.00
01/24/13 AMEND: 425.01
01/07/13 AMEND: 553.70
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04/12/13 AMEND: 1.74, 701
03/27/13 ADOPT: 132.1, 132.2, 132.3, 132.4,
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03/25/13 AMEND: 27.80
03/25/13 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4,
1667.5, 1667.6
03/06/13 ADOPT: 1299.01, 1299.02, 1299.03,
1299.03(a), 1299.03(b)(1) and most of
the document incorporated therein by
reference, 1299.03(b)(2)(B),
1299.03(b)(2)(C), 1299.03(c), 1299.04,
1299.05 REPEAL: 1299
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1665.5, 1665.6, 1665.7, 1665.8
03/05/13 AMEND: 265, 365, 366, 478, 708.12,
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02/27/13 AMEND: 670.7 (e) & (f)
02/25/13 AMEND: 670.5
02/14/13 ADOPT: 15183.3, Appendix M,
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67391.1, 67401.1, 67401.2, 67401.3,
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03/28/13 AMEND: 3930
02/21/13 ADOPT: 3929.9
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04/10/13 AMEND: 25805
03/04/13 AMEND: 27000
02/06/13 AMEND: 27001
12/17/12 AMEND: 25705

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04/08/13 ADOPT: 1300.74.73

01/14/13 AMEND: 40-105.4(g)(1), 44-111.23,
44-113.2, 44-113.54(QR),
44-315.39(QR), 89-201.513

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42-431, 42-712, 42-713, 42-721,
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