



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

ADOPTION

MULTI-COUNTY: Santa Rosa Regional Resources Authority

AMENDMENT

MULTI-COUNTY: California Rural Water Risk Management Authority

A written comment period has been established commencing on June 3, 2016, and closing on July 18, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 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 her 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 her or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than July 18, 2016. 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 Ivy Branaman, 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 Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1843.3, Penalties for Medication Violations. The proposed amendment will modify subsections 1843.3(b)(2) and (b)(3) to update the list of mitigating circumstances and aggravating factors which must be considered by the board of stewards, the hearing officer or the administrative law judge when determining penalties for medication violations. The proposed amendment to Rule 1843.3 will also eliminate the Category "D" penalties for phenylbutazone violations at the 2.1 mcg/ml to 5.0 mcg/ml level. Instead, such phenylbutazone violations would be Category "C" penalties. The proposed amendment will add new subsections 1843.3(f) and 1843.3(g) to cause medication violations that occur within a specified time period to count as either a prior offense, or as an aggravating factor with regards to the determination of penalties for subsequent violations. Subsection 1843.3(k) has been amended to prohibit licensees whose period of suspension is for more than 30 days from transferring their horses to any other licensee who has been an employee within the previous year. A new subsection 1843.3(k)(1) has been added to provide that a licensee whose license has been revoked shall not transfer his or her horses to licensed family members or to any other licensee who has been an employee within the previous year. The proposed amendment will also add a new subsection 1843.3(l)(2) to provide that a trainer whose license is revoked shall be banned from all inclosures under the jurisdiction of the CHRB. The proposed amendment to Rule 1843.3 will update the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification (Revised 04/15), which is incorporated by reference into the regulation as it would be cumbersome, unduly expensive or otherwise impractical to

publish the document in the CCR. The updates to the CHRB Penalty Categories Listing by Classification include spelling corrections, reclassification of drug substances, and the addition of drug substances.

PUBLIC HEARING

The Board will hold a public hearing starting at 9:30 a.m., Thursday, August 25, 2016, or as soon after that as business before the Board will permit, at the Del Mar Simulcast Facility, 2260 Jimmy Durante Boulevard, Del Mar, California. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on July 18, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
Fax: (916) 263-6022
E-mail: haroldc@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19461 and 19580, Business and Professions Code. Reference: sections 19461, 19580, 19581 and 19582, Business and Professions Code, and section 11425.50, Government Code.

Business and Professions Code sections 19440, 19461 and 19580 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19461, 19580, 19581 and 19582, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the

purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19580 provides the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Those policies, guidelines and penalties shall include, at a minimum, the provisions set forth in this article. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and the composition thereof. Business and Professions Code section 19582 states violations of Section 19581, as determined by the Board are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime. The Board may provide for the suspension of a license for not more than three years, except as provided in subdivision (b), or a monetary penalty of not more than one hundred thousand dollars, or both, and disqualification from purses, for a violation of Section 19581. The actual amount of the monetary penalty imposed pursuant to this paragraph shall be determined only after due consideration has been given to all the facts, circumstances, acts, and intent of the licensee, and shall not be solely based on the trainer-insurer rule, as established in Section 1843 and 1887 of Title 4 of the California Code of Regulations. The punishment for second and subsequent violations of section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substances, unless the administrative law judge, in findings of fact and conclusions of law filed with the Board, concludes that a deviation from this general rule is justified. A third violation of section 19581 during the lifetime of the licensee, determined by the Board to be at a class I or class II level, may result in the permanent revocation of the person's license. The administrative law judge shall, after consideration of the circumstances surrounding a violation specified in paragraph (1), file a decision with the Board that includes findings of fact and conclusions of law. Any person whose license is suspended or revoked pursuant to

this section shall not be entitled to receive any material benefit or remuneration in any capacity or from any business activity permitted or allowed by the license during any period of its suspension or revocation. The penalties provided by this section are in addition to any other civil, criminal, and administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other penalties or sanctions. Business and Professions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. All proceedings to revoke a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. Government Code section 11425.50 states the decision shall be in writing and shall include a statement of the factual and legal basis for the decision.

The proposed amendment to Rule 1843.3 will modify subsection 1843.3(a) to provide clarity regarding the concept that deviation from the penalties set forth in the regulation is appropriate where the facts of the case warrant such deviation. The subsection currently states that aggravating factors "may increase the penalties *beyond the minimum*." The Board has determined that the statement may be construed to imply that unless there are intervening negative factors, the minimum penalty is routinely awarded; this is not the case. The penalty categories under Rule 1843.3 provide a range of penalties which are applied on a case-by-case basis. To provide clarity, subsection 1843.3(a) has been modified to state that a "greater penalty" is appropriate if there are aggravating factors.

Subsection 1843.3(b) provides a partial list of mitigating circumstances and aggravating factors which must be considered in reaching a decision on a penalty. To provide clarity regarding items that must be considered, subsection 1843.3(b)(2) has been modified to include the amount of the drug present (in the official test sample). The amount present may be an indication of both the effect the drug would have on the horse and when it was administered. Subsection 1843.3(b)(3) has been modified for purposes of clarity to include whether the drug was prescribed to the horse by a CHRB licensed veterinarian. It is important that trainers consult with CHRB licensed veterinarians as they are expected to know withdrawal times for appropriate drugs. Consulting with a CHRB licensed veterinarian, versus a veterinarian who is not familiar with CHRB medication regulations, may be considered a mitigating factor. Subsection 1843.3(b)(9) has been modified for purposes of clarity to include whether the drug present in the official test sample was documented through the

process described in Rule 1842, Veterinarian Report, which requires written documentation of treatments provided to horses within the inclosure. Subsection 1843.3(b)(11) was modified for purposes of clarity to add "CHRB" so that it may be understood the subsection is referring to a "CHRB licensed veterinarian." As with subsection 1843.3(b)(2), it is important that trainers consult with CHRB licensed veterinarians because they are expected to know withdrawal times for appropriate drugs.

Subsection 1843.3(c) has been modified to add the latest publication date of the California Horse Racing Board (CHRB) Penalty Listing By Classification (Revised 0415), which is incorporated by reference in Rule 1843.3, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the CCR. The Penalty Listing By Classification was modified in April 2015. The change is necessary so that persons wishing to view the incorporated document will know which version to access.

The charts for Category "B" and "C" penalties have been modified to add the words "time period" and "within" in reference to second and third offenses; the Category "B" penalty chart also changed "years" to the singular "year." The category "D" penalty chart has had "within" added to first through third offenses. The changes were necessary for purposes of clarity, so that it may be understood that a subsequent violation must occur within a specified time period for it to be considered a second or third offense.

Subsection 1843.3(d), under the heading: Category "C" Penalties for Rule 1844, Authorized Medication (c)(1), (2), (3), has been modified to eliminate the ability of the official veterinarian to grant permission for trainers to pay the minimum fine in lieu of a stewards' hearing. Nor may the official veterinarian issue a warning in lieu of a fine for violation of 1844(c)(1) if the phenylbutazone level is below 5.1 mcg/ml. The changes are necessary as the Board has determined that reaching settlements regarding medication violations is within the purview of the stewards who hold hearings regarding such matters. Additionally, the phenylbutazone levels for Category "C" violations have been changed to include the levels found in the Category "D" penalties for Rule 1844(c)(1) violations. Ketoprofen levels have also been changed. The changes bring Rule 1843.3 in line with the Association of Racing Commissioners International (ARCI) model rules of racing. The ARCI is a national horse racing organization composed of the governmental regulators of horse racing in the United States, Canada, Mexico, Jamaica and Trinidad-Tobago. The ARCI developed its Model Rules of Racing to set standards and best practices in horseracing, and to ensure the quality of drug testing programs and the security of the wagering system. California's adop-

tion of the ARCI Model Rule guidelines will promote uniformity in the various states' horse racing regulations. All other changes to subsection 1843.3(d), under the heading: Category "C" Penalties for Rule 1844, Authorized Medication (c)(1), (2), (3) are for purposes of clarity and consistency.

Subsection 1843.3(e) has been modified to eliminate Category "D" penalties for Rule 1844(c)(1) violations. Such violations will instead be Category "C" violations. Trainers who have not had an 1844(c) violation within the previous three years may still receive a warning instead of a fine. In addition, the phenylbutazone levels for Category "C" violations have been changed to include the levels found in the Category "D" penalties for Rule 1844(c)(1) violations. The changes bring Rule 1843.3 in line with the ARCI model rules of racing.

Medication violations are classified as either A, B, C or D violations, with Category "A" violations being the most egregious. Category "A" violations involve drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Category "D" violations are considered the least egregious violations, and involve overages of therapeutic medications that would be expected to have less potential to affect performance. Within each class of medication violation there is the potential for a first, second or third offense — if such offenses occur within 365 days of each other. For example, in January a trainer may have a first offense Category "D" violation. In May of the same year, the trainer may have another Category "D" violation, which is considered a second offense. With each offense, the trainer's possible penalties increase. The fine for a first offense Category "D" violation is a minimum of an official written warning to a maximum fine of \$250. The fine for a second offense Category "D" violation is a minimum fine of \$250 to a maximum fine of \$500. Currently, Rule 1843.3(b) requires that the licensee's past record regarding violations of Business and Professions Code section 19581, which addresses medication violations, must be considered. If the licensee is found to have a Category "D" violation, but has recently had a more serious Category A, B, or C medication violation, the more serious Category A, B or C violation will be viewed as an aggravating circumstance and may result in a greater Category "D" penalty. For example, the trainer with a first offense Category "D" medication violation may receive the maximum \$250 fine versus a written official warning because he or she has had a prior Category "C" medication violation within a period of 365 days.

The Board has determined that rather than considering a Category A, B, or C medication violation that has occurred within a 365-day period of the current offense an "aggravating" factor, it would consider such viola-

tions a “prior offense.” The change will allow the party that determines the penalty to look at the licensee’s pattern of medication violations within a 365-day period and count an earlier, more egregious violation as a prior offense. The prior offense will move the possible penalties to the next level. If the licensee is found to have a first offense Category “D” violation, but within a 365-day period has had a more serious Category A, B, or C medication violation, the more serious Category A, B or C violation will be viewed as a prior offense, and the Category “D” violation would become a second offense for purposes of determining the Category “D” penalty. A new subsection 1843.3(f) provides that if a licensee has received a penalty for a Category A, B, or C medication violation, and within a period of 365 days has a subsequent lesser violation, the earlier violation shall count as a “prior violation” for the purposes of determining the penalty for the subsequent lesser violation.

A new subsection 1843.3(g) provides that if a licensee has received a penalty for a Category B, C or D medication violation, and within a 365-day period has a subsequent greater violation, for instance a Category “D” violation followed by a Category “C” violation, the earlier, lesser violation shall count as an aggravating factor for the purposes of determining the penalty for the subsequent greater violation. Subsection 1843.3(g) is necessary to provide clarity regarding how the Board wishes parties determining medication penalties to consider the licensee’s pattern of medication violations within a 365-day period. Under subsection 1843.3(f), a history of more egregious violations shall be viewed as prior offenses when considering penalties for subsequent lesser violations. Under the new subsection 1843.3(g), a history of lesser violations shall be viewed as aggravating factors when considering penalties for subsequent medication violation of a more serious nature.

Subsection 1843.3(k) currently provides that a licensee who is suspended because of a medication violation shall not benefit financially during the period of suspension, and shall not transfer his or her horses to a licensed family member. Subsection 1843.3(k) has been modified to state that licensees who have been suspended more than 30 days may not transfer their horses to any other licensee who has been an employee of the suspended licensee within the previous year. This provision is intended to ensure that the suspended trainer does not transfer his or her horses to any person who has had a relationship with the suspended trainer, including recent employment. The Board has determined that a suspended licensee is less likely to benefit financially if his or her horses are transferred to an unaffiliated trainer. The provision is applied to persons whose license has been suspended for more than 30 days as such sus-

pensions of license would be for medication violations that would result in the more serious Category “A” and “B” penalties.

References to revocation of license have been removed from subsection 1843.3(k) and moved to a new subsection 1843.3(k)(1). Revocation of license may occur after a third lifetime Category “A” medication violation, and would involve stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Many of the drug substances the Board classifies as Category “A” are Drug Enforcement Agency (DEA) schedule II substances. The Board determined it was necessary to place revocation of license in a separate paragraph for purposes of clarity.

To receive a 60-day or greater suspension of license under Rule 1843.3, one must be found to have committed a Category “A” or “B” medication violation. The Category “A” medication violation would involve stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Category “B” medication violations generally involve drugs that may or may not have an accepted medical use in the racing horse, but the pharmacology of which suggests less potential than Category “A” drug substances to affect performance. In either case, Category “A” or “B” medication violations are serious offenses. The intent of the 60-day, or greater, suspension is to prevent the licensee from participating in, and profiting from, the sport of horse racing. Subsection 1843.3(l)(1) currently states that licensed trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the Board, and that during the period of suspension the trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, advertisements, training-related equipment and other property. The subsection has been modified to require that the trainer also remove his or her colors. A trainer’s colors are unique. To be used in horseracing, the colors must be registered with the Jockey Club, which is the breed registry for thoroughbred horses in the United States. During the race, the jockey’s colors identify the stable that employs the rider. The Board has determined that it is necessary to add the trainer’s colors to subsection 1843.3(l)(1) to ensure that all vestiges of the trainer’s business operations are removed from the inclosure.

References to revocation of license have been removed from subsection 1843.3(l)(1) and moved to a new subsection 1843.3(l)(2). Revocation of license may occur after a third lifetime Category “A” medication violation, and would involve stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Many of the drug substances the

Board classifies as Category “A” are Drug Enforcement Agency (DEA) schedule II substances. Trainers whose license is revoked must remove all vestiges of their business operations from the inclosure. The Board determined it was necessary to place revocation of license in a separate paragraph for purposes of clarity.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1843.3 makes clarifying changes to subsections 1843.3(a), (b)(9), (b)(11), and (d), and will modify subsections 1843.3(b)(2) and (b)(3) to clarify what constitutes mitigating circumstances and aggravating factors, which must be considered by the board of stewards, the hearing officer or the administrative law judge when determining penalties for medication violations. The proposed amendment to Rule 1843.3 will update the latest publication date for the California Horse Racing Board (CHRB) Penalty Categories Listing By Classification (Revised 04/15), which is incorporated by reference into the regulation. The proposed amendment to Rule 1843.3 eliminates the Category “D” penalties for phenylbutazone. All such medication violations shall be Category “C” violations. A new subsection 1843.3(l) provides that if a licensee receives a penalty for a Category A, B or C medication violation and within a period of 365 days has a subsequent lesser violation, the earlier violation shall count as a “prior violation” for penalty purposes. A new subsection 1843.3(g) provides that if a licensee receives a penalty for a Category B, C or D violation, and within a period of 365 days has a subsequent greater violation, the earlier violation shall count as an aggravating factor for penalty purposes. Subsection 1843.3(k) has been modified to state a licensee who is suspended for more than 30 days because of a medication violation shall not transfer horses to any other licensee who has been an employee of the suspended licensee within the previous year. A new subsection 1843.3(k)(1) provides that a licensee whose license is revoked because of a medication violation shall not benefit financially following the revocation, including ensuring that horses are not transferred to licensed family members or to any other licensee who has been an employee of the licensee whose license is revoked within the previous year. A new subsection 1843.3(k)(2) provides that the trainer whose license is revoked shall be banned from all inclosures under the jurisdiction of the CHRB, and shall forfeit all assigned stall space and shall remove from the inclosure all signage, equipment and any other property.

The proposed amendment to Rule 1843.3 is necessary to ensure the integrity of horseracing and the protection of the public. The modifications to the regula-

tion will provide greater clarity regarding the consequences of violating the Board’s medication regulations. The proposed amendment to Rule 1843.3 will promote the health and welfare of race horses and licensees by removing those with the most egregious medication violation from the inclosure.

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed amendment, the Board has conducted an evaluation for any related regulations and has determined that Rule 1843.3 is the only regulation dealing with penalties for medication violations with regards to California horse racing. Therefore the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and 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 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none. Cost or savings in federal funding to the State: none.

The Board has made an initial determination that the proposed amendment to Rule 1843.3 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1843.3 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1843.3 promotes the health and safety of race horses, which is jeopardized if they workout or race when they are not sound due to the unauthorized administration of medications or drug substances. Keeping race horses healthy protects the economic interest of owners and ensures that there is adequate horse inventory. Ensuring that horses

entered to race are sound also promotes jockey/driver safety. Sound, healthy horses results in a favorable public response to horse racing, which could result in an increase in wagering activity, and a positive economic impact on the industry.

Effect on small businesses: none. The proposal to amend Rule 1843.3 does not affect small businesses because horse racing is not a small business under Government code section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, Subdivision (a)(13), 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, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone: (916) 263-6026
 Fax: (916) 263-6022
 E-Mail: haroldc@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
 Policy and Regulations
 Telephone (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rule-

making process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING THE HIGH SCHOOL EQUIVALENCY (HSE) TEST

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to

adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 1:30 p.m. on July 19, 2016, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 19, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of all modified regulations will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to the regulations, or who provide oral testimony at the public

hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 51421.5 and 51426, Education Code.

References: Sections 51420, 51421, 51421.5, 51422, 51423 and 51425, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 51420 states that the SSPI shall issue a California High School Equivalency Certificate and/or an official score report, to persons who have not completed high school and who meet specified requirements. These requirements include having taken all or a portion of a general educational development test that has been approved by the State Board of Education (SBE) and administered by a testing center approved by the CDE, with a score determined by the SBE to be equal to the standard of performance expected from high school graduates. Education Code section 51421 authorizes the SSPI to charge a one-time fee established by the SBE to cover state administrative costs for the High School Equivalency (HSE) Test. The amount of this fee shall not exceed \$20.

In March 2014, the SBE authorized three test contractors to provide the HSE Test: General Educational Development Testing Service that provides the General Educational Development Test (GED Test), Educational Testing Service that provides the High School Equivalency Test (HiSET Test), and Data Recognition Corporation that provides the Test Assessing Secondary Completion (TASC). Vendors and test centers are allowed to determine their fee to examinees. On average, current total state, contractor, and test center fees for the HSE Test are \$140.

Senate Bill (SB) 252 (Leno) prohibits contractors and test centers from charging fees to examinees who are under 25 years of age who can verify his or her status as a homeless youth. The homeless youth must be certified by a homeless services provider as defined in Education Code section 51421.5. The SSPI is authorized until July 1, 2019, to use surplus funds as defined in the Special Deposit Fund Account to reimburse contractors for the loss of fees from approved homeless youth. Memorandums of Understanding with contractors will include a provision that if funds in the Special Deposit Fund Account are depleted, the ongoing cost of fee waivers shall be absorbed by the contractor. Implementation of the proposed regulations would provide homeless youth who do not have the financial resources to pay the HSE Test registration fee an opportunity to take the HSE Test

at no personal cost and potentially earn a High School Equivalency Certificate. Accordingly, the Homeless Certification Form, (issued 03/2016), is hereby incorporated by reference.

SB 252 requires the CDE on or before December 1, 2018, to submit reports to the appropriate policy and fiscal committees of the Legislature regarding the efficacy of the HSE Test fee waivers. These reports will include among other data, the number of homeless youth who took a HSE Test in 2016, 2017, and 2018 and the impact of the opportunity to take a HSE Test at no cost. The fee waiver and reporting requirements become inoperative July 1, 2019. The bill authorizes the SSPI to adopt emergency regulations for the purposes of these provisions.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will serve to implement the changes to law required under SB 252 by providing direction to homeless youth, homeless services providers, HSE Test contractors and testing centers about what documentation, including the Homeless Certification Form, and processes will be required for a homeless youth to obtain the fee waiver for the HSE Test. The proposed regulations further clarify which fees will be waived, which fees will not be waived, how long fee waivers will be valid, and documentation that must be maintained by homeless services providers and the contractors. Implementation of the proposed regulations would provide homeless youth who do not have the financial resources to pay the HSE Test registration fee an opportunity to take the HSE Test at no personal cost and potentially earn a High School Equivalency Certificate. The proposed regulations would also ensure that only those eligible youth who are verified to be homeless are afforded this opportunity.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the HSE Test and found that none exist that are inconsistent or incompatible with these proposed regulations regarding a fee waiver for homeless youth to take the HSE Test.

INCORPORATION BY REFERENCE

The Homeless Certification Form (issued 03/2016) is hereby incorporated by reference and a copy can be obtained by contacting the Regulations Coordinator.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SSPI has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made. Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies (LEAs): There is the possibility of minor cost for copying forms.

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

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

Cost impacts on a representative private person or businesses: The cost of implementing these proposed regulations will initially be absorbed with available state funds. If these state funds are depleted, HSE Test contractors will absorb the costs of the fee waivers. After the impact of the volume of homeless youth utilizing the fee waiver is known, the testing contractors may offset those costs through moderate fee increases to other examinees. The SBE 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 housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they effect only the HSE test providers, homeless youth, and the CDE.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SSPI concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) effect the ex-

pansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit homeless youth who may demonstrate proficiency in the skills necessary to earn a High School Equivalency Certificate but do not have the funds required to register for the HSE Test. Those who earn the Certificate may be able to pursue other educational or career opportunities that they would not have without the Certificate. Additionally, these individuals will be provided the same opportunity afforded to others who have the financial means to take the tests.

CONSIDERATION OF ALTERNATIVES

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

The SSPI 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.

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Jim Shields, Consultant
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Room 4309
Sacramento, CA 95814
Telephone: 916-323-6860
E-mail: jshields@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jim Shields, Assessment Development and Administration Division, 1430 N Street, Room 4309, Sacramento, CA, 95814; telephone, 916-323-6860. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE LARGE SPARK-IGNITION ENGINE FLEET REQUIREMENTS REGULATION

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider approval for adoption the proposed Amendments to the Large Spark-Ignition (LSI) Engine Fleet Requirements Regulation.

DATE: July 21, 2016

TIME: 9:00 a.m.

LOCATION: California Environmental Protection
Agency Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 21, 2016, and may continue at 8:30 a.m., on July 22, 2016. Please consult the agenda for the hearing, which will be available at least 10 days before July 21, 2016 to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at 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 June 3, 2016. To be considered by the Board, written comments not physically submitted at the hearing, must be submitted on or after June 3, 2016, and received **no later than 5:00 p.m. on July 18, 2016**, and must be addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>

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

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board 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.

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 Health and Safety Code, sections 39001, 39002, 39003, 39500, 39600, 39601, 39602.5, 39607, 39658, 43000, 43011, 43013, 43018, 43101, 43102, 43104, 43150, 43151, and 43600. This action is proposed to implement, interpret, and make specific sections 39001, 39002, 39003, 39500, 39600, 39602.5, 39607, 39658, 43000.5, 43009, 43011, 43013, 43017, 43018, 43101, 43102, 43104, and 43151 of the Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW
(GOV. CODE, § 11346.5, subd. (a)(3))

Sections Affected: Proposed amendments to California Code of Regulations, title 13, sections 2775, 2775.1, and 2775.2.

Background and Effect of the Proposed Regulatory Action:

Large spark-ignition engines, which are defined as spark-ignition (i.e., Otto-cycle) engines greater than 25 horsepower, are used in a variety of equipment, including, but not limited to, forklifts, airport ground support equipment (GSE), sweeper/scrubbers, industrial tow tractors, generator sets, and irrigation pumps. LSI equipment is found in approximately 2,000 fleets throughout the state operating at warehouses and distribution centers, seaports, airports, railyards, manufacturing plants, and many other commercial and industrial facilities.

In 1998, ARB first adopted emission standards for off-road LSI engines. The original LSI regulation required engine manufacturers to certify new LSI engines to a 3.0 gram per brake horsepower-hour (g/bhp-hr) combined hydrocarbons (HC) and oxides of nitrogen (NOx), or HC+NOx, standard. The emission control requirements were phased in, in increments of 25 percent of engine sales per year, beginning with the 2001 model year. Thus, by the 2004 model year, 100 percent of new LSI engines were required to be emission-controlled. To achieve this standard, manufacturers relied upon the same emission control technologies used in automotive engines for more than 20 years — three-way catalytic converters, electronic fuel/air controllers, and oxygen sensors. The 3.0 g/bhp-hr standard represented a 75 percent reduction in emissions versus LSI engines with no emission controls.

Building on this success, in 2002, the United States Environmental Protection Agency (U.S. EPA) subsequently harmonized the national standard with California's standard starting with the 2004 model year and adopted a more stringent 2.0 g/bhp-hr HC+NOx stan-

dard for 2007 and subsequent model year engines. The federal program demonstrated that additional reductions from new engines were technically feasible and cost-effective.

In the 2003 State Implementation Plan for Ozone (2003 SIP), California committed to two additional LSI measures — one for the development of more stringent new engine standards and another for the development of in-use fleet requirements. ARB adopted these two LSI measures in a 2006 rulemaking, which harmonized California’s standard with U.S. EPA’s 2.0 g/bhp-hr HC+NOx standard starting with the 2007 model year, set forth a more stringent 0.6 g/bhp-hr California standard starting with the 2010 model year, and established in-use LSI fleet requirements. The 0.6 g/bhp-hr standard represents a 95 percent emission reduction versus uncontrolled LSI engines and is still in effect today.

The in-use element of the 2006 rulemaking, adopted as the Large Spark-Ignition Engine Fleet Requirements Regulation (LSI Fleet Regulation), requires in-use fleet operators of four or more forklifts, sweeper/scrubbers, industrial tow tractors, and airport GSE to meet specific HC+NOx Fleet Average Emission Level (FAEL) standards. The FAEL standards, which have become more stringent over time, vary based upon equipment type and fleet size. For example, the FAEL standard for forklifts is more stringent because there are more retrofit devices available for forklifts than for other types of LSI equipment. In addition, FAEL standards are more stringent for large fleets (greater than 25 pieces of LSI equipment) because of their greater ability to incorporate zero and near-zero emission equipment into their operations.

The LSI Fleet Regulation was later amended in 2010, primarily to provide additional compliance flexibility.

In April 2015, the Board affirmed its vision of a zero and near-zero emission freight system through Resolution 15-22, which directed staff to pursue development of the potential near-term actions described in the *Sustainable Freight: Pathways to Zero and Near-Zero Emissions, Discussion Draft* (Pathways Document) as quickly as possible to meet public health and climate change needs. The Pathways Document describes a number of potential immediate and near-term actions intended to facilitate the transition to a zero emission transportation system and supports the on-going effort to develop California’s Sustainable Freight Action Plan. This proposal would support two near-term actions identified in the Pathways Document:

- Collection of data from freight facilities to support future actions to reduce emissions and health risk and to improve efficiency (Data Collection); and

- Development of requirements to support broad scale deployment of zero emissions equipment in LSI applications (Zero Emission Off-Road Measure).

To achieve its healthy air quality, climate, and sustainability goals, California must take effective, well-coordinated actions to transition to a zero emission transportation system, for both passengers and freight. The Pathways Document sets out ARB’s vision of a clean freight system and the immediate and near-term steps that ARB will take to support steady and continual progress in moving both domestic and international cargo in California more efficiently, with zero emission technology everywhere feasible, and near-zero emission technology with renewable fuels everywhere else. Success will depend on gains made in significantly increasing the capacity and durability of batteries and fuel cells in harsh environments, driving down costs of advanced technologies, and the development and expansion of energy and alternative fuel infrastructure.

This proposal is one of several ARB efforts to provide the data necessary to fully evaluate: (1) the feasibility of increasing deployment of zero emission technology in LSI and other off-road equipment categories; (2) the cost and economics of widespread deployment of those technologies and the associated fueling infrastructure; and (3) the potential impacts on businesses and the environment.

STAFF’S PROPOSAL

While the current LSI Fleet Regulation requires fleet operators to document key compliance information about their equipment — information ARB could use to increase enforcement effectiveness and compliance rates and to inform policy decisions — it does not require, or provide a mechanism for, operators to report such information to ARB. This proposal, which was developed to address this issue, consists of the following major elements:

- The addition of reporting requirements, starting June 30, 2017;
- The addition of equipment labeling requirements, starting June 30, 2017; and
- The continuation of existing recordkeeping requirements.

Staff is proposing to require fleets subject to the current requirements of the LSI Fleet Regulation to report their LSI equipment to ARB, beginning June 30, 2017, and annually thereafter. Operators would be required to provide information about each piece of LSI equipment, including:

- Equipment Type, Make, Model, Model Year, Serial Number and Lift Capacity;
- Engine Manufacturer, Model Year, Displacement, U.S. EPA Family Name, Emission Certification Standard, Horsepower (or Operating Voltage, if applicable);
- If retrofit is installed, Retrofit Verification Level, Manufacturer, Serial Number; and
- Annual Hour Meter Readings (if necessary to qualify for an exemption).

In addition, affected fleets would also be required to label their LSI equipment with a unique equipment identification number (EIN) assigned by the Executive Officer. Similar to a license plate number for an on-road vehicle, the EIN would stay with the equipment even when sold to a new owner.

Furthermore, because the existing recordkeeping requirements are set to end on June 30, 2016, for most fleets, staff is proposing to extend such requirements until June 30, 2023. After such date, the proposed recordkeeping, reporting, and labeling requirements would all sunset. However, fleets taking advantage of exemptions that currently require documentation in order to qualify would still be required to maintain records, report, and label affected equipment after June 30, 2023.

Other non-substantive amendments are also being proposed for consistency as part of this rulemaking.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION

While the statewide emission reductions projected for the LSI Fleet Regulation were committed to in the 2003 SIP, very limited data are currently available for determining progress towards the regulation's ultimate air quality objectives. The proposed amendments would address this by providing a mechanism for collecting the data needed. More importantly, they would improve the reliability of the emission reductions projected for the existing LSI Fleet Regulation by increasing enforcement effectiveness and compliance rates.

In addition, this proposal is one of several ARB Data Collection efforts that supports the near-term Data Collection action described in the Pathways Document. The compliance data gathered as a result of the proposed amendments would be used to inform the development of future measures to accelerate the deployment of zero emission technology, including the Zero Emission Off-Road Measure described in the Pathways Document. Staff believes that this future measure will be a key enabling step in transitioning zero emission technology into heavier, higher-power-demand appli-

cations, such as those that currently utilize diesel powertrains.

Therefore, this proposal furthers the goals of ARB to protect the health and safety of Californians and the environment by reducing criteria and climate emissions and improving air quality.

Staff has offered the California public several opportunities to learn about and comment on the proposed LSI regulatory amendments. Since starting the rule-making process, ARB staff has held two sets of three workshops each to discuss the development of this regulatory proposal. Notices were posted to ARB's LSI webpage and e-mailed to subscribers of the LSI list-serv. In addition, a toll-free hotline has been made available to stakeholders and those in the public with questions or comments regarding the LSI regulation and the proposed amendments. ARB staff continues to offer free LSI regulatory training classes and has included discussions in these classes on the proposed amendments. In addition, staff provided a brief update on the proposed regulatory amendments during several of the One Stop Truck Events held in the fall and winter 2015 throughout California.

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

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

DISCLOSURE REGARDING THE PROPOSED REGULATION

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

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

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs for state agencies that own LSI equipment. The Executive Officer has also determined that the proposed regulatory action is a mandate that would create costs for local agencies and school districts, but these costs would not be reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500, et. seq.).

The total estimated cost of the proposed amendments for all public agencies is \$981,000. Federal agency

fleets would have a cost of \$117,200 and State agency fleets would have cost of \$122,800. Local agency fleets, such as those owned by cities and counties, would have a cost of \$741,000. There are no other non-discretionary costs or savings imposed on federal, State, or local agencies. In addition, the proposed amendment would not create any cost or savings in federal funding to the State.

Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):

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

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

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

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. It is expected that it would take a maximum of one hour to report and label each piece of equipment. The smallest fleets that would be required to report and label consist of four pieces of equipment. Staff assumed the average size of a private fleet that would be subject to the proposed amendments is 47 pieces of equipment (86,730 equipment/1,848 fleets) and a typical large fleet operates 100 pieces of equipment. This results in a range of costs from approximately \$270 (for fleets with 4 pieces of equipment) to \$6,700 (for fleets with 100 pieces of equipment).

Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5 subd. (a)(10)):

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 Staff Report: Initial Statement of Reasons (ISOR).

Benefits of the Proposed Regulation:

The proposed amendments are expected to increase compliance rates and help ensure progress towards

achieving the projected emission benefits of the LSI Fleet Regulation. In addition, the data that would be collected as a result of the proposed amendments would be used to inform the development of the Zero Emission Off-Road Measure, which is identified as a potential near-term action in the Pathways Document.

A summary of these benefits is provided, please refer to “Objectives and Benefits of the Proposed Regulatory Action,” under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion above.

Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses, because small businesses that own LSI equipment are expected to be small fleets. Because small fleets are exempt from the current requirements of the LSI Fleet Regulation, they would also be exempt from the proposed amendments. However, while small businesses would not be required to report, some may voluntarily comply with the proposed LSI Fleet Regulation reporting and labeling requirements. A small fleet would assume a cost of \$67 for either 1 hour of employee time or a hired consultant to complete the equipment reporting and labeling. The cost to a small fleet, therefore, would range from \$67 (1 piece of equipment) to \$201 (3 pieces of equipment) if they choose to comply.

ALTERNATIVE STATEMENTS

(Cal. Code Regs., tit. 1, § 4, subds. (a) and (b))

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, and during workshops, 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.

BUSINESS REPORTS

(Gov. Code, § 11346.3 subd. (c) and 11346.5 (a)(11))

The Executive Officer has found that the reporting requirements of the proposed regulatory action, which apply to businesses, are necessary for the health, safety, and welfare of the people of the State of California.

AVAILABILITY OF DOCUMENTS

ARB staff has prepared an ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Large Spark-Ignition Engine Fleet Requirements Regulation.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on June 3, 2016.

ENVIRONMENTAL ANALYSIS

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed amendments and concluded that this action is exempt pursuant to CEQA Guidelines §15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may result in significant adverse impacts on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter V of the ISOR.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative: Todd Sterling, Air Pollution Specialist, Off-Road Implementation Section, at (916) 323-2397 or (designated back-up contact) Mr. David Chen, Manager, Advanced Emission Control Strategies Section at (626) 350-6579.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Nicole Hutchinson, Regulations Coordinator, (916)322-6533. 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 adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt 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; in such event, 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 ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

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 ARB's website listed below.

INTERNET ACCESS

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2016/sparkignition2016/sparkignition2016.htm>.

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;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 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 las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alternativo u otro idioma.
- 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 (916) 322-5594 o envíe un fax a (916) 322-3928 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 Re-transmisión de Mensajes de California.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“Listed Anadromous Salmonid Amendments, 2016”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4:
Subchapter 1, Article 1
Amend: § 895.1
Subchapter 2, Article 2
Amend: § 898.2**

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Thursday, July 21, 2016, at its regularly scheduled meeting commencing at approximately 9:00 a.m., at the Twin Pine Casino and Hotel, 22223 S State Highway 29, Middletown, California, 95461. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regula-

tory action to the Board. The written comment period ends at 5:00 p.m. on Monday, July 18, 2016.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

publiccomments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

14 CCR § 895.1 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5, 4525.7, 4526, 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and *Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection*, Sonoma County Superior Court No. SCV 229850.

14 CCR § 898.2 Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources Code. Reference: Sections 2053, 2080.1, 2090-2097, 2830 and 2835, Fish and Game Code; Sections 4555, 4582.7 and 4582.75, Public Resources Code; Section 51115.1,

Government Code; the federal Endangered Species Act of 1973, 16 U.S.C. Section 1531 et seq.; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW
(pursuant to 11346.5(a) (3) (A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973 (FPA, PRC § 4511, *et seq.*), the Board is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands. According to PRC § 4551(a) the board shall adopt district forest practice rules and regulations for each district in accordance with the policies set forth in Article 1 (commencing with §4511) of this chapter and pursuant to Chapter 3.5 (commencing with §11340) of Part 1 of Division 3 of Title 2 of the Government Code to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources, including, but not limited to, streams, lakes and estuaries.

Additionally, under PRC§ 4584, the Board, upon determining that the modifications to existing definitions are necessary, and criteria by which the Director may approve a timber harvest plan that may result in incidental take of experimental populations of federally listed anadromous salmonids are consistent with the purposes of the Z’berg–Nejedly Forest Practice Act of 1973 (FPA, PRC § 4511, *et seq.*), may exempt from this FPA, or portions of this FPA, a person engaged in specific forest management activities.

The history of the development of this proposed regulation is as follows:

- The Board received an official request dated July 6th, 2015 from Ms. Maria Rea, Assistant Regional Administrator of the California Central Valley Office, of the United States National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS). Ms. Rea requested that the Board revise provisions of the California Forest Practice Rules (FPRs) related to the protection of anadromous salmonids listed under the federal Endangered Species Act of 1973 as amended (FESA), intending to address potential impediments to proposed recovery actions involving reintroduction of listed experimental populations of salmonids (ESA; 16 U.S.C. § 1531 et seq.). The purpose of this request was to ensure the “conservation and recovery of anadromous salmonids in California”, while safeguarding landowner rights for activities

governed by the FPRs Rules from the introduction of experimental salmonid populations.

- This regulatory request received concurrence and support from the California Department of Fish and Wildlife (DFW), with a letter received by the Board on July 14, 2015, authored by DFW Director Charlton H. Bonham.
- The Board, at the regularly scheduled Board meeting on July 23rd, 2015 authorized the noticing of a 45–day notice for rulemaking efforts on what was formerly known as “10(j) Experimental Populations Amendments, 2015.”
- The Board, at its regularly scheduled meeting on May 12th, 2016, rescinded the previous July 23rd, 2015 action for this rulemaking package, and re–authorized noticing of this revised text now referred to as “Listed Anadromous Salmonid Amendments, 2016.”

The purpose of the proposed action is to make permanent, through regular rulemaking, these amendments.

The effect of the proposed action is to provide a person engaging in the harvesting of timber a reprieve, from the Anadromous Salmonid Protection Rules (ASP) (14 CCR, §916.9 et seq.), when either of the two following situations exist. First, this amended regulatory language will apply when Experimental Populations of listed anadromous salmonids are introduced into watersheds associated with activities regulated by the FPRs or in situations where historical but unoccupied habitats can be restored to support listed salmonid populations, but man–made or natural structures inhibiting anadromy are in place and their removal or remediation is deemed impractical¹ or not economically feasible. Second, this exemption seeks to reprieve the Director from the immediate disapproval of proposed Timber Harvest Plans (currently required by 14 CCR §898.2), in watersheds where listed anadromous salmonids are present and affected by lawful activities governed by the FPRs, if “take” is authorized by the appropriate federal or state wildlife agency in accordance with the FESA or California Endangered Species Act (CESA).

The primary benefit of the proposed action is to protect the right of landowners to legally harvest timber without further restriction from the ASP rules in watersheds where anadromous salmonid populations are, or become, present through introduction in portions of watersheds that are located above natural or manmade (non–restorable) barriers to anadromy. Additionally, existing Board rule 14 CCR § 898.2 requires the Director to disapprove a plan as not conforming to the rules of

¹ The determination of whether barriers to fish passage are deemed immovable, impractical, or not economically feasible to remove will lie jointly under the jurisdiction of the DFW and NMFS.

the Board if “. . . (d) Implementation of the plan as proposed would result in either taking or finding of jeopardy of wildlife species as rare, threatened or endangered, by the Fish and Game Commission, the National Marine Fisheries Service, or Fish and Wildlife Service, or would cause significant, long-term damage to listed species.” Since these experimental salmonid populations are Federally listed as “Threatened” and/or State listed as “Threatened” or “Endangered”, certain exceptions can be made, pursuant to FESA or CESA, to allow for incidental “take”² where otherwise lawful timber harvest activities occur. For instance, the NMFS has recommended, in circumstances where a 4(d) rule exempts otherwise lawful activities (i.e. approved forest management) as part of an experimental population designation, that additional forest management restrictions need not apply. This will ensure that the artificial introduction, subsequent existence, and ongoing population restoration actions of these listed salmonid populations will not compromise the economic benefits to landowners from timber harvest activities.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation to determine whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action (including portions of 14 CCR §§ 895.1 and 14 CCR § 898.2, § 916.9 [936.9, 956.9]) and to improve the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the system of forest practice applicable to timber management and protection of introduced salmonids on state and private timberlands pursuant to the FPRs and found existing State regulations, which attempts to meet the same purpose as the proposed action but does so in a manner that is not as explicit as the draft regulatory proposal. Existing regulation, found under 14 CCR § 916.9 (Geographic Scope), states “These requirements do not apply to upstream watersheds where permanent dams attenuate the transport of fine sediment to downstream watercourses with listed anadromous salmonids.” The Board determined that this statement does not meet the need to properly address experimental populations, or when experimental populations are placed above permanent barriers to fish passage that are impractical to remove. The draft regulatory proposal was promulgated to make existing regulation explicit. Based on this evaluation

and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules; it simply amends the rules providing improved consistency and clarity.

The Board recognizes that future rulemaking may be necessary to further define watersheds with listed anadromous salmonids when introduced, if and when these listed salmonid populations are designated by the NMFS as 4(d) experimental populations as defined in the FESA as amended, to maintain future consistency and congruity with federal and state regulations. The Board will strive to increase its consultation and discussion with federal wildlife agencies pursuing the introduction of these experimental populations, to avoid redundancy and ensure effective implementation and compatibility of clear and concise regulatory language to protect the best interest of the State and its citizens within its realm of jurisdiction.

No documents are incorporated by reference.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations related to the system of forest practice applicable to timber management on state and private timberlands developed pursuant to the FPRs. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5))**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))**

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (com-

² Under ESA; 16 U.S.C. § 1531 et seq., §3 (19) states, “The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

mencing with Section 17500) of Division 4 of the Government Code.

Although the proposed action will improve the implementation of the FPRs and make the review of plans and enforcement more efficient, a savings is not expected given the small scale of the proposed action. In general, the cost to administer the Forest Practice Program is covered by the Timber Regulation and Restoration Fund. The proposed action will not produce costs or savings to any State agency.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS
(pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE
(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

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.

Pursuant to **GOV §11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

This initial determination is based on consideration, by the Board in May of 2016, of the economic impact of each provision of the proposed action.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- (A) will not create or eliminate jobs within California;
- (B) will not create new businesses or eliminate existing businesses within California;
- (C) will not affect the expansion of businesses currently doing business within California.

- (D) will yield nonmonetary benefits through improved implementation of the Forest Practice Rules that will yield improved resource protection, planning (efficiency in plan development and plan review), and enforcement (more enforceable and achievable).

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS
(pursuant to GOV § 11346.5(a)(9))

The agency 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
(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

- Small business, pursuant to 1 CCR 4(a) and (b);
- (1) Is legally required to comply with the regulation;
 - (2) Is not legally required to enforce the regulation;
 - (3) Does not derive a benefit from the enforcement of the regulation;
 - (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

The proposed action is to provide clear and definitive legal language regarding the presence of salmonid populations and their regulatory effects upon timber harvest activities. It simply amends the regulations to appropriately address how the FPRs will apply when salmonids are present by artificial means or are upstream of permanent barriers to fish passage. In addition, the proposed action makes specific statute and updates the rules to be consistent with statute. Accordingly, the proposed action improves the implementation of the FPRs and makes the development of plans more efficient and enforcement more achievable. Small business may be affected by the proposed action.

CONSIDERATION OF ALTERNATIVES

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, 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, 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.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations, and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9633

The designated backup person in the event Mr. Matt Dias is not available is Mr. Connor Pompa, Regulations Forestry Assistant II. Mr. Pompa may be contacted at the above address or by phone at (916) 653-9066.

AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a)(16))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)** and **GOV § 11346.2(a)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board

adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: http://www.bof.fire.ca.gov/regulations/proposed_rule_packages/

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites San Francisco Airport — South San Francisco, 250 Gateway Blvd., South San Francisco, CA 94080, at 9:00 a.m., on July 29, 2016.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 19, 2016, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter 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 written or oral 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 Section 2018 and 2516.5 of the Business and

Professions Code, and to implement, interpret or make specific section 2516.5 of said Code, the Board is considering adding Sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Currently, Business and Professions Code (BPC) section 2516.5 provides for the definition of a midwife assistant, as well as a description of some of the duties a midwife assistant may perform. This statute became effective on January 1, 2016, and there are currently no implementing regulations in the California Code of Regulations (CCR) regarding midwife assistants, their training, nor certification.

This rulemaking proposes to add Title 16, Division 13, Chapter 3, Article 6, CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 to further define BPC section 2516.5 regarding the minimum requirements for midwife assistants, their training, and certification.

These new proposed regulations will do the following:

Section 1379.01 specifies who may supervise midwife assistants.

Section 1379.02 specifies each midwife assistant shall have a Neonatal Resuscitation Certification from the American Academy of Pediatrics.

Section 1379.03 specifies each midwife assistant shall maintain certification in basic life support from the American Heart Association or the American Safety and Health Institute.

Section 1379.04 specifies each midwife assistant shall have received training in Centers for Disease Control “Guidelines for Infection Control in Health Care Personnel” and must demonstrate to the supervisor that he or she understands infection control.

Section 1379.05 specifies the minimum training a midwife assistant shall complete.

Section 1379.06 specifies how midwife assistant training shall be administered.

Section 1379.07 specifies the minimum requirements certifying organizations for midwife assistant training must meet to receive Board approval.

Section 1379.08 specifies the changes that Board approved certification agencies must report to the Board, and timeframes for reporting the changes to the Board.

Section 1379.09 — specifies process times for the Board to review an application from a certification organization.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will further define BPC section 2516.5 that created midwife assistants in statute, and will further define the minimum training requirements for midwife assistants, the minimum requirements for the administration of training, and the requirements for approved certifying organizations, thereby furthering the Board’s mission of consumer protection by ensuring that midwife assistants have the proper training and supervision.

C. Consistency and Compatibility with Existing State Regulations

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not adversely affect small businesses, since the proposed CCR sections 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, and 1379.09 will further define BPC section 2516.5 that created midwife assistants in statute, and allows for

recognition of new education programs and certifying organizations.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has made the initial determination that this regulatory proposal will have the following impact:

- It is not likely to eliminate jobs within the State of California. It is likely to create jobs for midwife assistants, instructors, and employees of certifying organizations. This initial determination is based on the fact that prior to January 2016, midwife assistants were not permitted by statute or regulation. Under BPC section 2516.5, midwife assistants are now permitted under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations, and create new job opportunities in the state.
- It is not likely to eliminate existing businesses within the State of California. In fact, existing businesses may expand to meet demand for this new position. This initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations will expand to fill the need to train and certify midwife assistants.
- It will likely result in the expansion of businesses currently doing business within the State of California. This initial determination is based on the fact that prior to January 2016, midwife assistants were not authorized by statute or regulation. Under BPC section 2516.5, midwife assistants are now allowed under the law, and the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations. It is likely that educational programs and certifying organizations already familiar with medical assistant requirements will expand to fill the need to train and certify midwife assistants.
- It will benefit the health and welfare of California residents, because the regulations will set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations to further consumer protection.

- It will have a positive impact on worker safety, because the proposed regulations will set forth minimum requirements for midwife assistants, which include infection control.
- It will not have an impact on the state's environment, because the regulations will simply set forth minimum requirements for midwife assistants, instructors, educational programs, and certifying organizations.

CONSIDERATION OF ALTERNATIVES

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

The Board 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.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and all the information upon which the proposal is based is available upon request.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, 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 person designated in the Notice under Contact Person, below, or by accessing the Board's website at http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below.

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to

Name: Curtis Worden
 Address: Medical Board of California
 2005 Evergreen St., Ste. 1200
 Sacramento, CA 95815
 Telephone No.: (916) 274-2986
 Fax No.: (916) 263-2387
 E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke, Regulations
 Manager
 Address: Medical Board of California
 2005 Evergreen St., Ste. 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2368
 Fax No.: (916) 263-8936
 E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations>.

TITLE 17. AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO CONSIDER
 THE PROPOSED REGULATION FOR
 GREENHOUSE GAS EMISSION STANDARDS
 FOR CRUDE OIL AND NATURAL
 GAS FACILITIES**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the proposed Regulation for Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities.

DATE: July 21, 2016

TIME: 9:00 a.m.

PLACE: California Environmental Protection
 Agency
 Air Resources Board

Byron Sher Auditorium
 1001 I Street
 Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 21, 2016, and may continue at 8:30 a.m., on July 22, 2016. Please consult the agenda for the hearing, which will be available at least 10 days before July 21, 2016, to determine the day on which this item will be considered.

**WRITTEN COMMENT PERIOD AND
 SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at 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 June 3, 2016. Written comments not physically submitted at the hearing must be submitted on or after June 3, 2016 and received **no later than 5:00 p.m. on July 18, 2016.**

ARB requests that when possible, written and email statements be filed at least 10 days before the hearing to give ARB staff and Board members additional time to consider each comment. 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: Clerk of the Board,
 Air Resources Board
 1001 I Street,
 Sacramento, California 95814

Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code; sections 38510, 38562, 38580, 39600, 39601, 39603, 39607 and

41511, Health and Safety Code. This action is proposed to implement, interpret, and make specific sections 38551, 38560, 39600, 40701, 40702, 41511, 42300, 42301 and 42311, Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW
(GOV. CODE, § 11346.5, subd. (a)(3))

Sections Affected: Proposed adoption to California Code of Regulations, title 17, Subarticle 13, Sections 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676 and Appendix A, Appendix B, and Appendix C.

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

The following documents are proposed for incorporation by reference into the regulation.

- ASTM D-70-09 Standard Test Method for Density of Semi-Solid Bituminous Materials (Pycnometer Method). 2009.
- ASTM D-287-92 Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method). Reapproved 2000.
- ASTM D-1945-03 Standard Test Method for Analysis of Natural Gas by Gas Chromatography. Reapproved 2010.
- ASTM D-2597-10 Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography 2010.
- ASTM D-3710-95 Standard Test Method for Boiling Range Distribution of Gasoline and Gasoline Fractions by Gas Chromatography. Reapproved 2009.
- ASTM D-3588-98 Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels. Reapproved 2003.
- ASTM D-4007-08 Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure). 2008.

- ASTM D-4052-09 Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter. 2009.
- ASTM D-5002-16 Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer. 2016.
- EPA Method 21 Determination of Volatile Organic Compound Leaks. 2016.
- EPA Method 8021B Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors. 2014.
- EPA Method 8260 B Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS). 1996.
- EPA Method TO-14 Determination of Volatile Organic Compounds (VOCs) In Ambient Air Using Specially Prepared Canisters with Subsequent Analysis By Gas Chromatography. 1999.
- EPA Method TO-15 Determination of Volatile Organic Compounds (VOCs) In Air Collected In Specially-Prepared Canisters and Analyzed By Gas Chromatography/Mass Spectrometry (GC/MS). 1999.
- GPA 2174-93 Obtaining Liquid Hydrocarbon Samples For Analysis by Gas Chromatography. 2000.
- GPA 2177-03 Analysis of Natural Gas Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography (2003).
- GPA 2261-00 Analysis for Natural Gas and Similar Gaseous Mixtures by Gas Chromatography. 2000.
- GPA 2286-95 Tentative Method of Extended Analysis for Natural Gas and Similar Gaseous Mixtures by Temperature Programmed Gas Chromatography. Reprinted 1999.

GPA means Gas Processing Association.

Background and Effect of the Proposed Regulatory Action:

In 2006, the Legislature passed and Governor Schwarzenegger signed the California Global Warm-

ing Solutions Act of 2006 (Stats. 2006, chapter 488). In Assembly Bill (AB) 32, the Legislature declared that global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The Legislature further declared that global warming will have detrimental effects on some of California's largest industries, including agriculture and tourism, and will increase the strain on electricity supplies. The Legislature recognized that action taken by California to reduce emissions of greenhouse gases (GHG) will have far-reaching effects by encouraging other states, the federal government, and other countries to act. AB 32 creates a comprehensive, multi-year program to reduce GHG emissions in California, with the overall goal of restoring emissions to 1990 levels by the year 2020. AB 32 requires ARB to take actions that include:

- Establishing a statewide GHG emissions cap for 2020, based on 1990 emissions;
- Adopting a scoping plan by January 1, 2009, indicating how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

Both the original 2008 Scoping Plan and the subsequent First Update to the Scoping Plan identified the regulation of oil and gas operations covered in the proposed regulation as a potential GHG mitigation measure. Accordingly, this proposed regulation covers greenhouse gas emissions, predominately methane, from production, gathering and boosting stations, and processing, as well as natural gas storage and transmission compressor stations (collectively "oil and gas"). This proposed regulation is one of a suite of measures to reduce methane emissions. Methane emissions, if not controlled, will put continued pressure on the statewide GHG limit, as well as complicate any efforts to achieve deeper emissions reductions in the future. Steps therefore must be taken to control these emissions in order to fulfill AB 32's mandates.

Oil and gas operations are also subject to the federal Clean Air Act, including its permitting requirements. They are subject to United States Environmental Protection Agency (U.S. EPA) performance standards for oil and gas operations. These regulations, Title 40 Code of Federal Regulations (CFR) Part 60, Subpart OOOO ("Quad O"), limit emissions of volatile organic compounds from new equipment installed at crude oil and natural gas operations. These regulations achieve co-benefits of methane reductions. Corresponding air toxics standards for certain pieces of oil and gas equipment are also codified in 40 CFR Part 63. In August 2015, U.S. EPA also proposed standards under section 111 of the Clean Air Act for methane emissions that

would cover new equipment in oil and gas fields, finalizing these standards in May 2016. As part of this effort, U.S. EPA also has proposed additional requirements for new and modified sources in the oil and gas sector and suggested Control Technology Guidance for existing sources in non-attainment areas. On March 10, 2016, President Obama announced steps to reduce emissions from all existing oil and gas facilities, but that process is in the information gathering stage. Controls proposed in this regulation would aid in (and may suffice entirely for) compliance with any federal standards developed.

The Bureau of Land Management (BLM) has also recently proposed new regulations to reduce the waste of natural gas from venting, flaring, and leaks during oil and gas operations on federal and tribal lands (43 CFR 3162 and 3179).

California has authority to set its own standards to reduce emissions further to meet federal and state ambient air quality standards and climate change requirements and goals, and to require additional and separate reporting. The proposed regulation addresses existing facilities and equipment where Quad O, and the U.S. EPA's federal methane standards, only applies to new or modified sources as of August 2011 (or September 2015 for some sources); the BLM regulations also do not reach many California sources. The proposed regulation is generally more restrictive, as well as reaching additional sources, and is necessary to achieve additional benefits for human health, public welfare, and the environment. The proposed regulations are consistent with U.S. EPA's rules mentioned above and would apply to sources not covered in those rules. ARB's proposed regulation does not apply to tribal lands; however, it does apply to federal lands, in which case ARB may develop an MOU with BLM to coordinate enforcement.

In addition to direct federal regulations, many air districts with significant oil production have rules designed to reduce particulate matter less than 2.5 microns in diameter (PM_{2.5}) as well as oxides of nitrogen (NOx) and volatile organic compound (VOC) emissions specifically from the oil and gas sector in order to meet federal ambient air quality requirements and generally to improve local air quality. The district rules do not cover methane-specific sources and the proposed regulation addresses emissions from equipment and processes not already controlled by those existing district rules.

ARB staff carefully reviewed existing and proposed regulations as this proposed regulation was developed. The proposal is designed to be as strong as, or stronger than, existing rules in other jurisdictions and in certain California air districts, and to extend strong elements of those rules. The proposal is also designed to integrate

well with regulatory efforts for other aspects of the sector, as well as to provide a complementary basis for compliance with potential proposed federal rules.

Objectives and Benefits of the Proposed Regulatory Action:

The proposed regulation covers greenhouse gas emissions, predominately methane, from production, gathering and boosting stations, and processing, as well as natural gas storage and transmission compressor stations (collectively “oil and gas”). It addresses both vented (intentional) and fugitive (unintentional) releases of greenhouse gases by processes at facilities in the following sectors:

- Onshore and offshore crude oil or natural gas production;
- Crude oil, condensate and produced water separation and storage;
- Natural gas gathering and boosting stations;
- Natural gas processing plants;
- Natural gas transmission compressor stations; and
- Natural gas underground storage.

The proposed regulation establishes emission standards for active and idle equipment and components at these facilities. Depending on the equipment or component, control mechanisms include vapor recovery, leak detection and repair (LDAR), and equipment replacement. Additionally, the proposed regulation includes monitoring at underground natural gas storage facilities for the early detection of large leaks or well failures. Storage facility monitoring provisions were added to the proposed regulation in response to the catastrophic release that occurred at the Aliso Canyon natural gas storage facility in late 2015–early 2016.

Some methane reductions are already achieved as co-benefits of local air district regulations governing emissions of volatile organic compounds (VOC); methane is not considered to be a VOC but can be captured along with VOCs. Although methane emissions do not affect regional scale ozone production that occurs over hours to days like VOCs do, regional methane emissions are fairly well mixed in the atmosphere and contribute to global methane levels, which in turn contribute to global background levels of ozone. The goal of the proposed regulation is to obtain the maximum GHG emission reductions from the sector in a technically feasible and cost-effective manner, building upon the existing regulations already being implemented by the air districts. The source categories covered under the proposed regulation currently emit approximately two and a half million metric tonnes (MMT) of CO_{2e}. The proposed regulation will reduce those emissions by over fifty percent. The proposal is also expected to reduce both VOC and toxic air contaminant (TAC) emissions

and provide an essentially neutral NO_x impact statewide.

The specific provisions of the proposed regulation are:

1. Collection and use (or destruction) of methane and associated gases from uncontrolled oil and water separators and storage tanks with emissions above a set methane standard;
2. Collection and use (or destruction) of methane and associated gases from all uncontrolled well stimulation circulation tanks;
3. Leak Detection and Repair (LDAR) requirements for active and idle components, such as valves, flanges, and connectors, currently not covered by local air district rules;
4. Methane emission standards for large reciprocating compressors in addition to LDAR for the other large compressor components and smaller compressors;
5. Collection and use (or destruction) of methane and associated gases from specified centrifugal compressors, or replacement of higher emitting “wet seals” with lower emitting “dry seals”;
6. Use of “no bleed” pneumatic pumps and “no bleed” continuous bleed pneumatic devices with limited exemptions and restrictions on intermittent bleed pneumatic devices;
7. Enhanced monitoring for underground natural gas storage facilities including leak detection and ambient air monitoring; and
8. Reporting requirements for liquids unloading and well casing vents.

The proposal represents an ARB effort starting in 2008 to reduce emissions from the oil and gas sector. ARB staff coordinated a comprehensive industry-wide survey of equipment, conducted research and analysis to better understand emissions and reduction opportunities, and visited several oil and gas facilities. ARB staff worked with major stakeholders such as oil and gas producers, storage operators, public utilities, environmental and public health advocates and local air districts to solicit input via meetings and public workshops on the proposal. Staff developed the proposal based on research, analysis, and feedback from stakeholders.

Comparable Federal Regulations:

U.S. EPA’s New Source Performance Standards (NSPS) for Crude Oil and Natural Gas Production, Transmission, and Distribution (40 CFR Part 60 Subpart OOOO) applies to onshore oil and gas facilities newly constructed, reconstructed, or modified after August 23, 2011, and as of September 18, 2015 for some sources. The types of facilities covered are natural gas well sites, oil well sites, production gathering and boosting stations, natural gas processing plants, and

natural gas compressor stations (transmission and storage). U.S. EPA's recently finalized methane standards add to these rules in 40 CFR Part 60 Subparts OOOO and OOOOa. ARB's proposed regulation is generally more stringent, as is discussed above, and will apply to more facilities in California compared to U.S. EPA's NSPS because the NSPS are limited to new and modified sources and ARB's regulation will apply to all new and existing facilities as well as offshore oil and natural gas production facilities.

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

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

Many air districts with significant oil production have rules designed to reduce criteria pollutant emissions from the oil and gas sector in order to meet federal ambient air quality requirements. ARB staff carefully reviewed existing air district rules applicable to similar sources at oil and natural gas facilities. The district rules control emission of volatile organic compounds from tanks, separators and compressors, and specify requirements for leak detection and repair (LDAR). The district rules do not cover methane-specific sources and the proposed regulation addresses emissions from equipment and processes not already controlled by those existing district rules. ARB has used the district rules as a starting point, particularly for leak detection and repair, where districts have been implementing programs for decades. ARB staff carefully reviewed existing and proposed regulations as this proposed regulation was developed. The proposal is designed to be as strong as, or stronger than, existing rules in other jurisdictions and in certain California air districts, and to extend strong elements of those rules. The proposal is also designed to integrate well with regulatory efforts for other aspects of the sector, as well as to provide a complementary basis for compliance with potential proposed federal rules.

DISCLOSURE REGARDING THE PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (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-

able compliance with the proposed regulatory action are presented below.

Fiscal Impact on Local Agencies or School Districts

A local air district may decide — but is not obligated — to be the primary agency responsible for enforcing the provisions of the proposed regulation. This includes issuing permits for new control equipment, registration and inspection of equipment, and enforcing the LDAR portion of the regulation. The individual district cost estimates range from amounts some districts feel could be absorbed by them without additional funding, to over \$300,000 per year in recurring costs and almost \$1,000,000 in one-time costs, primarily for permitting. Even if the districts do decide to implement and enforce this regulation, there is an annual cost for ARB to manage the reporting requirements in the regulation. The costs to districts are estimated to be approximately \$1,300,000 in initial costs, and approximately \$660,000 in ongoing costs.

Although local agencies (air districts) may choose to implement this regulation, and certain aspects of it may be incorporated in permits as a matter of preexisting law, resulting in some fiscal impacts, the regulation imposes no reimbursable mandates. Air districts face no new legal requirements specific to them under this regulation. As to implementation tasks they may take on or any other costs that may result by operation of statute, air districts have legal authority under Health and Safety Code sections 40510 and 42311 to recover related costs by imposing fees. The proposed regulation also specifies that local air districts that choose to enforce the regulation may retain any penalty monies that result. ARB also may make arrangements to further support air districts as a voluntary matter. Thus, because the regulation applies generally to all entities operating affected sources, not the air districts, and so does not impose unique new requirements on local agencies, this is not a reimbursable mandate. (*County of Los Angeles v. State of California*, 42 Cal. 3d 46 (1987).

The proposed regulation's enforcement and implementation provisions recognize that California's local air districts already play an important role in regulating the oil and gas sector, and are intended to build on their efforts. The provisions make clear that ARB can directly enforce the proposed regulation, but also offer paths for local air districts to integrate its requirements into their existing programs to support efficient and effective enforcement. ARB's proposed regulation can be implemented and enforced by both ARB and the districts. ARB staff assumes most local air districts will choose to take the lead in implementing and enforcing the regulation, with ARB playing a backstop role, and it is our preference for the local air districts to do so. However, ARB will take a lead role in districts that choose

not to. The local air districts are more familiar with operators, conduct inspections nearby or at the same sites, and in many instances have been regulating such sources for decades. This is why the regulation allows local districts to enter into MOUs with ARB in order to define implementation and enforcement responsibilities, as well as for information sharing. The regulation also allows for districts to incorporate this regulation into their local rules. To ensure uniform enforcement, however, districts may not waive or reduce the stringency of the state rules, which remain state law, enforceable as necessary by ARB. There are no other non-discretionary cost or savings imposed upon local agencies.

There are no cost or savings to any school district.

Fiscal Impact on State Agencies or Federal Funding to the State

ARB staff estimates that the regulation will require 6 PYs to implement depending on the mix of district and ARB implementation. In addition to PYs, ARB will need to purchase equipment including three IR cameras at \$85,000 each, and three toxic vapor analyzers at \$10,000 each. The costs are higher with ARB enforcement than with district enforcement due to the need to travel, train new staff, and set up programs, including a registration program. The total cost to ARB is estimated to be \$285,000 in initial costs ((3 X \$85,000) + (3 X \$10,000)), and about \$870,000 in ongoing costs (6 X \$145,000). These costs are anticipated to be imposed during the 2017/2018 fiscal year.

There are no costs/savings to any other state agency, and there are no costs/savings in federal funding to the state.

Housing Costs (Gov. Code, § 11346.5, subd. (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, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):

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

MAJOR REGULATION: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA) (Gov. Code, § 11346.3, subd. (c)):

In February 2015, ARB submitted a Standardized Regulatory Impact Assessment (SRIA) to the Department of Finance (DOF). ARB subsequently resubmit-

ted an SRIA with additional information in April 2015. The information below refers to the April 2015 SRIA. On May 28, 2015, ARB received a letter from the DOF acknowledging this major regulation, and commenting on the information presented in the SRIA. The economic impacts have very small impacts on the macroeconomic indicators.

The following paragraphs summarize the findings of the SRIA as submitted in April of 2015. There have been significant changes in the proposed regulation since the submittal of the SRIA, including a change in the implementation date from January 1, 2017 to January 1, 2018. For this reason, the dates in the summary of the SRIA findings are a year earlier than what is currently anticipated. Despite these changes, the overall impacts are still expected to be very small. After the summary, there is a discussion of the changes since the SRIA.

Creation or elimination of jobs within the State

The proposed regulatory action will have very small impact on employment growth each year. The SRIA shows the initial increase in employment growth estimated as 500 more jobs. This result is primarily due to the increased demand for capital and components in 2017 for secondary industries, and increases in other employment due to the induced and indirect effects of the regulation. The positive employment outweighs any potential reductions in employment growth for the primary industries from the additional production costs. Because the secondary industries do not face higher demand, but the primary industries still face higher costs, the initial employment increase is reduced in 2018, and continues to decrease through 2022. However, due to the level of employment in California and for the industries affected, these results are interpreted as negligible to both the economy and the affected industries.

Creation of new business or the elimination of existing businesses within the State

All impacts to the affected industries are small and negligible. For the secondary industries, there may be a slight expansion in the first year as they expand their businesses to meet the additional capital demand. For the primary industries, there are slight increases in costs, which are slightly offset by the additional natural gas captured. These costs are small for most businesses and can be amortized; because the net cost is minor, there should not be any elimination of existing businesses.

Competitive advantages or disadvantages for businesses currently doing business within the State

The costs to primary businesses are small and are offset slightly by the additional natural gas that can be captured and counted as savings. The SRIA indicates that the additional price for natural gas faced by consumers

would be less than a 0.005% increase in 2018 (the highest price impact year), which is unlikely to result in an increase in primary industry activity outside California, resulting in negligible impacts to the competitiveness of affected businesses.

Increase or decrease of investment in the State

The proposed regulatory action would produce very small impacts on private business investment from 2017 through 2022. The change in these investments can be described as increases in spending by the primary and secondary industries on capital equipment (among other investments). As the compliance requirements are amortized by the primary industries, the production costs of the secondary industries lead to a reduction in output for that and thus reductions in their investment in capital equipment. ARB interprets these results as not discernible given the size of California's \$2 trillion economy.

Incentives for innovation in products, materials, or processes

The proposed regulatory action is intended to reduce leaking natural gas in an effort to decrease emissions from these sources. There are incentives for primary businesses to find cost-effective and innovative ways to detect and reduce emissions. With the increased demand for the devices and services relating to vapor recovery and leak detection, the competition for business may provide the necessary incentives to innovate the current products to achieve additional emissions reductions at a lower cost.

Benefits of the regulations

The proposed regulatory action will not directly affect individual consumers; however, as a result of the anticipated decrease in GHG emissions, toxics, and VOCs, the proposal will provide health benefits. Emissions reductions of these pollutants have been correlated with a reduction in the risk of premature deaths, hospital visits, emergency room visits for asthma, and a variety of other health impacts, especially in sensitive receptors including children, the elderly, and people with chronic heart or lung disease.

Discussion of Changes since SRIA Proposal

The standards, methods of calculating emissions, savings, and costs of the proposed regulation have

changed since the submittal of the SRIA. The figures in the Form 399 are updated costs that reflect the latest data and methodology associated with the modified proposed regulation. Costs are based on the best estimate at the time of preparation. There have been significant changes in the proposed regulation since the submittal of the SRIA as outlined below. However, the overall impacts are still expected to be very small.

In addition to changes made to the standards of the proposed regulation, ARB has made other modifications that impact the estimation of economic impacts. The proposed regulation is now using the 20-year AR4 value (72) of Global Warming Potential (GWP) for methane instead of the 100 year AR4 value (25) to identify the emission reductions in carbon dioxide equivalent (CO₂e).¹ Also, the value assigned to natural gas savings has been modified from \$4.10 per million standard cubic feet (mscf) to \$3.44 per mscf. This value was changed to reflect the most recently available data and is the average wholesale price that is specific to California over the last 12 months of available data, from November 2014 to October 2015.² The compliance dates for the proposed regulation have also changed from starting January 1, 2017, to starting January 1, 2018.

In addition, some of the methodologies for estimating the costs and emission have changed. This is due to the availability of better data and stakeholder comments, as well as the continued development of the proposed regulation. Although these changes have been made after the submittal of the SRIA, staff believes the conclusions of the SRIA continue to be accurate, since the overall annual cost, emissions, reductions, and impacted industries are similar. These changes are summarized in Table 1 and 2, and described in detail below. The emissions and reductions estimated in the SRIA use a GWP of 25 while the updated proposed regulation uses a GWP of 72.

¹ Intergovernmental Panel on Climate Change (IPCC). 2007. Direct Global Warming Potentials. Chapter 2,10.2. https://www.ipcc.ch/publications_and_data/ar4/wg1/en/ch2s2-10-2.html.

² U.S. Energy Information Administration (EIA). 2016. U.S. Natural Gas Citygate Price in California, available at: <http://www.eia.gov/dnav/ng/hist/n3050ca3m.htm>.

Table 1
Comparison of Emissions and Reductions from SRIA to Current Version of Regulation

Provision	SRIA Proposed Regulation		Current Proposed Regulation	
	Emissions (MT CO ₂ e)	Reductions (MT CO ₂ e)	Emissions (MT CO ₂ e)	Reductions (MT CO ₂ e)
VRU for Tanks	265,000	252,000	566,000	538,000
Reciprocating Compressors	476,000	143,000	504,000	68,000
LDAR	2,900	1,200	983,000	590,000
Pneumatic Devices	167,000	124,000	319,000	319,000
Well Stimulations	25,700	24,400	5,200	4,900
Centrifugal Compressors	20,000	10,700	3,700	3,500
Liquids Unloading	400	350		
Monitoring Plan	Not Included in SRIA Version			
Remaining Emissions (includes equipment controlled under existing district programs)	41,000		76,000	
Total	998,000	556,000	2,457,000	1,523,000
All Other Oil and Gas Venting and Fugitive Sources	341,000		971,000	
Grand Total	1,339,000		3,428,000	

Numbers may not add due to rounding.

Table 2
Comparison of Cost-Effectiveness from SRIA Proposed Regulation to Current Version of Proposed Regulation

	100-year AR4 GWP	20-year AR4 GWP
Emissions (MTCO ₂ e)	1	2.5
Reductions (MTCO ₂ e)	0.56	1.5
Cost-Effectiveness (\$/MT CO ₂ e)	40	17
Cost-Effectiveness with Gas Savings (\$/MT CO ₂ e)	32	15
GWP value	25	72
Amount of Gas Saved	1,100,000	894,000
Value of Gas Saved	\$4.11	\$3.44
Total Value of Savings	\$5 million	\$3 million

Changes from the SRIA by Category

Reciprocating Compressors

Under the proposed regulation at the time the SRIA was submitted, all reciprocating compressors would need to replace a rod packing after three years of use. In the current version of the proposed regulation, compressors at production facilities are no longer subject to a rod packing leak standard, but instead are required to meet an LDAR standard in order to integrate with local air district programs and provide a simpler form of testing for the majority of compressors located in California. Many of the compressors at production facilities

are smaller, may be portable, and handle a different composition of gas than compressors at processing, storage or transmission facilities, making the LDAR standard the preferred requirement for production facilities. Also, most of the available data concerning leak rates and rod packing cost and performance are from larger compressors that are typically not found at production facilities. The provision to exclude production type compressors eliminated the regulation of over 600 of almost 1000 compressors from this segment, reducing the cost and emissions reductions anticipated in the current version of the proposed regulation.

In addition, industry provided data on the leak rate by compressor for a large subset of the compressors. This new data was used in place of the emission factors previously used, which were less representative of the smaller compressors. The reduction in number of compressors, change from a time-based standard (rod packing leak) to a performance-based standard (LDAR), and use of measurement data instead of emission factors, reduced the estimated emissions reduction of the proposed regulation from 143,000 MT CO₂e to approximately 68,000 MT CO₂e. Based on the decrease in compressors potentially impacted by the standard for rod packing leaks, the estimated cost of compliance has decreased from about \$600,000 per year to about \$260,000 per year.

Centrifugal Compressors

Under the proposed regulation at the time the SRIA was submitted, twenty five centrifugal compressors with wet seals were anticipated to need a vapor recovery system or to be converted to a dry seal. In an effort to verify this data, that was gathered in a 2009 ARB survey, staff contacted the facilities that would be impacted by this provision in the proposed regulation. ARB found that only one centrifugal compressor requires conversion to a dry seal or installation of a vapor recovery system, as the rest had previously been converted or replaced. In addition, measurement data taken directly from this single compressor was used in place of the emission factors used to generate the emissions and reductions for the SRIA. Due to the updated number of impacted units, the emissions dropped from about 20,000 MT CO₂e to about 3,700 MT CO₂e and the reduction estimates dropped from about 11,000 MT CO₂e to about 3,500 MT CO₂e. The associated cost of compliance decreased from about \$375,000 per year to about \$6,000 per year.

LDAR

In the SRIA version of the proposed regulation, the emissions estimates did not include a small percentage of super emitter components, which are responsible for the majority of emissions. In addition, in the current version of the proposed regulation the LDAR program has been changed from an annual inspection to a quarterly inspection requirement. These changes were made to address stakeholder comments and ensure emissions were estimated with the best available data. As a result, the estimated emissions reduction has changed from about 1,200 MT CO₂e to about 590,000 MT CO₂e, and the estimated cost has changed from about \$2 million per year to about \$10 million per year.

Pneumatic Devices

In the SRIA version of the proposed regulation, all continuous bleed pneumatic devices were required to

change to a low bleed pneumatic device. This has been changed to require a no bleed pneumatic device in the current proposed regulation to maximize emission reductions with no increased cost. Also, after a review of the data, it was determined that the count of continuous bleed devices was overestimated by about 170. The anticipated emissions reduction from this segment have changed from about 124,000 MT CO₂e to about 320,000 MT CO₂e, and the estimated cost has changed from about \$1.3 million per year to about \$1.2 million per year.

Tank and Separator Systems

The provisions for tank and separator systems have changed from requiring a vapor recovery system for all uncontrolled systems to a requirement for uncontrolled systems anticipated to have over 10 MT per year of CH₄ emissions to have a vapor recovery system and comply with a NO_x emission standard. Due to this change, the estimated number of systems impacted by the proposed regulation has changed from over 600 to about 300. It is now assumed that a low NO_x incinerator will be used to comply with the NO_x emission standard in place of a flare. The emissions are now also calculated with the throughput to the separators instead of calculated using sparsely reported emissions from the 2009 ARB Survey. As a result, the estimated emissions reductions have changed from about 252,000 MT CO₂e to about 538,000 MT CO₂e. The estimated cost has changed from about \$16 million per year to about \$4.7 million per year.

Well Stimulations

The current proposed regulation uses emission factors from WSPA to estimate emissions from well stimulations.³ These emission factors became available after the submittal of the SRIA when the best available data projected much greater emissions. As a result of this change, the estimated emissions reduction from this segment of the proposed regulation has dropped from about 24,400 MT CO₂e to about 5,000 MT CO₂e. The estimated cost has changed from about \$200,000 per year to about \$460,000 per year due to newly available cost data and the inclusion of additional compliance equipment in the current proposed regulation.

Monitoring Plan

The proposed regulation now includes a monitoring plan, which requires operators of natural gas storage facilities to monitor gas wells on a daily basis, and install a system for ambient air monitoring. This was not included in the proposed regulation analyzed in the SRIA. The

³ Western States Petroleum Association. Recirculation Tank Emissions Testing, Source Test Report. October 2015.

cost of this provision is estimated to be about \$8.7 million per year.

Response to DOF Comments

ARB summarized the comments received on May 28, 2015 from DOF. The original SRIA can be found in Appendix E of the ISOR.

Comment #1

It would be helpful to include the magnitude of unit and total costs of devices, and the geographical distribution of the affected facilities.

Most of the affected facilities are in the San Joaquin Air Pollution Control District (APCD). According to ARB’s 2009 survey, over 60 percent of the affected LDAR components are located in the San Joaquin APCD. Other districts with a significant amount of affected facilities include Santa Barbara APCD, South Coast APCD, Feather River APCD, and Glenn County APCD. The magnitude of unit and total costs of devices is described in detail in the cost analysis section of Appendix B of the ISOR.

Comment #2

Since the majority of retrofit costs are expected to occur in 2018, the highest direct cost and economic impact should occur in 2018, not in 2017.

The standards were set to be effective January 1, 2018 and it was anticipated that the capital costs would occur prior to that, in 2017. Since the effective date of the standards requiring the purchase of capital equipment has been changed to 2019, the majority of retrofit and other capital equipment is estimated to take place in 2018.

Comment #3

Include the direct cost of each alternative in the SRIA, rather than just the overall impacts.

At the time of the SRIA, the first alternative included a requirement that existing continuous–bleed pneumatic devices be replaced with no–bleed devices. It also required an LDAR inspection program with quarterly inspections. These alternatives were eventually incorporated into the existing proposed regulation. The direct costs for this alternative were estimated to be about \$28 million per year with an emissions reduction of about 500,000 MT CO₂e. The second alternative eliminated the LDAR provision, the centrifugal compressor provision, and added a leak standard for rod packing replacement. This alternative was estimated to cost about \$20 million per year with an emissions reduction of about 450,000 MT CO₂e. Since the SRIA, better data has become available and through development of the regulation, several of the provisions have changed, and incorporated parts of each alternative. Due to these changes, a direct comparison of the costs and emissions is difficult to make.

Comment #4

Discuss how an individual facility’s characteristics, such as emission rates and existing control devices, may affect the calculation of direct costs, and thus economic impacts of the Proposed Regulations.

Generally, the emission rates and number of affected devices are proportional to the estimated cost of compliance. Some facilities, which may not be subject to an existing LDAR program, may exhibit greater emissions than those that are under an existing LDAR program for VOC. These facilities may have a greater amount of emissions, or super leaking components. This would increase the cost minimally, but would be more cost effective.

Some facilities may also have an existing flare connected to a separator and tank system. In these cases, the flare would need to be removed to install a low NO_x incinerator. This would be an additional cost for these facilities. The impact is expected to be minimal. Facilities with a tank and separator system with emissions under 10 tons per year of CH₄ emissions would not be required to install vapor recovery and would have less overall cost than facilities with greater than 10 tons per year of CH₄ emissions.

Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); § 11346.3, subd. (d)):

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

Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses.

The Executive Officer has initially assessed that the proposed regulatory action will affect the businesses that operate natural gas and crude oil production, processing, storage and transmission facilities. The costs for businesses and individuals that operate these facilities are estimated to be about \$23 million per year which results in a cost–effectiveness of about \$16 per MT CO₂e reduced when considered a twenty–year time horizon.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide economic impact directly affecting representative private persons.

Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (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 businesses in crude oil and natural gas production are exempt from the small business definition in Government Code sections 14835–14843.

The ARB’s Executive Officer has determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulation will not affect small businesses. According to Government Code sections 14835–14843, the primary industries are ineligible to be classified as a small business. However, businesses that would have otherwise been classified as a small business are expected to incur annual costs that are less than \$8,000 per year, compared to costs of about \$100,000 per year for all businesses.

A detailed assessment of the economic impacts of the proposed regulation can be found in the ISOR.

Alternatives Statement (Gov. Code, § 11346.5, subd. (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 (which includes during preliminary workshop activities), would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The analysis of such alternatives can be found in Chapter III of the ISOR. We also examined alternatives for the purposes of the SRIA and those can be found in the SRIA and are addressed in Chapter X of the ISOR. Environmental alternatives may be found in the Draft Environmental Analysis.

ENVIRONMENTAL ANALYSIS

ARB, as the lead agency for the proposed regulation, has prepared a draft environmental analysis (Draft EA) in accordance with the requirements of its regulatory program certified by the Secretary of Natural Resources. (California Code of Regulations, title 17, sections 60006–60008; California Code of Regulations, title 14, section 15251, subdivision (d).) The resource areas from the California Environmental Quality Act Guidelines Environmental Checklist were used as a framework for a programmatic environmental analysis of the direct and reasonably foreseeable indirect envi-

ronmental impacts resulting from implementation of the recommended actions in the proposed regulation.

The Draft EA, included as Appendix C to the ISOR, is entitled Draft Environmental Analysis prepared for the proposed Regulation for Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities. Written comments on the Draft EA will be accepted during a 45-day public review period. Written comments must be submitted on or after **June 3, 2016** and received **no later than 5:00 p.m. on July 18, 2016**.

The Draft EA provides an analysis of both the beneficial and adverse impacts and feasible mitigation measures for the reasonably foreseeable compliance responses associated with the recommended actions. Collectively, across all categories, the Draft EA concluded implementation of these actions could result in the following short-term and long-term beneficial and adverse impacts: beneficial long-term impacts to greenhouse gases; less-than-significant impacts to aesthetics, agriculture and forest resources, air quality, biological resources, energy demand, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreational services, transportation/traffic, and utilities and service systems; and potentially significant and unavoidable adverse impacts to biological resources, cultural resources, geology and soils, and hydrology and water quality.

The potentially significant and unavoidable adverse impacts are primarily related to short-term, construction-related activities, which explains why some resource areas are identified above as having both less-than-significant impacts and potentially significant impacts. For example, the Draft EA identifies some resource areas with potentially significant short-term impacts but less-than-significant long-term impacts. Please refer to the Draft EA for further details.

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;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 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 las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma.
- 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 (916) 322-5594 o envíe un fax a (916) 322-3928 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 Re-transmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Mr. Joe Fischer, Air Resources Engineer, Oil and Gas Section (916) 445-0071 or (designated back-up contact) Ms. Joelle Howe, Air Pollution Specialist, Oil and Gas Section, at (916) 322-6349.

AVAILABILITY OF DOCUMENTS

ARB 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: Staff Report: Initial Statement of Reasons for the Proposed Regulation for Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities.

Copies of the ISOR, which includes the Draft EA, and the full text of the proposed regulatory language, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on May 31, 2016.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Trini Balcazar, Regulations Coordinator, (916) 445-9564. 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 vote on a resolution directing the Executive Officer to: make any proposed modified regulatory language that 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, and any additional supporting documents and information, available to the public for a period of at least 15 days; consider written comments submitted during this period; and make any further modifications as may be appropriate in light of the comments received available for further public comment. The Board may also direct the Executive Officer to: evaluate all comments received during the public comment periods, including comments regarding the Draft Environmental Analysis, and prepare written responses to those comments; and present to the Board, at a subsequently scheduled public hearing, the final proposed regulatory language, staff's written responses to comments on the Draft Environmental Analysis, along with the Final Environmental Analysis for action.

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 ARB's website listed below.

INTERNET ACCESS

This notice, the ISOR, the Draft EA, and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2016/oilandgas2016/oilandgas2016.htm>

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD # 0414-03

ITEM # 2 Transitional Care Prior to Placement

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 20, 2016, as follows:

Office Building # 8
744 P St., Room 103
Sacramento, California

CHAPTERS

Manual of Policy and Procedures, Chapter 31–100

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 20, 2016.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT
Office of Regulations Development
California Department of Social Services
744 P Street, MS 8–4–192
Sacramento, California 95814
TELEPHONE: (916) 657–2586
FACSIMILE: (916) 654–3286
E-MAIL: ord@dss.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current law authorizes a County Child Welfare Services (CWS) agency social worker to take into and maintain temporary custody of a minor who has been declared a dependent child of the juvenile court or who the social worker has reasonable cause to believe is a child who has suffered serious harm or is at substantial risk of suffering serious harm as a result of abuse or neglect. Current law authorizes a CWS agency social worker to continue the temporary detention of a child until the child is placed or detained in the home of a relative, nonrelative extended family member or a licensed home or facility. Once a child is placed, current law imposes upon the care provider duties to provide adequate care and supervision. However, there are currently no laws or regulations which establish a duty on the CWS agency to provide adequate care and supervision to children in their custody.

These regulations are adopted now to ensure that a consistent and necessary standard of care and safety is maintained by a CWS agency for a child during the time a child is in the temporary custody of a CWS social worker. These rules are intended to fill a gap in the standard of care and supervision that exists in current CWS regulations and to minimize the potential traumatic impact of removing a child from the care of a parent, guardian or out-of-home care provider.

The proposed regulations also provide the authority for CDSS to investigate complaints related to transitional care, conduct site reviews and monitor county compliance with correction action plans.

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

Anticipated Benefits:

The CDSS anticipates that the proposed regulation will provide a minor dependent child adequate care and supervision in an environment free from undue hazards which is one of the basic duties and responsibilities for County CWS Agencies outlined, and also ensuring that all adults who have contact with children have a California criminal record clearance. Ultimately, these amendments will directly improve the health and safety of California residents, especially assisting minor children in securing a brighter future ahead of them.

COST ESTIMATE

1. **Costs or Savings to State Agencies:** The regulations are technical in nature and just clarify what constitutes adequate care and supervision for both the county welfare department and foster care providers, so there are no additional costs. Adequate care and supervision was already required for the counties and foster care providers when a child is in their custody. Funding for care and supervision of children in foster care has been provided for many years as part of Child Welfare Services Basic budget for social workers and foster care assistance budget for foster care providers. Funding for both of these entities was part of the 2011 realignment that provides tax revenue direct to the counties for these costs.
2. **Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630:** None.
3. **Nondiscretionary Costs or Savings to Local Agencies:** The regulations are technical in nature and just clarify what constitutes adequate care and supervision for both the county welfare department and foster care providers, so there are no additional costs. Adequate care and supervision was already required for the counties and foster care providers when a child is in their custody. Funding for care and supervision of children in foster care has been provided for many years as part of Child Welfare Services’ basic budget for social workers and foster care assistance budget for foster care providers. Funding for both of these entities was part of the 2011 realignment that provides tax revenue direct to the counties for these costs.
4. **Federal Funding to State Agencies:** The regulations are technical in nature and just clarify what constitutes adequate care and supervision for both the county welfare department and foster care providers, so there are no additional costs. Adequate care and supervision was already required for the counties and foster care providers when a child is in their custody. Funding for care and supervision of children in foster care has been provided for many years as part of Child Welfare Services’ basic budget for social workers and foster care assistance budget for foster care providers. Funding for both of these entities was part of the 2011 realignment that provides tax revenue direct to the counties for these costs.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state–mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

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

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS 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 IMPACT STATEMENT

The CDSS has determined there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. These amendments will directly improve health and safety of California residents because the benefits of the regulatory action ensure that a consistent and necessary standard of care and safety is maintained by a CWS Agency for a child during the time a child is in the temporary custody of a CWS Social Worker.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did consider alternatives other than developing regulations. However, CDSS determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed, would be as effective and less burdensome to effected 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.

AUTHORITY AND REFERENCE CITATIONS

Sections 10553 and 10554 of the Welfare and Institutions (W&I) Code grants CDSS the authority to develop the regulations. Sections 309(d)(1), 16001.9 and 10605 of the W&I Code are being referenced to make the regulations more specific, as well as Section 1522 of the Health and Safety Code and Section 11105.3 of the Penal Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Oliver Chu
(916) 657-2586

Back-Up: Ying Sun
(916) 657-2586

GENERAL PUBLIC INTEREST

BOARD OF PODIATRIC MEDICINE

NOTICE OF EXTENSION OF WRITTEN PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (Board) has extended the written public comment period regarding proposed amendments to California Code of Regulations, Title 16, Division 13.9, Sections 1399.730, 1399.731, and 1399.732, to provide provisions for the conduct of oral arguments following the non-adoption of a proposed decision as required by section 2336 of the California Business and Professions Code. The original comment period for these proposed

regulations ended on Tuesday, May 31, 2016. The Board is extending this public comment period for an additional 45 days. The extended public comment period will end on August 17, 2016. There have been no substantive changes to the Notice, Initial Statement of Reasons and Text filed on December, 11, 2015. The reason for the extension is to comply with essential notice requirements to the public.

Written comments sent by mail, fax, or email to the addresses listed under Contact Person in this Notice must be received by the Board of Podiatric Medicine at its office not later than 5:00 p.m. on Wednesday, August 17, 2016.

The public hearing regarding this proposed action will take place at 10:00 a.m. on August 17, 2016 at 2005 Evergreen St., Sacramento, California.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Kathleen Cooper
Address: 2005 Evergreen St. #1300
Sacramento, CA 95815
Telephone No.: 916-263-0315
Fax No.: 916-263-2651
E-Mail Address: kathleen.cooper@dca.ca.gov

The backup contact person is:

Name: Bethany DeAngelis
Address: 2005 Evergreen St. #1300
Sacramento, CA 95815
Telephone No.: 916-263-4324
Fax No.: 916-263-2651
E-Mail Address: bethany.deangelis@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bpm.ca.gov.

DEPARTMENT OF PUBLIC HEALTH

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (PHHSBG) **STATE PLAN FOR FEDERAL FISCAL YEAR (FFY) 2016**

ACTION: NOTICE OF PUBLIC HEARING FOR THE FFY 2016 STATE PLAN

SUBJECT

The Centers for Disease Control and Prevention has made funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that result from preventable

disease and injury. The purpose of this hearing is to discuss and receive comments on the FFY 2016 State Plan, which identifies all program activities to be supported by these funds during State Fiscal Year 2016–17.

PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a Public Hearing commencing at 1:00 p.m. and ending at 2:00 p.m. on Thursday, June 23, 2016 in Room 74.718 (American River Conference Room), located at 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. If you plan to attend the Public Hearing, please bring identification so you can be admitted into the building by the security guard.

Webinar: Please register for the PHHSBG Public Hearing, scheduled on Thursday June 23, 2016 from 1:00 p.m.–2:00 p.m. at <https://attendee.gototraining.com/r/143418472492932097>

After registering you will receive an e-mail confirmation containing information about joining the webinar.

The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7208, P.O. Box 997377, Sacramento, CA., 95899–7377 must receive any written statements or arguments by 5:00 p.m. June 24, 2016 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate. Written statements or arguments can be submitted via e-mail to CDCB@cdph.ca.gov no later than 5:00 p.m. on June 24, 2016. In any such inquiries, please identify the action by using the Department Control letters “PHHSBG” in the Subject Line.

CONTACT

Inquiries concerning the action described in this notice may be directed to Mr. Hector Garcia, PHHSBG Coordinator, at (916) 552–9917 or HectorGarcia@cdph.ca.gov. In any such inquiries, please identify the action by using the Department Control letters “PHHSBG” in the Subject Line.

AVAILABILITY OF INFORMATION FOR REVIEW

The Agenda and the FFY 2016 State Plan will be available for review in the CDPH lobby located at 1616 Capitol Avenue, Sacramento, California from 8:00 a.m. to 5:00 p.m., June 16, 2016 through June 23, 2016.

The documents will also be available on the following website [http://www.cdph.ca.gov/programs/cdcb/Pages/CaliforniaPreventiveHealthandHealthServices-BlockGrant\(PHHSBG\).aspx](http://www.cdph.ca.gov/programs/cdcb/Pages/CaliforniaPreventiveHealthandHealthServices-BlockGrant(PHHSBG).aspx) from 8:00 a.m. to 5:00 p.m., June 16, 2016 through June 23, 2016.

In addition, the notice will be made available in appropriate alternative formats, upon request by any person with a disability as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the applicable federal rules and regulations. Any request for such information must be received by the CDPH 7 days prior to June 23, 2016.

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 of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING: On **July 21, 2016**,
at 10:00 a.m.
in the Auditorium of the
Harris State Building
1515 Clay Street, Oakland,
California.

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 **July 21, 2016**,
at 10:00 a.m.
in the Auditorium of the
Harris State Building
1515 Clay Street, Oakland,
California.

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 Occu-

ational Safety and Health Standards 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.

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# 2016-0406-01
 BOARD OF EDUCATION
 CA Assessment of Student Performance & Progress (CAASPP)

This certificate of compliance action makes permanent emergency regulations in OAL Matter No. 2015-1113-04E governing the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized testing guidelines of the Smarter Balanced Assessment Consortium.

Title 5
 ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864
 Filed 05/18/2016
 Effective 05/18/2016
 Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0412-02
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 Certified Plan-Based Enrollment

This action by the California Health Benefit Exchange is a certification of emergency rulemaking actions 2013-0920-03E, 2014-0321-02EE, 2014-0620-07EE, and 2014-0922-03EE. The initial emergency rulemaking created a Certified Plan-Based Enrollment Program (Program), pursuant to which Qualified Health Plan (QHP) Issuers may conduct eligibility determinations, offer enrollment in QHPs, and appropriately handle applications for other insurance affordability programs, including Medi-Cal. This action also provides standards and requirements for QHP Issuers and their employees and contractors to qualify for participation in the Program.

Title 10
 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
 Filed 05/23/2016
 Effective 05/23/2016
 Agency Contact:
 Gabriela Ventura Gonzales (916) 228-8477

File# 2016-0505-01
 DEPARTMENT OF CONSERVATION
 Conflict-of-Interest Code

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

Title 14
 AMEND: 1670
 Filed 05/25/2016
 Effective 06/24/2016
 Agency Contact:
 Graham St. Michel (916) 445-0591

File# 2016-0420-03
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Inmate Discipline

This rulemaking action by the Department of Corrections and Rehabilitation (Department) certifies emergency action number 2015-1028-01EON, which amends the Department's inmate discipline regulations by implementing requirements for consideration of an inmate's mental illness, developmental disability, or cognitive or adaptive functioning deficits during each stage of the disciplinary process for rule violations.

Title 15
ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317
Filed 05/24/2016
Effective 05/24/2016
Agency Contact: Rosie Ruiz (916) 445-2244

File# 2016-0411-03
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This certificate of compliance rulemaking by the Department of Food and Agriculture makes permanent amendments adopted in emergency action 2015-1025-03E. That emergency action expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* in the Bakersfield area of Kern County by approximately 83 square miles and established a new ACP quarantine area of approximately 106 square miles in the Arvin area of Kern County.

Title 3
AMEND: 3435
Filed 05/18/2016
Effective 05/18/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0520-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the "Department") establishes a quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Tracy area of San Joaquin County. The Tracy quarantine area is approximately 98 square miles and is created in response to the identification of one adult ACP on April 27, 2016. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

Title 3
AMEND: 3435(b)
Filed 05/23/2016
Effective 05/23/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0520-03
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 73 square miles in the East Bakersfield area of Kern County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare, and Ventura, and a portion of Alameda, Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, and Stanislaus counties that are already under quarantine for the ACP.

Title 3
AMEND: 3435(b)
Filed 05/25/2016
Effective 05/25/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0413-06
DEPARTMENT OF PUBLIC HEALTH
Reportable Disease Changes

This action amends the list of reportable diseases and reporting methodology applicable to health care providers.

Title 17
AMEND: 2500, 2502, 2505
Filed 05/24/2016
Effective 05/24/2016
Agency Contact: Dawn Basciano (916) 217-4418

File# 2016-0413-05
DEPARTMENT OF PUBLIC HEALTH
Clinical Lab Standards (Proficiency Testing), Part 1

The California Department of Public Health in this section 100 action is amending section 1050 of title 17 of the California Code of Regulations. This regulatory section was last amended in 1978 and since that time SB 113 in 1995 and SB 75 in 2015 were passed. These bills made significant changes to the statutes that were implemented, interpreted and made specific in section 1050 of title 17 of the California Code of Regulations. The changes proposed in this action are designed to make the regulatory text consistent with statutes that have been changed.

Title 17
AMEND: 1050
Filed 05/25/2016
Agency Contact: Linda Cortez (916) 440-7807

File# 2016-0413-02
 DEPARTMENT OF VETERANS AFFAIRS
 State Veterans Cemeteries Monuments and Memorials

This rulemaking by the California Department of Veterans Affairs adopts section 462 in Title 12 of the California Code of Regulations, pertaining to the process for the donation of monuments and memorials for placement in state veterans cemeteries. This rule-making establishes guidelines for designated memorial areas in state veterans cemeteries, committees for each cemetery, and other procedures and requirements for the submission and review of proposals to donate such monuments and memorials.

Title 12
 ADOPT: 462
 Filed 05/23/2016
 Effective 07/01/2016
 Agency Contact:
 Angela Yamamoto (916) 651-3068

File# 2016-0425-03
 FAIR POLITICAL PRACTICES COMMISSION
 Conflict-of-Interest Code Clean Up

This action by the Fair Political Practices Commission ("FPPC") makes revisions in title 2 of the California Code of Regulations by adopting section 18750 and repealing various sections relating to Conflicts of Interest.

OAL's review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law and Linda Stockdale Brewer, April 27, 1992, C010924 [nonpub. opn.].) OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 567, § 2.)

Title 2
 ADOPT: 18750
 REPEAL: 18750, 18750.1, 18750.2, 18752
 Filed 05/19/2016
 Effective 06/18/2016
 Agency Contact: Cesar R. Cuevas (916) 327-2026

File# 2016-0429-02
 LEGISLATIVE COUNSEL BUREAU
 Conflict-of-Interest Code

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

Title 2
 AMEND: 23000
 Filed 05/23/2016
 Effective 06/22/2016
 Agency Contact: Christina Witt (916) 341-8240

File# 2016-0421-01
 OCCUPATIONAL SAFETY AND HEALTH
 APPEALS BOARD
 Stay of Abatement

In this rulemaking action, the Occupational Safety and Health Appeals Board (OSHAB) amends regulations in Title 8 of the California Code of Regulations to establish that stays of abatement of non-serious worker safety conditions by cited employers remain stayed pending disposition of an appeal unless otherwise ordered by the OSHAB. The action conforms section 362 of the OSHAB's regulations to Assembly Bill 1634 (Chapter 497 of 2014) regarding the absence of a stay of abatement of serious citations during the pendency of a request for reconsideration. The action also amends sections 364 and 364.1 of the OSHAB's regulations regarding withdrawals of appeals by employers and withdrawals and partial withdrawals of citations by the Division of Occupational Safety and Health.

Title 8
 AMEND: 362, 364, 364.1
 Filed 05/18/2016
 Effective 07/01/2016
 Agency Contact: Autumn Gonzalez (916) 274-5751

File# 2016-0502-03
 VICTIM COMPENSATION AND GOVERNMENT
 CLAIMS BOARD
 Conflict-of-Interest Code

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

Title 2
 AMEND: 604
 Filed 05/25/2016
 Effective 06/24/2016
 Agency Contact: Tanya Bosch (916) 491-3851

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 23, 2015 TO
May 25, 2016**

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.

Title 2

- 05/25/16 AMEND: 604
- 05/23/16 AMEND: 23000
- 05/19/16 ADOPT: 18750 REPEAL: 18750,
18750.1, 18750.2, 18752
- 04/21/16 AMEND: 599.744
- 04/12/16 AMEND: 18239
- 04/12/16 AMEND: 18616
- 03/22/16 AMEND: 18215.3, 18247.5, 18404,
18405, 18422, 18425, 18427.1, 18450.4,
18531.5, 18531.62 REPEAL: 18402.5
- 03/22/16 AMEND: 18406, 18530.4, 18530.45,
18992
- 02/22/16 ADOPT: 61000, 61001, 61002, 61003,
61004, 61005, 61006, 61007, 61008,
61009, 61010, 61011, 61012, 61013,
61014, 61015, 61016, 61017, 61018,
61019, 61020, 61021, 61022, 61023,
61024
- 02/22/16 ADOPT: 59800
- 02/11/16 AMEND: 57200
- 02/10/16 AMEND: 57200
- 02/04/16 ADOPT: 555.5
- 02/04/16 AMEND: 18351
- 02/04/16 AMEND: 18616
- 01/14/16 AMEND: 18944.1
- 01/14/16 AMEND: 18996
- 01/06/16 AMEND: 48000
- 12/30/15 AMEND: 53900
- 12/23/15 AMEND: 1859.2, 1859.107, 1859.164.2,
1859.195, 1859.198
- 12/23/15 AMEND: 1859.70.4, 1859.93,
1859.93.1, 1859.190

Title 3

- 05/25/16 AMEND: 3435(b)
- 05/23/16 AMEND: 3435(b)
- 05/18/16 AMEND: 3435
- 05/17/16 AMEND: 3906
- 05/12/16 AMEND: 3435(b)
- 05/12/16 AMEND: 3435(b)

- 05/11/16 AMEND: 3435(b)
- 05/11/16 AMEND: 3435(b)
- 05/10/16 AMEND: 3435(b)
- 05/09/16 ADOPT: 3591.27
- 04/25/16 AMEND: 3435(b)
- 04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,
451, 452
- 04/05/16 AMEND: 3589
- 03/29/16 AMEND: 3435(b)
- 03/21/16 AMEND: 3435
- 03/10/16 AMEND: 3435(b)
- 03/09/16 AMEND: 3435(b)
- 03/08/16 AMEND: 3435(b)
- 02/17/16 AMEND: 6000, 6445, 6447, 6447.2,
6447.3, 6448.1, 6449.1, 6450.1, 6452,
6452.2, 6784
- 02/17/16 AMEND: 3439(b)
- 02/09/16 AMEND: 3435(b)
- 02/02/16 ADOPT: 3442
- 01/27/16 ADOPT: 3591.26
- 01/21/16 AMEND: 3435(b)
- 01/20/16 AMEND: 3435(b)
- 01/14/16 AMEND: 3435(b)
- 01/06/16 AMEND: 3435(b)
- 01/05/16 AMEND: 3435(b)
- 12/30/15 AMEND: 3435(b)
- 12/23/15 ADOPT: 3441

Title 4

- 04/27/16 AMEND: 10170.2, 10170.3, 10170.4,
10170.5, 10170.6, 10170.7, 10170.8,
10170.9, 10170.10, 10170.11, 10170.12
- 04/25/16 ADOPT: 1866.1 AMEND: 1844
- 04/21/16 ADOPT: 610
- 04/13/16 ADOPT: 10091.1, 10091.2, 10091.3,
10091.4, 10091.5, 10091.6, 10091.7,
10091.8, 10091.9, 10091.10, 10091.11,
10091.12, 10091.13, 10091.14, 10091.15
- 04/12/16 AMEND: 1489
- 03/28/16 AMEND: 10176(d), 10181
- 03/23/16 ADOPT: 12465 AMEND: 12460, 12461,
12462, 12463, 12464, 12466
- 03/10/16 ADOPT: 5258, 5271, 5273 AMEND:
5033, 5052, 5100, 5102 (renumbered to
5101), 5103 (renumbered to 5102), 5104
(renumbered to 5103), 5105 (renumbered
to 5104), 5106 (renumbered to 5105),
5107 (renumbered to 5106), 5132, 5170,
5190, 5191, 5192, 5200, 5205, 5210,
5230, 5232, 5250, 5255, 5260, 5267
REPEAL: 5101
- 03/08/16 AMEND: 1658
- 03/03/16 AMEND: 10176, 10179, 10180, 10181
- 02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205,
5220, 5221, 5230

02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216,
7217, 7218, 7219, 7220, 7221, 7222,
7223, 7224, 7225, 7225.1, 7226, 7227,
7228, 7229
01/26/16 ADOPT: 1866.1AMEND: 1844
01/25/16 AMEND: 10170.2, 10170.3, 10170.4,
10170.5, 10170.6, 10170.7, 10170.8,
10170.9, 10170.10, 10170.11
01/04/16 AMEND: 130
12/29/15 AMEND: 1887
12/24/15 AMEND: 10302, 10315, 10317, 10320,
10322, 10325, 10326, 10327, 10328,
10337

Title 5

05/18/16 ADOPT: 851.5, 853.6, 853.8, 860
AMEND: 850, 851, 853, 853.5, 853.7,
855, 857, 858, 859, 861, 862, 862.5, 863,
864
04/25/16 AMEND: 41906.5, 41906.6
03/28/16 ADOPT: 1700
03/22/16 ADOPT: 9526
03/21/16 AMEND: 80057.5, 80089.2
03/03/16 AMEND: 19810
02/26/16 AMEND: 27007
02/24/16 AMEND: 80499
02/24/16 AMEND: 80014, 80014.1, 80066
REPEAL: 80014.2
02/18/16 ADOPT: 40106
01/12/16 ADOPT: 27700, 27701, 27702, 27703,
27704, 27705

Title 8

05/18/16 AMEND: 362, 364, 364.1
04/12/16 AMEND: 3207, 3212
03/23/16 AMEND: 9789.12.2, 9789.12.6,
9789.12.8, 9789.12.13, 9789.13.1,
9789.15.4, 9789.16.1, 9789.16.2,
9789.17.1, 9789.19
03/14/16 AMEND: 9789.21, 9789.25
03/14/16 AMEND: 333, 336
03/07/16 AMEND: 4307
03/07/16 AMEND: 4412
03/04/16 AMEND: 9785.4.1
02/25/16 AMEND: 3328
01/06/16 AMEND: 5194(c)
12/30/15 ADOPT: 1950, 1951, 1952, 1953, 1954,
1955, 1956, 1957, 1958, 1959, 1960,
1961, 1962

Title 9

05/12/16 AMEND: 7140, 7142, 7142.5, 7143.5,
7164.6, 7196, 7211, 7290, 7353.6
04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704,
1705, 1706, 1707, 1708, 1709, 1710,
1711, 1712, 1713, 1714, 1715, 1716,
1717, 1718, 1719, 1720, 1721, 1722,

1723, 1724, 1725, 1726, 1727, 1728,
1729, 1730, 1731, 1739, 1740, 1741,
1742, 1743, 1744, 1745, 1746, 1747,
1748, 1749, 1750, 1751, 1752, 1753,
1754, 1755, 1765, 1766, 1767, 1768,
1769, 1770, 1771, 1772, 1773, 1774,
1775, 1776, 1777, 1778, 1779, 1790,
1791, 1792, 1793, 1794, 1795, 1796,
1797, 1798, 1799

Title 10

05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708,
6710, 6712, 6714, 6716, 6718
05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512,
5513, 5514, 5515, 5516
05/10/16 AMEND: 2318.6, 2353.1, 2354
05/10/16 AMEND: 2353.1
03/22/16 AMEND: 2544, 2544.1, 2544.2, 2544.3,
2544.4, 2544.5, 2544.6
03/08/16 ADOPT: 2240.15, 2240.16, 2240.6,
2240.7 AMEND: 2240, 2240.1, 2240.2,
2240.3, 2240.4, 2240.5
02/04/16 AMEND: 2201, 2202, 2203, 2204, 2205,
2206, 2207, 2208, 2209, 2210, 2211,
2212, 2213, 2214, 2215, 2216, 2217,
2218
02/02/16 ADOPT: 2269 AMEND: 2218, 2250,
2251, 2252, 2253, 2254, 2256, 2257,
2258, 2259, 2260, 2266, 2267, 2268
REPEAL: 2218.1, 2255, 2261, 2262,
2263, 2264, 2265, 2269.1, 2269.4,
2269.7, 2269.10, 2269.11, 2269.13,
2269.14
01/07/16 ADOPT: 5508, 5509, 5510, 5511, 5512,
5513, 5514, 5515, 5516
12/23/15 ADOPT: 6650, 6652, 6656, 6657, 6658,
6660, 6662, 6664, 6666, 6668, 6670

Title 11

04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084,
2085, 2086, 2087, 2088, 2089, 2090,
2091, 2092, 2093, 2094, 2095, 2096,
2097, 2098, 2099, 2100, 2101, 2102,
2103, 2104, 2105, 2106, 2107, 2108,
2109, 2130, 2131, 2132
04/25/16 ADOPT: 50.24
04/06/16 ADOPT: 28.5
04/06/16 ADOPT: 28.6
03/23/16 ADOPT: 4250, 4251, 4251.5, 4252,
4253, 4254, 4255, 4256, 4257, 4258,
4559
03/10/16 AMEND: 20
02/24/16 AMEND: 1005, 1007, 1008, 1052
02/24/16 AMEND: 1951, 1953, 1954, 1955
02/17/16 AMEND: 1005, 1081
01/27/16 AMEND: 1953(e)(5)

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 23-Z

Title 12

05/23/16 ADOPT: 462

Title 13

05/09/16 AMEND: 156.00, 156.01
 04/06/16 ADOPT: 150.10
 02/29/16 AMEND: 553.70
 02/25/16 AMEND: 551.8, 551.12, 591, 592
 02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854,
 2855, 2856, 2857, 2858, 2859, 2860,
 2861, 2862, 2863, 2864, 2865, 2866,
 2867, 2868, 2869 AMEND: 2440, 2442
 01/26/16 AMEND: 1239
 01/25/16 AMEND: 1162.1, 1242
 01/19/16 AMEND: 1253
 01/19/16 ADOPT: 1160.7, 1161.8 AMEND:
 1160.2

Title 14

05/25/16 AMEND: 1670
 05/11/16 AMEND: 17852
 05/02/16 AMEND: 29.85
 04/28/16 ADOPT: 131
 04/27/16 AMEND: 27.80
 04/26/16 AMEND: 29.45
 04/26/16 AMEND: 28.20
 04/20/16 ADOPT: 1760.1, 1779.1
 04/06/16 AMEND: 1038
 03/29/16 AMEND: 27.80
 03/28/16 ADOPT: 8.01
 03/07/16 ADOPT: 749.8
 03/01/16 AMEND: 7.50
 02/29/16 ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53,
 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50,
 27.00, 230
 02/23/16 AMEND: 632
 02/18/16 ADOPT: 748.5
 02/10/16 ADOPT: 672, 672.1, 672.2
 02/10/16 AMEND: 17381.2
 02/09/16 AMEND: 3550.11
 02/05/16 AMEND: 1724.9
 01/25/16 AMEND: 870.15, 870.17, 870.19,
 870.21
 01/21/16 ADOPT: 1760.1, 1779.1
 01/13/16 AMEND: 149
 12/30/15 AMEND: 180.6
 12/29/15 AMEND: 1038
 12/28/15 ADOPT: 8.01

Title 15

05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310,
 3315, 3317
 05/11/16 AMEND: 3000, 3213
 05/10/16 AMEND: 3173.2
 04/28/16 AMEND: 3000
 03/30/16 AMEND: 8004.2
 03/30/16 REPEAL: 3999.16

03/29/16 AMEND: 3315, 3375.2
 03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3,
 3078.4
 03/10/16 ADOPT: 3000, 3268.2 REPEAL:
 3999.17
 02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1,
 3041, 3041.3, 3043.6, 3379 REPEAL:
 3999.15
 02/18/16 AMEND: 3375.1, 3377
 12/30/15 AMEND: 3000, 3268, 3268.1, 3268.2
 12/24/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3
 AMEND: 1700, 1706, 1712.2, 1714.2,
 1730.2, 1731, 1740.2, 1747, 1747.1,
 1748, 1748.5, 1749, 1749.1, 1750,
 1750.1, 1751, 1752, 1753, 1754, 1756,
 1760, 1766, 1767, 1768, 1770, 1772,
 1776, 1778, 1788, 1790, 1792

Title 16

05/13/16 AMEND: 910
 05/10/16 AMEND: 2403
 05/04/16 AMEND: 4170
 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326,
 2326.1, 2326.5
 04/28/16 AMEND: 1417
 04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2,
 1105.3, 1105.4, 1106
 04/20/16 AMEND: 1715, 1784
 04/11/16 AMEND: 1399.523
 04/08/16 ADOPT: 1746.1
 04/04/16 AMEND: 974
 03/22/16 AMEND: 1970.4
 03/21/16 AMEND: 1380.5
 03/07/16 AMEND: 1001
 03/03/16 ADOPT: 1463.5, 1485.5
 02/29/16 ADOPT: 1960
 02/24/16 AMEND: 1446, 1447, 1447.1
 02/23/16 AMEND: 109, 111
 02/18/16 ADOPT: 1108
 02/08/16 AMEND: 1417
 01/27/16 ADOPT: 1746.3
 01/25/16 ADOPT: 1746.2
 01/25/16 AMEND: 420.1, 3021.1
 01/11/16 AMEND: 995
 12/30/15 ADOPT: 1805.01, 1805.05, 1822.50,
 1822.51, 1822.52, 1829.1, 1829.2,
 1829.3, 1877.1, 1877.2, 1877.3
 AMEND: 1805, 1806, 1816, 1816.2,
 1816.3, 1816.4, 1816.5, 1816.6, 1816.7,
 1829, 1877
 12/23/15 ADOPT: 1399.50, 1399.52

Title 17

05/25/16 AMEND: 1050
 05/24/16 AMEND: 2500, 2502, 2505
 04/25/16 AMEND: 100800

04/04/16 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.50, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78, 6501.5 AMEND: 6500.35, 6500.39, 6500.45, 6501, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67

03/08/16 AMEND: 60201

02/05/16 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072

02/03/16 AMEND: 95000 REPEAL: 95001, 95002, 95003, 95004, 95005, 95006, 95007

01/25/16 REPEAL: 60090, 60091, 60092, 60093, 60094

01/21/16 AMEND: 100003

01/11/16 ADOPT: 94017 AMEND: 94010, 94011, 94016

01/06/16 ADOPT: 100503

Title 18

04/22/16 AMEND: 1668

04/20/16 AMEND: 5600, 5601, 5603

03/28/16 AMEND: 2401, 2413, 2422

03/17/16 AMEND: 3500

02/03/16 AMEND: 5218, 5235, 5237, 5267

01/06/16 AMEND: 1619

12/29/15 ADOPT: 18416.5

Title 19

05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and

renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

Title 20

04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207

04/06/16 AMEND: 2401, 2402

03/08/16 AMEND: 2.1

02/10/16 AMEND: 1601, 1604, 1605.3

Title 21

05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171 AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153

Title 22

04/27/16 AMEND: 53626(a)

04/21/16 AMEND: 50188

04/19/16 AMEND: 123000

04/01/16 AMEND: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7

03/29/16 AMEND: 51516.1

03/17/16 AMEND: 97232

02/25/16 ADOPT: 100450.100

02/23/16 AMEND: 69502.2

02/11/16 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1

02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172

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