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PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Light Brown Apple Moth Eradication Area — Notice File No. Z2009-0623-03 1033

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

Third-Party Proposition Player Services (TPPS) and Gambling Business License Renewal — Notice File No. Z2009-0623-01 1034

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Order — Blue Stop Signs — Momentary Contact Devices for Portable Power Driver Augers — Notice File No. Z2009-0623-02 1038

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

Healthy Families Program — Notice File No. Z2009-0623-07 1042

TITLE 14. CALIFORNIA NATURAL RESOURCES AGENCY

Proposed Amendments to the CEQA Guidelines — Notice File No. Z2009-0622-01 1045

TITLE 14. DEPARTMENT OF PARKS AND RECREATION

Oceano Dunes State Vehicular Recreation Area — Notice File No. Z2009-0618-01 1052

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

California Employer Identification Report (CEIR) 1054

DEPARTMENT OF FISH AND GAME

CESA Consistency Determination Request for State Route 99 Roadway Rehabilitation Project (Rio Bonito), Butte County, California EA03-36690 1055

DEPARTMENT OF FISH AND GAME

CESA Consistency Determination Request for State Water Project and Central Valley Project Coordinated Operations, Multiple Counties 1057

(Continued on next page)

Time-Dated Material

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Science Advisory Board's Developmental and Reproductive Toxicant Identification Committee,
July 15, 2009 Meeting*

1057

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1058
Sections Filed, January 21, 2009 to June 24, 2009 1062

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 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on March 5, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 31, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on April 9, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 31, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before August 17, 2009.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control

or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendments of subsection 3591.20(a) established Ventura and Yolo counties as additional eradication areas for the light brown apple moth, *Epiphyas postvittana*. The effect of these actions was to establish authority for the State to conduct eradication activities in these counties against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

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

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend subsections 3591.20(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend subsections 3591.20(a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING THIRD-PARTY PROPOSITION PLAYER SERVICES AND GAMBLING BUSINESS LICENSE RENEWALS

CGCC-GCA-2009-07-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest. Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the action proposed at a public hearing to be held at 10:00 a.m. on August 20, 2009, at 2399 Gateway Oaks Drive, First Floor Hearing Room, Sacramento, CA 95833-4231.

WRITTEN COMMENT PERIOD

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time

during the public comment period, or may be received by the Commission at the above referenced hearing. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on August 20, 2009**. Written comments not submitted at the hearing should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

ADOPTION OF PROPOSED ACTION

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19823, 19824, 19826, 19840, 19841, 19851, 19851(a)(3), 19853, 19867, 19868, 19870, 19876, 19951(a), and 19984 of the Business and Professions Code, and to implement, interpret or make specific sections 19851, 19853, 19853(a)(3), 19867, 19868, 19876, 19930, 19951, 19951(a), and 19984 of the Business and Professions Code, the Commission is proposing to adopt the following changes to Chapters 2.1, and 2.2 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Commission is proposing regulations that would implement a renewal process for providers of Third-Party Proposition Player Services (TPPS) and Gambling Businesses.

Business and Profession Code section 19980 was established in September of 2000. It required the Division of Gambling Control (now the Bureau) to adopt emergency regulations that would establish a licensing or

registration program for TPPS.¹ In September of 2002, section 19980 was renumbered to Business and Professions Code section 19984 and amended to require that the *Commission* establish these emergency regulations.² In November of 2003, the Commission adopted emergency regulations requiring TPPS to obtain a registration by March 31, 2004, and Gambling Businesses to register by March 5, 2004.³ In December of 2004, the Commission adopted additional regulations that required TPPS and Gambling Businesses to transition to a license, rather than a registration.⁴ This transition includes provisions that require TPPS and Gambling Business registrants to submit an application to convert a registration to a license when summoned to do so by the Bureau.

SPECIFIC PROPOSAL:

These proposed regulations would establish a new section in Chapter 2.1 and Chapter 2.2 of Division 18 to implement an ongoing renewal licensing program for TPPS, Gambling Businesses and their supervisors, players and other employees.

CURRENT REGULATION:

Existing regulation in the California Code of Regulations, Title 4, Division 18 is summarized as follows:

Chapter 2.1, Article 1, Section 12200.9 the review and approval of proposition player contracts.

Chapter 2.1, Article 1, Section 12200.10A the expedited review and approval of proposition player contracts.

Chapter 2.1, Article 1, Section 12200.11 the extension of proposition player contracts.

Chapter 2.1, Article 1, Section 12200.13 the playing book requirements.

Chapter 2.1, Article 2, Section 12203.2(d)(2) the review of the applicants' criminal history.

Chapter 2.1, Article 1, Section 12205.1 the transition to licensing for TPPS and their owners, supervisors, players and other employees.

Chapter 2.1, Article 1, Section 12218 the request to convert a registration to a license and required forms and fees.

Chapter 2.1, Article 1, Section 12218.7 the processing times for a request to convert a registration to a license.

Chapter 2.2, Article 1, Section 12220.13 the playing book requirements.

Chapter 2.2, Article 1, Section 12220.18 the grounds that the Commission may revoke a gambling business or license.

¹ Assembly Bill 1416 (2000 Stat. Ch. 1023).

² Assembly Bill 2431 (2002 Stat. Ch. 738).

³ California Code of Regulations, Title 4, Sections 12201 and 12221.

⁴ California Code of Regulations, Title 4, Sections 12205.1 and 12725.1.

Chapter 2.2, Article 1, Section 12220.23 prescribes the owner–licensee of a gambling enterprise the ability to exclude any person believed to be conducting a gambling business without being registered or licensed by the Commission.

Chapter 2.2, Article 1, Section 12225.1 the transition to licensing for gambling businesses and their owners, supervisors, players and other employees.

Chapter 2.2, Article 1, Section 12233 the request to convert a registration to a license and required forms and fees.

Chapter 2.2, Article 1, Section 12235 the processing times for a request to convert a registration to a license.

EFFECT OF REGULATORY ACTION:

The proposed action will make the following changes to existing regulation:

1. Within Chapter 2.1 these regulations would amend Sections 12200.9(a)(2), (a)(3)(A), (E), and (c), 12200.10A, and 12000.11 to update the revision date of the contract application, change the contract application fee, and the contract term length.
2. Within Chapters 2.1 and 2.2 these regulations would add Sections 12200.13(c) and 12220.13(c) to add a playing book approval fee and form as follows, that is incorporated by reference therein:
 - Request for Approval of Playing Book Form (BGC–APP–036 (New 05/09))
3. Within Chapter 2.1 these regulations would amend Section 12203.2(d)(2) to update the subsection referenced.
4. Within Chapters 2.1 and 2.2 these regulations would amend Sections 12205.1(a), (c), 12225.1(a), and (b) to change the required forms to transition into licensing and add an initial licensing application fee. The new forms as follows that are incorporated by reference therein:
 - Application for Third–Party Proposition Player Services License for Business Entities and Owners, CGCC–433 (New 05/09)
 - Application for Third–Party Proposition Player Services License for Supervisors, Players, or Other Employees, CGCC–434 (New 05/09)
 - Application for Gambling Business License for Business Entities and Owners, CGCC–533 (New 05/09)
 - Application for Gambling Business License for Supervisors, Players, or Other Employees, CGCC–534 (New 05/09)

5. Within Chapters 2.1 and 2.2 these regulations would amend Sections 12218(c), 12218.7(a), 12233(c), and 12235(a) to change the required forms and fees to transition to licensing and add the following form that is incorporated by reference in Section 12342 of Chapter 6:

- Trust Supplemental Background Investigation Information BGC–APP–143 (Rev. 05/08)

6. Within Chapter 2.2 these regulations would amend Sections 12220.18(d), (e), and (g) to correct the referenced sections listed and add the word licensee.
7. Within Chapter 2.2 these regulations would amend Sections 12220.23(a) to add the words license, licensed or temporary where needed.
8. Within Chapters 2.1 and 2.2, these regulations would adopt Sections 12218.8, 12218.9, 12238, and 12239 to add the renewal process for TPPS and Gambling Business licenses.
9. Within both Chapters 2.1 and 2.2, this proposed action also includes several nonsubstantive conforming, grammatical or editorial changes which have no regulatory effect.

INCORPORATION BY REFERENCE

The incorporation by reference in Sections 12200.9(a)(2), 12200.13(c)(1), 12205.1(a), and 12225.1(a), of forms CGCC–433, CGCC–434, CGCC–533, CGCC–534, BGC–APP–030, and BGC–APP–036, is appropriate since publishing these documents in the California Code of Regulations would clearly be cumbersome, unduly expensive, impractical and unnecessary. These documents consist of multiple pages of text, tables and charts. They are designed to be completed electronically, then printed and mailed to the Commission. It is unnecessary to print this information in the text of the regulation itself. All the forms are available for viewing on the Commission’s Web site, and are also available to anyone upon request to the Commission. These forms will also be available for review throughout this rulemaking process.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

None.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:

None.

MANDATE IMPOSED ON LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:

None.

COST TO ANY STATE OR LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:

None.

IMPACT ON BUSINESS:

The Commission has made an initial determination that the proposed regulatory changes 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.

IMPACT ON JOBS/NEW BUSINESSES:

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Commission are as follows:

The Commission has determined that this proposed action would establish an application fee for the conversion of a registration to a license. Currently no license application fee is required and no application fee for a license is paid to the Commission until renewal.

EFFECT ON HOUSING COSTS:

None.

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action may affect small businesses, if any TPPS or Gambling Business qualifies as a small business. The cost effect would be the same as that addressed under "Cost Impact on Representative Private Person or Business."

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

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would either 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 described in this Notice.

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

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

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

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

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

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

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

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

Joy Calkin, Staff Services Analyst
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-0700
Fax: (916) 263-0452
E-mail: Jcalkin@cgcc.ca.gov

WEB SITE ACCESS

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

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

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, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **August 20, 2009**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California 95814

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.

PUBLIC HEARING: On **August 20, 2009**, following the Public Meeting, in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California 95814

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupa-

tional safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING: On **August 20, 2009**, following the Public Hearing, in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California 95814

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 Occupational 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.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **August 20, 2009**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7, Article 7 Section 3333 and Article 25, Section 3650

Blue Stop Signs

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7, Article 47 Section 4086

Momentary Contact Devices for Portable Power Driven Augers

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7, Article 7 Section 3333 and Article 25, Section 3650

Blue Stop Signs

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated by Board staff as the result of a recommendation from a stakeholder, Mr. John McCullough, of Wells Fargo of California Insurance Services, Inc., contained in a letter to the Board dated February 18, 2009.

In his letter, Mr. McCullough stated that Sections 3333(a) and 3650(t)(23) were not consistent with each other in the use of the terms “blue flags”, “blue stop signs” and “blue lights”. General Industry Safety Orders (GISO) Section 3650(t)(23) requires the use of blue flags or blue lights while GISO Section 3333 requires the use of blue stop signs and does not mention blue flags or blue lights. Staff concludes that the inconsistency may result in confusion over the application of Sections 3333 and 3650 with regard to the implementation of blue signal protection vital to the safety of railway personnel who could be struck and injured by inadvertent railcar movement.

The proposed amendments are as follows:

Section 3333. Blue Stop Signs.

This Section addresses the use of blue stop signs on industrial railroad sidings; along with means to prevent railcar movement; the placement of signs and signals, and the design, placement and maintenance of blue stop signs.

Subsection (a) addresses the use of blue stop signs for day and night use and blue lights when needed. Subsections (c), (d), (f) and (g) address requirements for mounting, placement and maintenance of blue stop signs and signals. Amendments of all these subsections are proposed so that all the subsections refer to blue signs, blue flags and blue lights, thereby rendering

those subsections consistent with one another and with Section 3650(t)(23) noting that, in light of the wording of subsection 3333(a), it is not necessary to have the words “blue stop” precede the “signs” in subsections (c), (d), (f) and (g).

Section 3650. Industrial Trucks.

Section 3650 contains standards that include but are not limited to: powered industrial truck (PIT) design in accordance with established national consensus standards, use of front-end attachments, PIT modifications, conversion kits, and the use of trailers. This section also addresses 33 PIT and tow tractor operating rules. Rule number 23 addresses the hazard of railcar movement during loading and unloading requiring brakes and wheel chocks be used and blue flags or blue lights displayed in accordance with Section 3333 and Federal railroad standards.

An amendment is proposed to add the words “stop signs”, and “blue”. The proposed amendments will clarify to the employer that blue stop signs and blue flags are included as part of the protection that is required. The proposed amendments will render Section 3650 and Section 3333 references consistent with each other.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on 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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small business. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of exist-

ing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our 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 as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,
Article 47 Section 4086

Momentary Contact Devices for Portable Power Driven Augers

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 4086 of the General Industry Safety Orders (GISO) requires all portable power pipe threading/cutting machines and portable power drives to be permanently equipped with a momentary contact device (so-called “deadman” control or “kill switch”). In the Occupational Safety and Health Appeals Board (OSHAB) Decision In the Matter of Frontier Fence, Docket Nos. 05–R2D3–4378 and 4379, dated November 7, 2007, an employee assisting in the operation of a five horsepower, two–man portable power driven auger (earth drill) was entangled by the rotating auger when the machine became stuck after coming in contact with an object below ground. Augers of this type are handled by one or two employees typically to plant large shrubs, install fences, build decks, dig mailbox holes and dig holes for other structural members. They are not related to grain augers used in agriculture to move grain from trucks and carts into storage bins.

The primary operator was not able to control the auger and it fell over onto the assisting employee’s leg. The auger was not equipped with a functioning momentary contact device (MCD)¹ and, therefore, could not be turned off as it continued to rotate, seriously injuring the employee’s leg. The Division of Occupational Safety and Health (Division) cited the employer for failing to provide an MCD on the auger; however, the OSHAB Administrative Law Judge determined that by definition, an auger is not any of the listed pieces of equipment contained in Section 4086 and dismissed the cita-

¹A momentary contact device is a type of device in which a switch, trigger or button closes or opens the circuit when it is actuated.

tion. As a result of this OSHAB decision, the Division is not able to cite the employer for exposing the employee to the possibility of serious physical injury by failing to use augers equipped with an MCD.

The purpose of this rulemaking is to amend Section 4086 to specifically require all portable power driven augers, both single and dual operator types, regardless of how they are powered (gasoline, hydraulic or electric), to be equipped with a functioning MCD.

This proposal also deletes unnecessary language pertaining to a six month effective date. The standard became effective on May 11, 1984, and enforceable six months later. There is no reason to specify a six month effective date for auger MCDs since this type of equipment is typically provided with an MCD by the manufacturer.

Section 4086. Momentary Contact Devices.

This section requires all portable power pipe threading/cutting machines and portable power drives to be equipped with an MCD. Amendments are proposed to delete the six month effective date as unnecessary and include language which names portable power driven augers as listed equipment requiring an MCD. The proposal will ensure that employers understand that they must use augers that have a functional MCD, and it will provide the Division with the ability to enforce the MCD provisions of Section 4086 upon auger users, thus preventing exacerbation of contact injury (entanglement) created by an uncontrolled, rotating auger head.

Board staff consulted with manufacturers and a distributor of portable power driven augers and ascertained that the proposal is feasible and consistent with industry practice as such equipment is equipped with an MCD.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on 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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this regulation 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.

REASONABLE ALTERNATIVES CONSIDERED

Our 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 as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than August 14, 2009. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on August 20, 2009, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of

the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

**NOTICE OF PROPOSED RULEMAKING
ER-6-08**

**TITLE 10. CALIFORNIA CODE OF REGULATIONS
CHAPTER 5.8 MANAGED RISK MEDICAL INSURANCE BOARD
HEALTHY FAMILIES PROGRAM**

ARTICLE 2, ELIGIBILITY, APPLICATION AND ENROLLMENT

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on August 17, 2009 at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the 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 comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
 Attn: Dianne Knox
 1000 G Street, Suite 450
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to dknox@mrmib.ca.gov. Comments must be received by no later than 5:00 p.m. on August 17, 2009.

AUTHORITY AND REFERENCE

Authority: Insurance Code section 12693.21.

Reference: Insurance Code sections 12693.21 and 12693.96.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

MRMIB operates the Healthy Families Program (HFP). HFP provides health insurance for approximately 900,000 low-income children aged 0 through 18 whose family incomes are at or below 250% of the federal poverty level net of applicable deductions and who are ineligible for Medi-Cal because their family incomes exceed Medi-Cal income eligibility. (Insurance Code section 12693 et seq.) Approximately two-thirds of the funding for HFP is provided by the federal State Children Health Insurance Programs. (42 U.S.C. 1397aa et seq.) The federal reimbursement for HFP is matched with state funds representing approximately one-third of the program expenditures.

By statute, the Board must maintain enrollment and expenditures to ensure that expenditures do not exceed amounts available. If sufficient funds are not available to cover the estimated cost of program expenditures, the Board must institute appropriate measures to limit enrollment. (Insurance Code section 12693.21(n).) Those measures include the imposition of a waiting list. The current waiting list regulation, section 2699.6603 of Title 10 California Code of Regulations, is not sufficiently specific to allow the Board to take into account any terms or conditions that may be applicable to available funding in connection with operating a waiting-list.

The State of California faces an unprecedented fiscal crisis which directly affects HFP. In November, MRMIB projected a HFP current fiscal year General Fund shortfall of \$17.2 million. At its fall meetings, the Board considered the impact of the projected current year deficiencies on HFP and the need to establish a waiting list in order to keep within its statutory responsibilities under Insurance Code section 12693.21(n).

In December, the First 5 California Commission held an emergency meeting and agreed to provide funding

for new enrollment of children aged 1-5 into HFP through June 30, 2009. By statute, the First 5 California Commission, and the local First 5 County Commissions, many of which committed to contribute to the HFP funding through June 30, may only serve children aged 0-5. As noted above, HFP serves children aged 0-18, not just 0-5.

As a result of the First 5's action, the Board determined not to implement a waiting list at that time because it appears that there are sufficient funds for all children through the current fiscal year. However, MRMIB monitors enrollment and expenditures and reports to the Board on a monthly basis to ensure that there are sufficient funds to cover the estimated cost of program expenditures.

As noted above, the current waiting regulation, section 2699.6603, is not sufficiently specific to allow the Board to take into account terms or conditions that might be placed on program expenditures by funding sources, such as those involving First 5. The proposed regulations are crucial to provide the Board with flexibility to take full advantage of funds which might be available to HFP and use such state funds to draw federal matching funds.

During the discussions about the possible need of establishing a waiting list, it became evident that the impact on children enrolled in HFP but with a medical condition that is eligible for coverage under the California Children's Services Program (CCS) should be considered. These children have a "handicapping condition" but their families do not qualify financially for CCS. They receive services from CCS only because they are enrolled in HFP. (See, Insurance Code Section 12693.69 and Health and Safety Code Section 123870.) If these children were to be disenrolled from HFP, they would also lose their CCS coverage. Given the severity of their medical conditions, the Board has determined that these children should be spared disenrollment from HFP even upon a Board finding that results in some disenrollments from HFP.

The State's current fiscal condition continues to be uncertain and the Board needs the flexibility to administer a waiting list that reflects terms or conditions applicable to the specific funding provided for program expenditures if a waiting list is established. In addition, because of the severity of their medical conditions, if program disenrollments are effectuated, CSS-eligible subscribers need to be spared from disenrollment.

A summary of the proposed regulations' effect on existing law and regulations is as follows:

Article 2. Eligibility, Application and Enrollment

Current subsection 2699.6603(b) would be changed to subsection (b)(1). The text remains the same except

that the word “or” is substituted for the word “of” to correct a clerical error.

Subsection 2699.6603(b)(2) would be added to specify that those children enrolled in HFP and currently enrolled in CCS solely because they have been deemed to be income-eligible for CCS based on their HFP enrollment, shall not be subject to HFP disenrollment even if the Board has made a finding under (b)(1) that results in some subscriber children being terminated or disenrolled.

Subsection 2699.6603(e) would be added.

Subsection (e) would specify subdivision (f), described below, shall apply only if terms or conditions applicable to funding provided for program expenditures do not apply uniformly to all applicants and subscriber children and if, as a result, funding for program expenditures is not available to be spent for the benefit of all applicants and subscriber children equally.

Subsection 2699.6603(f) would be added.

Subsection 2699.6603(f) would specify that to the extent necessary, to reflect terms or conditions applicable to the funding provided for program expenditures, the Board or the Executive Director, as applicable pursuant to subsections (a) through (d), inclusive, of section 2699.6603, shall apply the provisions of this section and of section 2699.6604 to one or more groups of applicants or subscriber children independent of the provisions’ application to other applicants or subscriber children.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose a mandate on 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. This proposal does not impose other nondiscretionary cost or savings on local agencies.

COSTS OR SAVINGS TO STATE AGENCIES

Does not create additional funding need, just allows certain activities if funding is appropriated.

COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE

Does not create additional funding need, just allows certain activities if funding is appropriated.

BUSINESS IMPACT/SMALL BUSINESS

The MRMIB 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. The proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal applies only to the procedures followed by the MRMIB.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE 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

ALTERNATIVES

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency’s attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 324-0592

or

Randi Turner
 Managed Risk Medical Insurance Board
 1000 G Street, Suite 450
 Sacramento, CA 95814
 (916) 327-8243

vision 13 of the Public Resources Code, the California Environmental Quality Act (CEQA), for the mitigation of greenhouse gas emissions and the effects of greenhouse gas emissions.

INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.ca.gov.

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 above.

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 above.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.mrmib.ca.gov.

TITLE 14. CALIFORNIA NATURAL RESOURCES AGENCY

NOTICE OF PUBLIC HEARINGS AND NOTICE OF PROPOSED AMENDMENT OF REGULATIONS IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE IS HEREBY GIVEN that the California Natural Resources Agency (“Resources Agency”) proposes to adopt and amend regulations implementing Di-

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code section 21083.05 requires the Office of Planning and Research to develop, and the Resources Agency to adopt and certify, “guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions[.]” Section 21083 of the Public Resources Code further generally mandates adoption of regulations (CEQA Guidelines) implementing CEQA, and requires the Resources Agency, in consultation with the Office of Planning and Research, to certify amendments to the CEQA Guidelines at least once every two years. The proposed action would implement, interpret and make specific the following: Sections 65088.4, 65453, Government Code; Section 38505(g), Health and Safety Code; Sections 21001, 21002, 21003, 21060, 21061, 21064.5, 21065, 21068, 21068.5, 21080, 21081, 21081.6, 21082, 21082.1, 21082.2, 21083, 21083.05, 21083.3, 21093, 21094, 21100, 21151, 21155, 21155.2, 21156, 21157, 21157.1, 21157.5, 21157.6, 21158, 21158.5, and 21159.28, Public Resources Code. The particular code sections and other provisions of law that would be implemented, interpreted and made specific by each section of this proposed action are described in the Informative Digest, below.

PROPOSED REGULATORY ACTION

The proposed action is intended to adopt and amend portions of the CEQA Guidelines to explain and implement the requirements of CEQA, and in particular the requirements to analyze and mitigate, if necessary, the effects of greenhouse gas emissions. The Resources Agency proposes to amend and add the following sections of Title 14, CCR:

- Add** sections 15064.4, 15183.5 and 15364.5
- Amend** sections 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F and Appendix G.

PUBLIC HEARING

The Resources Agency will hold two public hearings, consistent with the requirements of the California Administrative Procedure Act, to receive comments, objections, and recommendations. The first hearing will begin at 1:00 p.m. on August 18, 2009, at the Natural Resources Agency 1st floor auditorium located at 1416

Ninth Street, Sacramento, California, 95814. The second hearing shall begin at 1:00 p.m. on August 20, 2009, at the Ronald Reagan State Building 1st floor auditorium located at 300 South Spring Street, Los Angeles, California, 90013. Both auditoriums are wheelchair accessible. At the hearings, any person may present comments orally or in writing, or both, relevant to the proposed action. The hearing will be closed when all persons present have had an opportunity to comment on the proposed action. Time limits may be placed on oral comments to ensure that all persons wishing to comment have an opportunity within the available time for the hearing. The Agency requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of the Agency. The Resources Agency must receive written comments no later than 5:00 p.m. on August 20, 2009, in order to be considered by the Resources Agency. Written comments may be delivered, mailed or transmitted by facsimile or electronic mail. Written comments should be addressed as follows:

Christopher Calfee, Special Counsel
ATTN: CEQA Guidelines
California Resources Agency
1017 L Street, #2223
Sacramento, CA 95814
Facsimile: (916) 653-8102
CEQA.Rulemaking@resources.ca.gov

Comments may be delivered to 1416 Ninth Street, Suite 1311, Sacramento, California, 95814. Pursuant to Government Code section 11346.9(a)(3), the Resources Agency shall in a final statement of reasons respond to comments submitted during the comment period containing objections and/or recommendations specifically directed at the Resources Agency's proposed action or to the procedures followed by the Resources Agency in proposing or adopting the proposed action.

INQUIRIES AND ADDITIONAL INFORMATION

Inquiries relating to the proposed administrative action may be directed to Christopher Calfee or, if he is unavailable, to Ian Peterson at (916) 653-5656.

The Resources Agency has prepared an Initial Statement of Reasons for the proposed action that provides an explanation of the purpose and justification for the

proposed rulemaking. Anyone may view and print a copy of the statement or the text of the proposed revisions by accessing the following page on the Resources Agency's Internet website: <http://ceres.ca.gov/ceqa/guidelines/>. Copies of the initial statement of reasons and text of the regulations are also available upon request from Christopher Calfee or Ian Peterson at (916) 653-5656. The entire rulemaking file is available for public inspection at 1416 Ninth Street, Suite 1311, Sacramento, California, 95814.

The Resources Agency will post the Final Statement of Reasons and any future notices related to the proposed action on the Resources Agency's website. Anyone wishing to receive future notices related to the proposed action and/or receive a copy of the Final Statement of Reasons once it has been prepared should submit a written request containing her or his postal mailing address to Christopher Calfee, Natural Resources Agency, State of California, 1416 Ninth Street, Suite 1311, Sacramento, California 95814. These requests can also be submitted by facsimile at (916) 653-8102.

INFORMATIVE DIGEST

The California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA) requires public agencies to identify potential adverse environmental effects of activities that they propose to carry out, fund, or approve, and to consider feasible alternatives and mitigation measures that would substantially reduce significant adverse environmental effects that are identified. CEQA compliance usually involves preparation by a public agency of either a negative declaration, mitigated negative declaration, or an environmental impact report. CEQA requires the Secretary for the Natural Resources Agency, in consultation with the Governor's Office of Planning and Research (OPR), to periodically adopt, amend and repeal the CEQA Guidelines. In addition, Public Resources Code section 21083.05 requires the Office of Planning and Research to develop, and the Resources Agency to adopt and certify, "guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions[.]" Fourteen sections have been identified for adoption or amendment during this rulemaking process. The Secretary of the Natural Resources Agency intends that the proposed revisions provide guidance on the analysis and mitigation of greenhouse gas emissions, clarify certain portions of the existing Guidelines, and update the Guidelines consistent with recent court decisions.

The following summaries describe existing laws and regulations related to the proposed action and explain the effect of the proposed revisions. Also included, where appropriate, are the specific objectives of the revisions and additions:

15064. Determining the Significance of the Environmental Effects Caused by a Project

Public Resources Code section 21082.2 requires lead agencies to “determine whether a project may have a significant effect on the environment[.]” Further, a lead agency must determine whether a project’s effects will be cumulatively considerable. (Pub. Resource Code, § 21083(b).) Section 21003(d) provides that information in existing environmental documents may be used in future environmental analysis in order to reduce delay and duplication. In considering whether a project’s incremental contribution to an effect is cumulatively considerable, existing CEQA Guidelines section 15064(h)(3) allows a lead agency to consider whether the project is consistent with plans or regulations that will ensure that the project’s incremental contribution to cumulative impacts are not cumulatively considerable. (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal. App. 4th 98, 115 (upholding substance of current Guidelines section 16064(h)(3)).) Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21003(d), 21082.2, and 21083 of the Public Resources Code. The proposed amendments to section 15064(h)(3) include the addition of several plans to the list of plans on which a lead agency may rely in a cumulative impacts analysis. The proposed amendments also include a clarification that, when relying on consistency with a plan to determine that a project’s impacts are not cumulatively considerable, the lead agency should explain how the requirements in the plan reduce the project’s incremental contribution to the cumulative effect.

The proposed amendments to this section also include a non-substantive correction in subdivision (f)(5).

15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions

Section 21083.05 of the Public Resources Code mandates the development of regulations on the analysis of the effects of greenhouse gas emissions. Public Resources Code section 21082.2 requires lead agencies to “determine whether a project may have a significant effect on the environment[.]” (See also Pub. Resources Code, § 21002.) Existing law further provides that the analysis used to determine whether impacts are significant should include both quantitative and qualitative elements. (Pub. Resources Code, § 21001(g); *Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm’rs*

(2001) 91 Cal. App. 4th 1344, 1380–1382; see also CEQA Guidelines, § 15142.)

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21001, 21002, and 21083.05, as well as 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, and 21100 of the Public Resources Code. The proposed addition of section 15064.4 interprets existing CEQA requirements for the analysis and determination of potential impacts and makes those requirements specific to the effects of greenhouse gas emissions. Specifically, proposed section 15064.4 provides that a lead agency must use its best efforts to calculate or estimate the greenhouse gas emissions resulting from a project. In estimating the emissions resulting from a project, a lead agency would have the discretion to perform a quantitative or a qualitative analysis based on the circumstances surrounding the project. In addition to a quantitative or qualitative analysis, a lead agency should also consider several factors, including whether the project will result in a net increase or decrease in greenhouse gas emissions compared to the existing baseline, whether the project’s emissions exceed an applicable threshold, and whether the project will comply with the requirements in a plan designed to reduce greenhouse gas emissions.

15064.7. Thresholds of Significance

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Sections 21082 and 21083 of the Public Resources Code call for the development and adoption by all lead agencies of procedures to implement the California Environmental Quality Act. Existing law supports reliance on thresholds of significance to assist in the determination of whether a project may result in a significant adverse environmental impact. (Pub. Resources Code, § 21000(d); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1106–09.) A threshold of significance is a level below which impacts will normally be less than significant. Existing law encourages lead agencies to develop thresholds of significance to be applied within their jurisdiction as part of their CEQA analyses. (*Id.*; see also Pub. Resources Code, §§ 21082, 21083.)

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21003(d), 21082 and 21083 of the Public Resources Code. The proposed amendment to section 15064.7 clarifies that in adopting a threshold, a lead agency may consider thresholds developed by ex-

perts or other agencies, provided that the proposed threshold is supported with substantial evidence.

15065. Mandatory Findings of Significance

Section 21083 of the Public Resources Code calls for the development of procedures to implement the California Environmental Quality Act. Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. The existing CEQA Guidelines provide for a period of “preliminary” review of a project to determine whether the project may qualify for an exemption, or will require preparation of a negative declaration or environmental impact report. (Pub. Resources Code, § 21160; see also CEQA Guidelines, § 15060.) Public Resources Code section 21083 specifies several instances in which a finding of significance must be made. (See also CEQA Guidelines, § 15065.) Public Resources Code section 21064.5 also provides that where a project proponent agrees to alter the project or impose mitigation measures prior to public review of the project, a lead agency may prepare a mitigated negative declaration.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific section 21083 of the Public Resources Code. The proposed amendment to section 15065 clarifies that mitigation measures could be agreed to prior to “public” review, rather than “preliminary” review.

15086. Consultation Concerning Draft EIR

The proposed amendment to section 15086 is a non-substantive correction.

15093. Statement of Overriding Considerations

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Existing law provides that a lead agency may approve a project with significant adverse effects only after all feasible mitigation and alternatives have been imposed on the project and the lead agency has adopted a statement of overriding considerations. (Pub. Resources Code, §§ 21002, 21081.) A statement of overriding considerations sets forth the lead agency’s determination that the benefits of the proposed project outweigh its adverse environmental impacts.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21002 and 21081 of the Public Resources Code. The proposed amendment to section 15093 would clarify that a lead agency may consider statewide and region-wide environmental benefits of a project when making its statement of overriding considerations.

15125. Environmental Setting

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Existing law requires a lead agency to describe the project’s environmental setting as part of its environmental analysis of the project. (Pub. Resources Code, §§ 21060.5, 21061, 21100.) Existing law also requires a lead agency to discuss inconsistencies with various plans. (CEQA Guidelines, § 15125(d).)

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21060.5, 21061 and 21100 of the Public Resources Code. The proposed amendments to section 15125 would add to the list of plans that a lead agency should consider for potential inconsistencies. The added plans are likely to include information relating to a jurisdiction or region’s greenhouse gas emissions.

15126.2. Consideration and Discussion of Significant Environmental Impacts

The proposed amendment to section 15126.2 is a non-substantive cross-reference.

15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects

Public Resources Code section 21083.05 requires the development of guidelines on the mitigation of greenhouse gas emissions. Public Resources Code section 21002 requires lead agencies to impose feasible mitigation to reduce a project’s significant adverse environmental impacts.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21002 and 21083.05 of the Public Resources Code. The proposed amendments to section 15126.4 provide a non-exclusive list of categories of mitigation strategies that a lead agency may consider implementing to reduce a project’s greenhouse gas emissions. The proposed addition also clarifies that existing standards regarding the adequacy of mitigation apply equally to mitigation to reduce greenhouse gas emissions.

15130. Discussion of Cumulative Impacts

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Existing law requires lead agencies to consider whether a project’s effects may be individually limited but cumulatively considerable. (Pub. Resources Code, §§ 21083, 21100.)

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code.

This amendment implements, interprets, and makes specific sections 21083 and 21100 of the Public Resources Code. The proposed amendments to section 15130 would add to the list of plans that may contain relevant projections for use in a cumulative impacts analysis. The amendments would also clarify that projections may be contained in modeling programs used to support various land use plans. Finally, the amendments clarify that a lead agency must analyze a project's cumulative greenhouse gas impacts when the project's incremental contribution of greenhouse gases is cumulatively considerable.

15150. Incorporation by Reference

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Public Resources Code section 21003 encourages lead agencies to avoid duplication and conserve resources by incorporating existing environmental information developed for other environmental analyses or plans into the environmental document for a proposed project. Section 21061 defines environmental impact report to include information that is incorporated therein by reference.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21003, 21061 and 21083.05 of the Public Resources Code. The proposed amendment to section 15150 would allow a description of the effects of greenhouse gas emissions to be incorporated by reference.

15183. Projects Consistent with a Community Plan or Zoning

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Public Resources Code section 21083.3 provides for streamlining environmental review for projects that are consistent with a general plan, community plan or zoning for which an EIR was certified. A project that is consistent with such a plan or zoning would only have to analyze effects that are peculiar to the project or the project site. An effect will not be considered peculiar to the project or project site where uniformly applied development standards will substantially mitigate the effects of future projects.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21083.05 and 21083.3 of the Public Resources Code. The proposed amendment to section 15183 would add requirements for the reduction of greenhouse gas emissions to the list of examples of uniformly applied development standards.

15183.5. Tiering and Streamlining the Analysis of Greenhouse Gas Emissions

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Public Resources Code sections 21003 and 21093 encourage lead agencies to tier environmental documents wherever feasible. Specific forms of tiering and streamlining are provided in Public Resources Code sections 21083.3, 21155.2, 21157, 21157.1, and 21159.28, among others.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific section 65453 of the Government Code, and sections 21003, 21061, 21068.5, 21081(a)(2), 21083.05, 21083.3, 21081.6, 21093, 21094, 21100, 21151, 21155, 21155.2, 21156, 21157, 21157.1, 21157.5, 21157.6, 21158, 21158.5, 21159.28 of the Public Resources Code. The proposed section 15183.5 would provide examples of tiering and streamlining provisions that may be used in the context of greenhouse gas emissions. The proposed added section would also provide criteria for greenhouse gas reduction plans that a lead agency may consider in determining whether such a plan may be used in a project's cumulative impacts analysis. Finally, the proposed added section would clarify the requirements for review of greenhouse gas emissions from certain mixed-use and transit priority projects.

15364.5. Greenhouse Gas

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Health and Safety Code section 38505(g) defines "greenhouse gases" for the purposes of regulatory actions by the California Air Resources Board.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific section 38505(f) of the Health and Safety Code and section 21083.05 of the Public Resources Code. The proposed added section 15364.5 would state that for CEQA purposes, greenhouse gas emissions include, but are not limited to, the same greenhouse gases that will be regulated by the Air Resources Board.

Appendix F — Energy Conservation

Section 21083.05 of the Public Resources Code mandates the development of regulations on the analysis and mitigation of the effects of greenhouse gas emissions, "including but not limited to, effects associated with . . . energy consumption." Public Resources Code section 21100(b)(3) requires an environmental impact report to analyze a project's impact on energy re-

sources and to include mitigation measures to reduce those impacts. (*People v. County of Kern* (1976) 62 Cal.App.3d 761, 774.)

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21083.05 and 21100 of the Public Resources Code. The proposed amendments to Appendix F would clarify that a lead agency must conduct an analysis of a project’s impacts on energy resources. The proposed amendments would also remove a vague term from Appendix F to reduce confusion about the scope and extent of the required analysis. The proposed amendments would also add types of energy use that could be reduced as mitigation.

Appendix G — Environmental Checklist

Public Resources Code section 21083.05 requires the development of guidelines on the analysis of greenhouse gas emissions. Public Resources Code section 21080(c) requires the preparation of an initial study to support a lead agency’s determination that a project will have no significant adverse impacts. An initial study may also be prepared to assist a lead agency in preparing an environmental impact report. Appendix G of the existing CEQA Guidelines contains a sample checklist form that lead agencies may use in the preparation of an initial study.

The authorities for the proposed amendments are 21083 and 21083.05 of the Public Resources Code. This amendment implements, interprets, and makes specific sections 21080 and 21083.05 of the Public Resources Code. The proposed amendments to Appendix G would add several questions to the environmental checklist form related to forestry resources and greenhouse gas emissions. The proposed amendments would also revise questions related to transportation and traffic. Finally, the proposed amendments would add a note to the beginning of Appendix G to clarify, consistent with recent case law, that the form provided is only a sample. The form can be tailored to a lead agency’s individual circumstances and should not be used to avoid examination of potential impacts that may not be listed in the form.

Policy Objectives

The broad objective of the Proposed Amendments is to implement the Legislative directive in SB97, which requires the development of “guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption.” (Pub. Resources Code, § 21083.05 (codifying SB97).) The phrase “as required by this division” indicates that the Legislature’s intent that while greenhouse gas emissions must

be analyzed, the analysis must follow traditional rules governing CEQA analysis. Specific objectives are described below.

Lead Agencies Retain Traditional Discretion

A lead agency must prepare an EIR wherever substantial evidence supports a fair argument that a project may cause adverse environmental impacts. Once a lead agency determines to prepare an EIR, however, CEQA leaves lead agencies wide discretion to, for example, choose the appropriate methodology to analyze specific impacts, evaluate evidence regarding the significance of an impact, and choose appropriate mitigation for impacts identified as significant. Nothing in SB97 indicates that the Legislature intended to in any way limit a lead agency’s traditional discretion. Therefore, the Proposed Amendments differ to that discretion where permitted by CEQA.

Greenhouse Gas Emissions Should be Analyzed as a Cumulative Impact

While the Proposed Amendments do not foreclose the possibility that a single project may result in greenhouse gas emissions with a direct impact on the environment, the evidence before the Resources Agency indicates that in most cases, the impact will be cumulative. Therefore, the Proposed Amendments emphasize that the analysis of greenhouse gas emissions should center on whether a project’s incremental contribution of greenhouse gas emissions is cumulatively considerable.

Analysis of Greenhouse Gas Emissions Should be Tiered Wherever Possible

Because greenhouse gas emissions are largely a cumulative issue, such emissions may be best addressed at a programmatic level to permit a thorough analysis of all sources and coordinated mitigation to reduce emissions across a broad area. Such an analysis of greenhouse gas emissions could then be tiered for use in later environmental documents on a project-specific basis. The Legislature has enacted various tiering and streamlining mechanisms that would be appropriately applied in a greenhouse gas emissions context. Therefore, these Proposed Amendments encourage the use of existing greenhouse gas emissions analyses to the extent possible.

Relationship to Federal Law

The Proposed Amendments contain revisions and additions to the State CEQA Guidelines. Those Guidelines assist lead agencies in complying with the California Environmental Quality Act. CEQA is a state law that governs state agencies. The Proposed Amendments do not duplicate or conflict with any federal statutes or regulations. CEQA is similar in some respects to the National Environmental Policy Act (“NEPA”), 42 U.S.C. sections 4321–4343. However, NEPA requires

environmental review of federal actions by federal agencies while CEQA requires environmental review of state and local projects by state and local agencies in California. Moreover, although both NEPA and CEQA require an analysis of environmental impacts, the substantive and procedural requirements of the two statutes differ. Most significantly, CEQA requires feasible mitigation of environmental impacts, while NEPA does not require mitigation. A state or local agency must complete a CEQA review even for those projects for which NEPA review is also applicable, although Guidelines sections 15220–15229 allow state, local and federal agencies to coordinate a review when projects are subject to both CEQA and NEPA. Because a state or local agency cannot avoid CEQA review, and because CEQA and NEPA are not identical, guidelines for CEQA are necessary and do not duplicate the Code of Federal Regulations.

NEPA requires analysis of greenhouse gas emissions. (*See, e.g., Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Ad.*, 538 F.3d 1172, 1215–1217 (9th Cir. 2008).) The Proposed Amendments approach that analysis similarly to the requirements of federal law. However, as noted above, a primary difference between CEQA and NEPA is that the former requires the imposition of mitigation where an impact is determined to be significant.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Resources Agency has made the following determinations regarding the proposed changes to the Guidelines:

Mandates on Local Agencies and School Districts

The Resources Agency has determined that the proposed revisions to the CEQA Guidelines will not impose a mandate on local agencies or school districts.

Costs or Savings to Local Agencies and School Districts or Federal Funding to the State

No costs or savings have been identified from the proposed action for any state agency, local agency, or school district. No reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

Housing Costs

The proposed amendments will not affect housing costs because the revisions will interpret and make spe-

cific certain existing CEQA requirements affecting the way public agencies administer the CEQA process.

Significant Adverse Economic Impacts on Business

The Resources Agency has initially determined that 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. The factual basis for this conclusion is that the revisions will interpret and make specific existing analysis and mitigation requirements imposed by statute and judicial decisions interpreting the CEQA statute.

Effect on California Business Enterprises and Individuals

The Resources Agency has assessed the potential for the proposed action to adversely affect California business enterprises and individuals, including whether it will affect the creation, elimination or expansion of businesses, as required by subdivision (b) of Government Code Section 11346.3. The proposed action is not expected to have a positive or adverse effect on the creation or elimination of jobs or businesses within California. The Resources Agency has also concluded that the proposed amendments will not affect the expansion of businesses currently doing business within the state.

The Resources Agency's complete Economic and Fiscal Impact Statement (Form Std 399) for the proposed action is part of the rulemaking file, and is available from the agency contact person named in this notice.

Cost Impacts on a Representative Person or Business

The Resources 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.

Effect on Small Business

The proposed amendments will not affect small business because the revisions will interpret and make specific certain existing CEQA requirements affecting the way public agencies administer the CEQA process.

CONSIDERATION OF ALTERNATIVES

In accordance with subsection 11346.5(a)(13) of the Government Code, the Resources Agency must determine that no reasonable alternative considered by the Resources Agency or otherwise identified and brought to the Resources Agency's attention would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

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

The Resources Agency will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and supporting information. Copies may be obtained by contacting Christopher Calfee or Ian Peterson at the address and/or phone number listed above.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the hearings and consideration of all timely and relevant comments received, the Resources Agency may adopt the proposed regulations substantially as described in this notice. If the Resources Agency 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 Resources Agency adopts the regulations as revised. Any requests for copies of any modified regulations should be directed to the attention of Ian Peterson at the address indicated above following publication of the modified text. If the Resources Agency modifies the originally proposed text, the Resources Agency will accept written comments on the modified regulations for 15 days after the date on which the modifications are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ian Peterson at the above address.

**TITLE 14. DEPARTMENT OF PARKS
AND RECREATION**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN the Department of Parks and Recreation (Department) proposes to revise the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to revise California Code of Regulations (CCR), Title 14, Division 3, Chapter 6, Section 4609 pertaining to safe vehicle operation at the Oceano Dunes State Vehicular Recreation Area (Oceano Dunes SVRA).

PUBLIC HEARINGS

The Department will hold one public hearing on the proposed rulemaking. The hearing will be held:

Date: August 17, 1009

Time: 5:00 p.m.

Location: Ramona Garden Park Center

993 Ramona Ave.

Grover Beach, California 93433

At the hearing, any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, that people who make oral comments at the hearing also submit written copies of their testimony at the conclusion of their remarks. Additionally, pursuant to Government Code section 11125.1, any information presented to the Department during the open hearing in connection with the matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

Written comments other than those presented at the public hearings may be submitted to the Department as described below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends at 7:00 p.m., on August 17, 2009. The Department will consider only written comments received at the Department's office by that time (in addition to those comments received at the public hearing). All written comments shall be submitted to the following address:

Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attn: John Pelonio, Public Safety Superintendent
1725 23rd Street, Suite 200
Sacramento, California 95816-7100

Written comments that are not more than 10 pages will be accepted by the Department via facsimile at

(916) 324–1610. A fax transmission must be completed by the deadline given above.

Written comments may also be delivered electronically to John Pelonio at jpelonio@parks.ca.gov by the deadline given above.

The back–up contact person regarding the proposed action/text is:

Loren Rex, Visitor Services Superintendent, 916–324–3740 or email lrax@parks.ca.gov.

AUTHORITY AND REFERENCE

Authority Citation: The proposed regulations are authorized by Public Resources Code (PRC) § 5003 and 5001.5.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed new regulations are Public Resources Code (PRC) § 5003, 5008, 5090.32, and 5090.35.

INFORMATIVE DIGEST

Background and History

PRC 5003 allows the Department to enact regulations “. . .for the government and administration of the property under its jurisdiction.”

PRC 5008 requires the Department to “. . .protect the state park system and the state vehicular recreation area and trail system from damage and preserve the peace therein.”

PRC 5090.32(b) gives the Off–Highway Motor Vehicle Recreation (OHMVR) Division the responsibility for management of the State Vehicular Recreation Areas.

PRC 5090.32(c) gives the OHMVR Division the responsibility to provide for law enforcement and appropriate public safety activities.

PRC 5090.35(a) states “The protection of public safety, the appropriate utilization of lands, and the conservation of land resources are of the highest priority in the management of the State Vehicular Recreation Areas. . . .”

CCR Title 14 Division 3 contains the regulations that apply to units of the State Park System.

The proposed revisions would address vehicle operation at Oceano Dunes SVRA by prohibiting specified vehicle operation behaviors which may lead to accidents or injuries. They would also make minor changes without regulatory effect to eliminate unnecessary language and simplify the regulations.

Effect of Proposed Rulemaking

The proposed revisions to CCR, Title 14, Division 3, Chapter 6, Section 4609, would make the following changes specific to Oceano Dunes SVRA:

- Require a whip and flag for all vehicles in the dunes area, whether the vehicle is registered for highway or off–highway use. Previously, a whip and flag were only required for off–highway registered vehicles, but not highway registered vehicles.
- Prohibit operation of vehicles “. . .at a speed or in any other manner that is not safe or prudent having regard for weather, visibility, traffic conditions, presence of pedestrians, and the nature of the terrain on which the vehicle is being operated, and in no case at a speed or in a manner which endangers the safety of persons or property.”
- Prohibit operation of a vehicle in a manner which endangers the health or safety of any passenger or occupant under the age of eighteen.
- Allow any person under the age of eighteen to operate a vehicle in a situation where his or her health or safety may be in danger as a result of the operation of the vehicle.
- Additional non–substantive changes are made to correct the unit name, simplify regulations and remove redundant language.

POLICY STATEMENT OVERVIEW

The objective of the proposed regulations is to improve safety in the Oceano Dunes SVRA by reducing collisions and unsafe operation of vehicles.

COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed regulations do not duplicate or conflict with federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Department has determined these proposed regulations do not impose a mandate on local agencies or school districts. The proposed regulations only apply within the Oceano Dunes SVRA.

DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

Fiscal Impact on Local Agencies or School Districts: These regulations do not impose any cost on a local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4, nor do they impose any nondiscretionary cost or saving on local agencies.

Fiscal Impact on State Government: These regulations do not impose any cost or savings to the State or any cost or savings in federal funding to the State.

Economic Impact on Business: The Department has made an initial determination these regulations do not have a significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effect on Jobs and Businesses: Adoption of these regulations 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.

Impact on Housing: These regulations would not have a significant effect on housing costs.

Determination Regarding Effect on Small Businesses: The Department has determined there are no cost impacts on small businesses because the proposed regulations only apply to Oceano Dunes SVRA.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. Copies may be obtained by contacting John Pelonio at the e-mail address listed previously. The rulemaking file, which contains all information on which the proposal is based, is located at the OHMVR Division, 1725 23rd Street, Suite 200, Sacramento, California, 95816-7100, and may be obtained upon request. Additionally, the Initial Statement of Reasons and the text of the proposed regulations may be obtained from the Department's website located at www.ohv.parks.ca.gov at the Proposed Regulations link.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a Final Statement of Reasons may be obtained by contacting John Pelonio at the aforementioned address and will be made available through the Division website at www.ohv.parks.ca.gov, at the Proposed Regulations link.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

**CONSISTENCY DETERMINATION
Fish and Game Code Section 2080.1
CESA Tracking No. 2080-2009-005-02**

- PROJECT:** State Route 99 Roadway Rehabilitation Project (Rio Bonito), Butte County, California EA03-36690
- LOCATION:** East of the town of Biggs, Butte County
- NOTIFIER:** Katrina Pierce, California Department of Transportation

BACKGROUND

The California Department of Transportation (Caltrans) State Route 99 Roadway Rehabilitation Project

(the Project) is located along Highway 99 in Butte County, east of the unincorporated town of Biggs, from Rio Bonito Road in the south (Post Mile 8.6) extending north to Richvale Highway (Highway 162) (Post Mile 13.1). The total Project is 4.5 miles long with a 100 foot potential construction easement width. Construction of the Project will consist of: (1) widening the highway a total of 39 feet on the shoulders to current transportation safety standards, (2) adding two left-turn pockets, (3) removing vertical curves in the highway, (4) rehabilitating the roadbed pavement with new overlay, (5) repairing a scour zone under the bridge at the Lateral and Biggs Extension Canal (hereafter, the bridge), (6) upgrading guard rails, and (7) expanding and clearing the highway "clear recovery zone" (by adding 19.7 feet from the edge of pavement). The Project will also include the relocation of Pacific Gas and Electric (PG&E) utility poles and gas lines, within the Project right-of-way, to accommodate the widening of the highway. The Project staging areas for Caltrans and PG&E will occur at existing equipment storage or agricultural operations locations and will not result in species impacts. All of the land to be converted to transportation structure is existing state-owned right of way.

The Project involves activities that have the potential to result in the incidental take of giant garter snake (*Thamnophis couchi gigas*) (hereafter, GGS) where those activities take place within 200 feet of suitable permanent water habitat. These work activities include highway widening, moving the PG&E transmission lines, ditch clearing and grubbing, and repair of the bridge scour zone. The total project impacts, including temporary (32.99 acres) and permanent (13.23 acres), to GGS habitat will consist of 46.22 acres. GGS is listed as a threatened species under both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E).) The presence of GGS has been documented at the Fish and Game Oroville Wildlife Area north of the Project and there is suitable GGS habitat within and adjacent to the Project area, including drainages, canals and rice cropland.

Because the Project has the potential to take individuals of an ESA-listed species, the California Department of Transportation (Caltrans), acting on behalf of the Federal Highway Administration, consulted with the U.S. Fish and Wildlife Service (Service) as required by Section 7 of the ESA. On December 19, 2005, the Service issued a Biological Opinion (Ref. No. 1-1-06-F-0014)(BO), which describes the Project, including conservation measures developed to minimize Project impacts to GGS, and sets forth measures to mitigate impacts to GGS and its habitat. On January 12, 2006, the BO was amended (Ref. No. 1-1-06-F-0037)

to replace a conservation measure to reduce impacts to GGS. On November 27, 2006 the BO was amended (Ref. No. 1-107-F-0030) to modify the Project description and increase the authorized amount of incidental take for the GGS. A third amendment, issued May 20, 2009 (Ref. No. 81420-2009-F-0438-R001) further modifies the Project description to clarify the bridge scour repair and reduce the impacts to habitat for GGS. Together, the BO and three amendments are considered the "Amended BO."

On May 22, 2009, the Director of the Department of Fish and Game (DFG) received correspondence from Katrina Pierce, on behalf of Caltrans, requesting a determination pursuant to section 2080.1 of the Fish and Game Code that the Amended BO, including its incidental take statement (ITS), is consistent with CESA. Included with the request was a letter from Caltrans providing documentation that sufficient funds had been allocated for the Project's required mitigation as well as a detailed explanation of the GGS mitigation credits that Caltrans has purchased for the Project.

DETERMINATION

DFG has determined that the Amended BO, including its ITS, is consistent with CESA because the mitigation measures therein meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing the incidental take of CESA-listed species. Specifically, DFG finds that take of GGS will be incidental to an otherwise lawful activity (*i.e.*, construction and operation of the roadways), the mitigation measures identified in the Amended BO and required by the ITS will minimize and fully mitigate the impacts of the authorized take of GGS, and the Project will not jeopardize the continued existence of the species. The avoidance, minimization, and mitigation measures in the amended BO include, but are not limited to, the following:

GGS Avoidance and Minimization Measures:

- Work in GGS upland and aquatic habitat shall be conducted during the GGS active season (May 1–October 1), except as specifically provided below.
- Caltrans shall limit the 0.12 acre impact at the site of repair to the bridge scour zone during the non-active season for GGS, between January and March, when the bottom of the irrigation canal is dry. The work shall occur from the bridge deck and include additional measures restricting the work to immediately below the bridge, on the channel bottom that is otherwise underwater except during these months.

- Clearing of vegetation shall be confined to the minimal area necessary to facilitate construction activities. Potential GGS habitat within or adjacent to the Project area shall be flagged as environmentally sensitive areas and avoided. These sensitive areas shall be avoided by all construction personnel.
- Construction personnel shall receive worker environmental awareness training that instructs workers to recognize GGS and its habitat and discusses the avoidance and minimization measures associated with the Project.
- The Project area shall be surveyed for GGS 24 hours prior to construction activities. Surveys of the Project area shall be repeated if there is a lapse in construction activity of two weeks or greater. If GGS are encountered during construction or preconstruction surveys, activities shall cease until appropriate corrective measures have been completed or it has been determined that GGS will not be harmed. Caltrans will immediately report any sightings or incidental take to DFG by telephone at (916) 358-2900 and to the Service by telephone at (916) 414-6600.
- All potential GGS habitat shall be completely dewatered between April 15 and September 30 (with the exception of the bridge scour repair site).
- Caltrans shall restore 32.99 acres of habitat for GGS to pre-Project conditions within the same season, or at least within the same calendar year. As part of this requirement, Caltrans shall return each site to pre-Project conditions, remove all construction debris (including protective fencing, barriers, flagging, and construction mats), and reseed each site with an approved erosion control seed mix as needed as prescribed in the BO. Caltrans has committed sufficient funds in the Project Expenditure Authorization (EA #03-36690) to ensure success of the restoration of the temporarily impacted habitat.

Reporting:

- Caltrans shall provide a post-construction monitoring report to the Service within 30 days of the completion of the construction activity or if a break in activity longer than 30 days occurs. The report shall include dates that groundbreaking at the Project started and the project was completed, pertinent information concerning the success of the project in meeting compensation and the other conservation measures, and explanation of any failure to meet such measures, if any, known project effects on the GGS, if any, occurrences of incidental take of the snake, and other pertinent

information. Although not a condition of the BO, DFG requests a copy of the report.

GGSHabitat Mitigation:

- Caltrans has provided documentation to DFG for the purchase 23.93 acres of GGS habitat at the Service approved Gilsizer Slough South Giant Garter Snake Conservation Bank for the Project (Gilsizer Slough L.L.C. Contract # GECEB-07-05, Bill of Sale of GGS Conservation Credits, March 15, 2007, Service file No. 1-1-00-F-0024, 1-1-03-F-0039, 1-1-06-F-0014). DFG has reviewed the information provided by Caltrans in the supplemental funding letter provided with the request and has confirmed that the management endowment and conservation easement are held by the Wildlife Heritage Foundation, which is an entity approved by DFG pursuant to Government Code section 65965 to hold mitigation lands and management funds.

Based on this consistency determination, Caltrans does not need to obtain authorization from DFG under CESA for take of GGS that occurs in carrying out the Project, provided Caltrans implements the Project as described in the Amended BO (including the Conservation Measures), and complies with the mitigation measures and other conditions described in the Amended BO and ITS. However, if the Project as described in the Amended BO, including the mitigation measures therein, changes, or if the Service amends or replaces the Amended BO, Caltrans will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or an incidental take permit (in accordance with Fish and Game Code section 2081).

Central Valley Project (CVP) and the State Water Project (SWP), including the operation of the temporary barriers project in the South Delta, the 500 cubic feet per second (CFS) increase in SWP export limit from July through September, and several other actions (Project).

Project activities, as proposed, are likely to jeopardize the continued existence of the delta smelt (*hypomesus transpacificus*). Anticipated adverse impacts of proposed project activities include an increased rate of entrainment into pumping plants, resulting in lower potential production of early life history stages in the spring some years; increased vulnerability to local agricultural diversions; altered hydrologic conditions within spawning habitat throughout the spawning period from impacts to various abiotic factors including distributions of turbidity, food and contaminants; and reduced habitat quantity and quality.

The U.S. Fish and Wildlife Service (Service) issued a "jeopardy" federal biological opinion (81420-2008-F-1481-5)(BO) and incidental take statement (ITS), to the U.S. Bureau of Reclamation (BOR) on December 15, 2008 which considers Project impacts on the federally and state threatened delta smelt, and includes reasonable and prudent alternative (RPA) measures to avoid jeopardizing the species, and authorizes incidental take of the species, provided the RPA is implemented. Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If DFG determines the BO and ITS are consistent with CESA for the proposed Project, DWR will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication July 1, 2009

**CESA CONSISTENCY DETERMINATION
REQUEST FOR**

State Water Project and Central Valley Project

Coordinated Operations

Multiple Counties

2080-2009-007-00

The Department of Fish and Game (DFG) received a notice on July 17, 2009, that the California Department of Water Resources (DWR) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the continued coordinated operation of the

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
July 3, 2009**

**July 15, 2009 MEETING AGENDA OF THE
SCIENCE ADVISORY BOARD'S
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT IDENTIFICATION COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Developmental and Reproductive Toxicant Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity (Health and Safety Code section 25249.8). The Committee serves as the "State's Qualified Experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of this committee will be held on **Wednesday, July 15, 2009** in the **Auditorium of the Elihu Harris State Building, 1515 Clay Street, Oakland, California**. The meeting will begin at 10:00 a.m. and continue until all business has been conducted, or 5:00 p.m. The meeting will be available via audiocast. On the day of the meeting, the link to the audiocast will be posted on the OEHHA web site at http://www.oehha.ca.gov/prop65/whats_new/index.html. A link will also be provided for the staff presentations. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by July 7, 2009. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is as follows.

- I. WELCOME AND OPENING REMARKS
- II. CONSIDERATION OF A CHEMICAL AS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY
 - A. Bisphenol A
 - Staff presentation
 - Public comments
 - Committee discussion and decision
- III. STAFF UPDATES
- IV. SUMMARY OF COMMITTEE ACTIONS AND CLOSING REMARKS

**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.

CORRECTION: OAL file no. 2009-0122-01 (optometry fee increase) was incorrectly shown in this listing as filed with SOS; however that rulemaking was withdrawn and later resubmitted as OAL file no. 2009-0417-01, which was approved and filed with SOS on 4/28/09.

File# 2009-0506-02
AIR RESOURCES BOARD
Consumer Products Regulations

This action lowers and sets new limits on volatile organic compounds contained in specified categories of consumer products, refines some of the definitions of product categories and adds some products to those that are already subject to VOC limits, prohibits some materials in consumer products that may be toxic, and limits the choice of propellant in pressurized gas dusters to reduce the greenhouse global warming potential of that class of product.

Title 17
California Code of Regulations
AMEND: 94508, 94509, 94510, 94512, 94513, 94515
Filed 06/18/2009
Effective 07/18/2009
Agency Contact: Trini Balcazar (916) 445-9564

File# 2009-0612-01
BUSINESS, TRANSPORTATION AND HOUSING
AGENCY
Public Infrastructure Advisory Commission (PIAC)

This regulatory action establishes and adopts the procedures for the Public Infrastructure Advisory Commission (PIAC).

Title 21
 California Code of Regulations
 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706,
 7707, 7708, 7709, 7710, 7711
 Filed 06/22/2009
 Effective 06/22/2009
 Agency Contact: Jim Bourgart (916) 323-5412

File# 2009-0604-01
 CALIFORNIA APPRENTICESHIP COUNCIL
 Employment of Apprentices on Public Works

California Apprenticeship Council amended to title 8, California Code of Regulations, section 230.1, which implements section 1777.5 of the Labor Code and establishes requirements for specified contractors to hire apprentices when awarded a public works contract. The action is intended to increase employment opportunities for apprentices in public works projects and assure compliance with the Labor Code section 1777.5 ratio of apprentice to journey-level workers on public works projects. Amendments to section 230.1 broaden the requirements for contractors to request apprentices from one to all local apprenticeship program committees in the geographic area of the public works site, and enhance and clarify the notice and dispatch requirements for requesting apprentices in the applicable craft or trade. The new requirements are applicable to contractors who bid on a public works contract on or after July 1, 2009.

Title 8
 California Code of Regulations
 AMEND: 230.1
 Filed 06/22/2009
 Effective 07/01/2009
 Agency Contact: Julian Standen (415) 703-5535

File# 2009-0529-01
 CALIFORNIA POLLUTION CONTROL
 FINANCING AUTHORITY
 California Capital Access Program for Small Business

This filing is a certificate of compliance for an emergency regulatory action that amended the Capital Access Loan Program (CALP) by changing the definition of two terms ("fee" and "financial institution") to simply refer to the definitions of those terms in statute; added a qualifier to the definition of "qualified loan," i.e., [consistent with a cap elsewhere in the regs] it is not a loan or portion thereof which exceeds \$1,500,000; added another reason CPCFA can use to terminate a participating financial institution from the program (i.e., providing false or misleading information to CPCFA regarding the institution); added another requirement on to Independent Contributors (of loan funds) to the pro-

gram (that they'll reimburse CPCFA for any costs resulting from their participation in the program); established that the fees that must be paid by Independent Contributors are not subject to the statutory maximums; and added a new section on "Preferred Lenders." A financial institution can become a Preferred Lender in special programs funded by Independent Contributors and thereby avoid certain documentation requirements and the requirement for prior approval by CPCFA. The new section sets out the circumstances for when Preferred Lender status is a possibility and the requirements for a financial institution to become a Preferred Lender.

Title 4
 California Code of Regulations
 ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078
 Filed 06/22/2009
 Effective 06/22/2009
 Agency Contact: Aaron Todd (916) 654-5740

File# 2009-0508-01
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Adult Parole

Department of Corrections and Rehabilitation proposed this action as the beginning of a comprehensive restructuring and updating by the Department's Division of Adult Parole Operations of the subchapter 6 adult parole regulations under title 15, California Code of Regulations, division 3, chapter 1. This action amends, adopts, relocates and renumbers assorted articles and sections for more accurate placement of regulatory provisions under subchapter 6, to remove obsolete language and add new language for clarity and consistency with current Department standards over the adult parole process.

Title 15
 California Code of Regulations
 ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502,
 3600, 3610, 3620, 3625, 3630, 3740
 Filed 06/17/2009
 Effective 07/17/2009
 Agency Contact: Randy Marshall (916) 341-7328

File# 2009-0522-05
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Inmate Trust Account Interest

This regulatory action describes the process for California Department of Corrections and Rehabilitation to deposit any accruing interest on inmate funds into an individual inmate trust account and the process for distribution from that account.

Title 15
 California Code of Regulations
 ADOPT: 3099
 Filed 06/17/2009
 Effective 06/17/2009
 Agency Contact: Gail Long (916) 341-7329

File# 2009-0617-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Interior Quarantine

This emergency action removes the approximately 10 sq. mile area in the Carpinteria area of Santa Barbara County from quarantine with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*) as the pest has been eradicated there.

Title 3
 California Code of Regulations
 AMEND: 3434(b)
 Filed 06/22/2009
 Effective 06/22/2009
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2009-0617-05
 DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Eradication Area

This emergency regulatory action designates the county of San Joaquin as an additional “eradication area” with respect to the light brown apple moth (*Epiphyas postvittana*) due to the detection of the pest in the county.

Title 3
 California Code of Regulations
 AMEND: 3591.20(a)
 Filed 06/19/2009
 Effective 06/19/2009
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2009-0521-09
 DEPARTMENT OF INSURANCE
 Amend Section 41 Application Requirements

This change without regulatory effect amends sections 41 of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. A countrywide Electronic Application Submission Interface (“EASi”) was introduced for CAARP. The term “employers nonownership” is being changed to “nonowned auto liability” to reflect a change that was made on the commercial EASi form at the request of another state.

Title 10
 California Code of Regulations
 AMEND: 2498.4.9
 Filed 06/24/2009
 Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0521-10
 DEPARTMENT OF INSURANCE
 Amend Performance Standards for Insurers Writing California Automobile Assigned Risk Plan PPA and Commercial Risks

This change without regulatory effect amends sections 37 and 54 of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. These changes to section 37 and 54 are pursuant to AB 2688, CH 42 2008 that allows an insurer in the CAARP Plan to obtain a Motor Vehicle Report from the DMV as well as from a subscribing loss underwriting exchange carrier.

Title 10
 California Code of Regulations
 AMEND: 2498.4.9
 Filed 06/24/2009
 Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0521-07
 DEPARTMENT OF INSURANCE
 Amend the Introduction Availability of Forms Manuals Hard Copies

This change without regulatory effect amends the Introduction of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. These changes to the introduction include changing “Applications” to “Application Forms — Private Passenger and Commercial.” It also adds the information that the hard copy and online form are the same.

Title 10
 California Code of Regulations
 AMEND: 2498.4.9
 Filed 06/24/2009
 Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0521-08
 DEPARTMENT OF INSURANCE
 Amend Application Requirements

This change without regulatory effect amends sections 23 and 41 of the CAARP Plan of Operations, which is incorporated by reference into section 2498.4.9 of the California Code of Regulations. These changes update the Plan of Operations. A countrywide Electronic Application Submission Interface (“EASi”)

was introduced for CAARP. DOI adopted the format of the EASi applications. However, DOI neglected to update the Plan of Operations to correspond to the applications. These changes delete references to items no longer requested on the application and add items that are now being requested on the applications.

Note: The Department of Insurance withdrew some of the proposed changes to sections 23 and 41 of the "California Automobile Assigned Risk Plan Plan of Operations" (incorporated by reference) from OAL's review.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 06/24/2009
Agency Contact: Mike Riordan (415) 538-4226

File# 2009-0514-01
DEPARTMENT OF PARKS AND RECREATION
Wilderness Regulations re: Minimum Requirements/
Minimum Tools

This rulemaking action implements Assembly Bill 2945 (Chapter 689 of 2008) by establishing a process whereby activities otherwise prohibited within state wilderness areas may occur when certain findings are made by the Director of the Department of Parks and Recreation regarding, among other things, the necessity of the activities and the minimum management actions to be taken and minimum tools to be utilized in addressing the need. The rulemaking specifies the findings which must be made by the Director and also specifies the duties of Department staff to make a recommendation to the Director and the information which must accompany such a recommendation.

Title 14
California Code of Regulations
ADOPT: 4351.1 AMEND: 4351
Filed 06/23/2009
Effective 06/23/2009
Agency Contact: Keith Demetrak (916) 657-1151

File# 2009-0506-01
DIVISION OF WORKERS COMPENSATION
Medical Treatment Utilization Schedule

This rulemaking adopts and amends regulations in Title 8 of the California Code of Regulations concerning the Medical Treatment Utilization Schedule. The rulemaking incorporates by reference certain American College of Occupational and Environmental Medicine (ACOEM) Practice Guideline chapters on a chapter-by-chapter basis and non-ACOEM provisions concerning post-surgical and acupuncture treatments. The rulemaking incorporates by reference a document con-

taining chronic pain medical treatment guidelines. The rulemaking defines certain terms, such as "chronic pain" and "functional improvement." It also incorporates by reference three appendices which identify and describe the empirical evidence on which the chronic pain and post-surgical treatment guidelines are based.

Title 8
California Code of Regulations
ADOPT: 9792.23.1, 9792.23.2, 9792.23.3,
9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7,
9792.23.8, 9792.23.9, 9792.24, 9792.24.1,
9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND:
9792.20, 9792.21, 9792.22, 9792.23
Filed 06/18/2009
Effective 07/18/2009
Agency Contact: Minerva Krohn (415) 703-4667

File# 2009-0505-01
EMPLOYMENT DEVELOPMENT DEPARTMENT
Taxable Value of Meals and Lodging

This rulemaking is the annual revision of the taxable value of: 1) board and lodging provided to employees by employers, 2) meals and quarters provided to officers and crewmen aboard vessels, 3) meals and quarters provided to fishermen aboard fishing vessels for purposes of the Unemployment Insurance Code.

Title 22
California Code of Regulations
AMEND: 926-3, 926-4, 926-5
Filed 06/17/2009
Effective 01/01/2009
Agency Contact: Laura Colozzi (916) 654-7712

File# 2009-0511-01
PUBLIC UTILITIES COMMISSION
Rules of Practice and Procedure

This action would make non-substantive changes in the Commission's rules of practice and procedure.

Title 20
California Code of Regulations
AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2
Filed 06/23/2009
Agency Contact: Hallie Yacknin (415) 703-1675

File# 2009-0513-01
STATE MINING AND GEOLOGY BOARD
Vested Rights Determination Hearing Procedures

This regulatory action clarifies the time period during which the public and the claimant may submit written materials relating to a determination of vested mining rights to the State Mining and Geology Board when the Board is acting as lead agency in implementing the Surface Mining and Reclamation Act.

Title 14
 California Code of Regulations
 AMEND: 3959(b)(4)
 Filed 06/23/2009
 Effective 07/23/2009
 Agency Contact: Stephen Testa (916) 322-1082

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 21, 2009 TO
 June 24, 2009**

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

06/15/09 ADOPT: 18746.4 AMEND: 18741.1, 18746.1, 18746.3
 06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23, 649.25, 649.29, 649.32, 649.33, 649.48 AMEND: 647.4, 649, 649.2, 649.4, 649.7, 649.8, 649.11, 649.12, 649.13, 649.15, 649.16, 649.22, 649.24, 649.26, 649.27, 649.28, 649.30, 649.31, 649.35, 649.36, 649.50, 649.51, 649.57, 649.58, 649.59, 649.62 REPEAL: 649.3, 649.6, 649.9, 649.10, 649.14, 649.23, 649.25
 06/09/09 ADOPT: 18405
 06/01/09 ADOPT: 250.1
 05/21/09 AMEND: 18705.1
 05/14/09 ADOPT: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007, 21008, 21009
 05/08/09 ADOPT: 18410 AMEND: 18402
 04/30/09 AMEND: 1859.129, 1859.197
 04/28/09 AMEND: div. 8, ch. 111, section 59560
 04/22/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197
 03/05/09 AMEND: 18704
 02/17/09 AMEND: 51.3
 02/02/09 AMEND: 18402, 18450.3
 01/30/09 ADOPT: 18427.5
 01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401
 01/27/09 AMEND: 2294
 01/26/09 AMEND: 1859.104.1

01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184

Title 3

06/22/09 AMEND: 3434(b)
 06/19/09 AMEND: 3591.20(a)
 06/15/09 AMEND: 3406(b)
 06/15/09 AMEND: 3434(b)
 06/01/09 AMEND: 3406(b)
 06/01/09 ADOPT: 3408
 05/26/09 AMEND: 3434(b)
 05/20/09 AMEND: 3434(b)
 05/20/09 AMEND: 3434(b)
 05/13/09 AMEND: 6800
 05/04/09 AMEND: 3434(b)
 04/27/09 AMEND: 3434(b)
 04/20/09 AMEND: 6452.2
 03/30/09 AMEND: 3434(b)
 03/25/09 AMEND: 6860
 03/23/09 AMEND: 3423(b)
 03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237
 03/18/09 AMEND: 3435(b)
 03/10/09 AMEND: 3434
 03/05/09 AMEND: 3591.20(a)
 03/04/09 AMEND: 3435
 02/27/09 AMEND: 3434(b)
 02/26/09 AMEND: 850
 02/19/09 AMEND: 3434(b)
 02/13/09 AMEND: 3406(b)
 02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)
 02/05/09 AMEND: 3434(b)
 02/02/09 AMEND: 3406(b)
 01/21/09 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| | | | |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/21/09 | ADOPT: 3591.21(a), 3591.21(b), 3591.21(c) | | 9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND: 9792.20, 9792.21, 9792.22, 9792.23 |
| Title 4 | | | |
| 06/22/09 | ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078 | 05/01/09 | AMEND: 3030, 3037, 3089, 3097, 3098, 3101, 3107 |
| 06/04/09 | AMEND: 106 | 05/01/09 | AMEND: 4530 |
| 05/18/09 | ADOPT: 12488, 12508, 12510, 12511, 12514 AMEND: 12480, 12486 | 04/20/09 | AMEND: 10100.2, 10101.1, 10103.2, 10104, 10105, 10106.1, 10106.5, 10107.1, 10108, 10109, 10111.1, 10111.2, 10112, 10113.4, 10113.5, 10114.2, 10115, 10115.1, 10115.2 |
| 05/18/09 | ADOPT: 12482 | 04/06/09 | ADOPT: 227, 314, 389 AMEND: 281, 303, 323, 368, 523 |
| 05/12/09 | AMEND: 406 | 04/01/09 | ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742 |
| 05/12/09 | ADOPT: 12591 | | |
| 04/24/09 | ADOPT: 12480, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504 AMEND: 12482 | | |
| 04/24/09 | AMEND: 12482 | | |
| 03/23/09 | AMEND: 10175, 10176, 10177, 10182, 10185, 10187, 10188, 10189, 10190 | | |
| 03/11/09 | AMEND: 1865 | | |
| 03/10/09 | ADOPT: 12388, 12410 | | |
| 03/05/09 | ADOPT: 2066 | | |
| 03/05/09 | ADOPT: 1504.5 AMEND: 1481, 1486 | | |
| 03/04/09 | AMEND: 2073 | | |
| 02/23/09 | ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101 REPEAL: 8102.10 | | |
| 02/13/09 | ADOPT: 12362 | | |
| 02/11/09 | ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078 | 03/04/09 | AMEND: 3248 |
| | | 03/02/09 | ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7 |
| Title 5 | | | |
| 05/28/09 | AMEND: 9521 | | |
| 05/11/09 | AMEND: 80023, 80024.4, 80024.5, 80024.6, 80025.5, 80026, 80026.1, 80026.6, 80034.5 REPEAL: 80024.3, 80026.4, 80042, 80042.5, 80569 | | |
| 05/11/09 | AMEND: 24002, 24003, 24005 | | |
| 05/07/09 | ADOPT: 3090, 3090.1, 3091, 3092, 3093, 3094, 3095, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099 | | |
| 04/30/09 | ADOPT: 26000 | | |
| 03/27/09 | AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070 | | |
| 03/05/09 | AMEND: 80225 | 03/02/09 | AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600 |
| 02/17/09 | AMEND: 80413, 80487 | | |
| 02/04/09 | ADOPT: 9800, 9810, 9820, 9830 | 02/25/09 | REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, |
| Title 8 | | | |
| 06/22/09 | AMEND: 230.1 | | |
| 06/18/09 | ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24, 9792.24.1, | | |

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 27-Z

| | | | |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------|
| | 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22 | 02/18/09 | REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327 |
| 02/18/09 | AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354 | | 02/03/09 ADOPT: 64.7 |
| 02/13/09 | AMEND: 3336, 3650, 3653 | | 01/28/09 AMEND: 51.19 |
| 02/09/09 | AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583 | | Title 12 |
| 01/29/09 | AMEND: 4994 | | 02/26/09 ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809 |
| 01/28/09 | AMEND: 4999 | | 01/27/09 AMEND: 501 |
| Title 9 | | | Title 13 |
| 02/06/09 | ADOPT: 4000, 4005 | | 06/16/09 AMEND: 1239 |
| Title 10 | | | 06/04/09 ADOPT: 2340, 2341, 2342, 2343, 2344, 2345 |
| 06/24/09 | AMEND: 2498.4.9 | | 05/22/09 ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72 |
| 06/24/09 | AMEND: 2498.4.9 | | 03/18/09 ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2 |
| 06/24/09 | AMEND: 2498.4.9 | | 03/10/09 ADOPT: 1160.6 AMEND: 1160.3, 1160.4 |
| 06/24/09 | AMEND: 2498.4.9 | | 02/26/09 ADOPT: 29.00 |
| 06/01/09 | ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10 | | 02/05/09 ADOPT: 20.05 AMEND: 20.04 |
| 06/01/09 | ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 | | 02/05/09 AMEND: 25.08 |
| 06/01/09 | ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10 | | Title 13, 17 |
| 05/29/09 | ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507 | | 05/29/09 ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118 |
| 05/12/09 | AMEND: 2716.1, 2790.1.5, 2810.5 | | Title 14 |
| 05/01/09 | AMEND: 2699.6603 | | 06/23/09 AMEND: 3959(b)(4) |
| 03/27/09 | AMEND: 2498.6 (Exhibit C) | | 06/23/09 ADOPT: 4351.1 AMEND: 4351 |
| 03/25/09 | AMEND: 2661.3, 2661.4, 2662.1 | | 06/16/09 AMEND: 753.5 |
| 03/23/09 | AMEND: 2498.6 | | 06/15/09 AMEND: 27.80 |
| 02/26/09 | AMEND: 2699.6805 | | 06/12/09 AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708 |
| 02/23/09 | AMEND: 2318.6, 2353.1 | | 06/02/09 AMEND: 7.50(b)(91.1) |
| 02/23/09 | AMEND: 2498.6 | | 05/26/09 AMEND: 7.00, 7.50 |
| 02/19/09 | AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119 | | 05/21/09 AMEND: 7.50(b)(178) |
| 02/05/09 | ADOPT: 2308.1, 2308.2, 2308.3 | | 05/15/09 AMEND: 790, 818.02, 827.02 |
| Title 11 | | | 05/14/09 ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3 |
| 05/21/09 | AMEND: 1005, 1007, 1008 | | 05/13/09 AMEND: 25201 |
| 04/17/09 | AMEND: 30.1 | | 05/07/09 AMEND: 25201 |
| 04/01/09 | ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018 | | 05/04/09 AMEND: 670.5 |
| 04/01/09 | ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002 | | 04/27/09 ADOPT: 749.5 |
| 03/30/09 | ADOPT: 30.15 | | 04/08/09 AMEND: 2245, 2320 |
| 03/03/09 | AMEND: 9070, 9077 | | 03/18/09 AMEND: 632 |
| | | | 03/16/09 ADOPT: 20004.1, 20009.1, 20009.2 AMEND: 20000, 20001, 20002, 20003, 20004, 20005, 20008, 20009 |
| | | | 03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730 |
| | | | 03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, |

28.26, 28.27, 28.28, 28.29, 28.48, 28.49,
28.51, 28.52, 28.53, 28.54, 28.55, 28.56,
28.57, 28.58
03/02/09 AMEND: 791.7(a), Form FG
OSPR-1924, Form FG OSPR-1925,
Form FG OSPR-1972
02/25/09 AMEND: 1038, 1052
02/23/09 ADOPT: 749.4
01/28/09 AMEND: 701

Title 15

06/17/09 ADOPT: 3640, 3730 AMEND: 3500,
3501, 3502, 3600, 3610, 3620, 3625,
3630, 3740
06/17/09 ADOPT: 3099
05/12/09 AMEND: 3000, 3190, 3375, 3376.1,
3379
05/04/09 AMEND: 3335(d)(3)
04/20/09 AMEND: 1004, 1006, 1007, 1008, 1012,
1013, 1018, 1027, 1028, 1029, 1032,
1040, 1044, 1045, 1046, 1055, 1056,
1059, 1063, 1066, 1082, 1101, 1105,
1144, 1151, 1161, 1209, 1217, 1230,
1241, 1243, 1245, 1247, 1262, 1272
04/02/09 ADOPT: 3334 AMEND: 3000
02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3,
3077.4 AMEND: 3000, 3043.6, 3375
02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830,
1831, 1840, 1847, 1848, 1849, 1850,
1851, 1852, 1853, 1854, 1856, 1857,
1860, 1866, 1867, 1868, 1870, 1872,
1876, 1878, 1888, 1890, 1892

Title 16

06/16/09 AMEND: 1524
06/12/09 AMEND: 2021, 2068.5, 2068.6
REPEAL: 2067, 2068
06/03/09 AMEND: 1888
06/02/09 AMEND: 1419, 1419.1, 1419.3
05/20/09 ADOPT: 1815 AMEND: 1886.40
04/28/09 AMEND: 1524
04/27/09 AMEND: 1760
04/03/09 AMEND: 3830
03/24/09 ADOPT: 1398.12
03/20/09 AMEND: 1937, 1950, 1950.5, 1953
03/11/09 AMEND: 1715, 1784, Form 17M-13,
Form 17M-14, Form 17M-26
03/04/09 AMEND: 4181
03/04/09 AMEND: 1351.5, 1352
03/04/09 ADOPT: 389
03/04/09 AMEND: 998
03/04/09 AMEND: 950.2
03/03/09 AMEND: 305 REPEAL: 306.1
02/11/09 AMEND: 950.3
02/03/09 ADOPT: 2068.7
01/28/09 AMEND: 950.2

01/28/09 ADOPT: 1832.5
Title 17
06/18/09 AMEND: 94508, 94509, 94510, 94512,
94513, 94515
04/24/09 AMEND: 30100, 30346.1, 30373
03/11/09 AMEND: 93119
02/03/09 ADOPT: 100701
01/29/09 ADOPT: 33060 AMEND: 33007, 33010,
33020, 33025, 33030, 33040
01/28/09 AMEND: 950.2
01/28/09 ADOPT: 1832.5

Title 18

06/04/09 AMEND: 1532, 1533.1, 1533.2, 1534,
1535
05/21/09 AMEND: 25114
05/12/09 AMEND: 1502
04/29/09 AMEND: 1591
04/06/09 ADOPT: 25113 AMEND: 25111
03/19/09 AMEND: 23701, 23772
03/11/09 AMEND: 1506, 1524
03/11/09 AMEND: 1705
02/05/09 AMEND: 1620

Title 20

06/23/09 AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3,
13.2
06/04/09 AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10,
1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6,
3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2,
14.3, 14.6, 15.2, 17.3, 17.4, 18.1
04/22/09 ADOPT: 3100, 3101, 3101.5, 3102,
3103, 3104, 3105, 3106, 3107, 3108

Title 21

06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704,
7705, 7706, 7707, 7708, 7709, 7710,
7711
05/14/09 AMEND: 1554, 1556

Title 22

06/17/09 AMEND: 926-3, 926-4, 926-5
05/21/09 AMEND: 2601-1
04/21/09 AMEND: 51543
03/12/09 AMEND: 51517
03/03/09 ADOPT: 63000.48, 63051, 63052
AMEND: 63000.16, 63000.25,
63000.43, 63000.46, 63000.66,
63000.68, 63000.77, 63010, 63011,
63013, 63020, 63021, 63029, 63030,
63040, 63050, 63055 REPEAL: 63051
02/04/09 ADOPT: 66260.201, 66260.202,
66273.7, 66273.33.5, 66273.41,
66273.70, 66273.71, 66273.72,
66273.73, 66273.74, 66273.75,
66273.76, and 66273.77 AMEND:
66260.10, 66260.23, 66261.4, 66261.9,
66261.50, appendix X of chapter 11,

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 66264.1, 66265.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.8, 66273.9, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36, 66273.37, 66273.38, 66273.39, 66273.40, 66273.51, 66273.52, 66273.53, 66273.54, 66273.55, 66273.56, 66273.60, 66273.61, 66273.62, and 67100.2 REPEAL: 6 6273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.6, 66273.7.7, 66273.7.8, 66273.7.9, 66273.7.10, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.21, 66273.41, 66273.70, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, and 66273.90 Articles Affected: Amend article 3; Adopt new article 4; Renumber old article 4 to article 5; Renumber old article 5 to article 6; Repeal old article 6; Repeal old article 7 and adopt new article 7. | | 42714, 42715, 42716, 42717, 42718, 42719, 42720 REPEAL: 42800, 42801 | |
| 01/29/09 | AMEND: 97174 | | |
| 01/28/09 | AMEND: 41508, 41509, 41510, 41511, 41512, 41514, 41515, 41515.1, 41515.2, 41516, 41516.1, 41516.3, 41517, 41517.3, 41517.5, 41517.7, 41518, 41518.2, 41518.3, 41518.4, 41518.5, 41518.7, 41518.8, 41518.9, 41519, 41610, 41611, 41670, 41671, 41672, 41700, 41800, 41811, 41815, 41819, 41823, 41827, 41831, 41832, 41835, 41839, 41844, 41848, 41852, 41856, 41864, 41866, 41868, 41872, 41900, 42000, 42050, 42075, 42110, 42115, 42120, 42125, 42130, 42131, 42132, 42140, 42160, 42180, 42305, 42320, 42321, 42326, 42330, 42400, 42401, 42402, 42403, 42404, 42405, 42406, 42407, 42420, 42700, 42701, 42702, 42703, 42705, 42706, 42707, 42708, 42709, 42710, 42711, 42712, 42713, | 01/26/09 | AMEND: 51313.6, 51320, 51476, 51510, 51510.1, 51510.2, 51510.3, 51511, 51513, 51520 REPEAL: 51513.5, 51520.1, 51520.2, 59998 |
| | | 01/23/09 | AMEND: 51000.6.1, 51000.8, 51000.16, 51000.20, 51000.20.1, 51000.24.1, 51000.25.2, 51000.30, 51000.50, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60 |
| | | 01/22/09 | ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329 |
| | | Title 23 | |
| | | 06/16/09 | ADOPT: 3939.36 |
| | | 06/01/09 | ADOPT: 2631.2 |
| | | 05/14/09 | ADOPT: 2920 |
| | | 02/19/09 | ADOPT: 3939.35 |
| | | 02/03/09 | AMEND: 3989 |
| | | Title 25 | |
| | | 05/22/09 | ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216 |
| | | 05/20/09 | AMEND: 8217 |
| | | 05/13/09 | ADOPT: 6932 REPEAL: 6932 |
| | | 05/07/09 | ADOPT: 6932 REPEAL: 6932 |
| | | 02/11/09 | ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216 |
| | | 01/21/09 | ADOPT: 1322, 1426, 2426 AMEND: 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504, 1612, 1752, 1756, 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, 2756 |
| | | Title 27 | |
| | | 04/07/09 | AMEND: 25705(b) |
| | | 02/18/09 | AMEND: 20921 |
| | | Title MPP | |
| | | 02/09/09 | AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-182 |
| | | 02/05/09 | ADOPT: 40-037, 70-101, 70-102, 70-103, 70-104, 70-105 AMEND: 30-755, 30-770, 40-105, 42-430, 42-431, 42-433, 42-711, 49-020, 49-030, 49-060, 63-403, 69-201, 69-202, 69-205 |