



# California Regulatory Notice Register

REGISTER 2013, NO. 46-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 15, 2013

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

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

MULTI-COUNTY: Antelope Valley Resource Conservation District

**AMENDMENT**

MULTI-COUNTY: Lake Don Pedro Community Services District

A written comment period has been established commencing on **November 15, 2013** and closing on **December 30, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **December 30, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

The Department of Food and Agriculture amended subsection 3591.11 of the regulations in Title 3 of the California Code of Regulations pertaining to Caribbean Fruit Fly Eradication Area as an emergency action which was effective September 12, 2013. The Department intends to retain this amendment of the regulation by submitting a Certificate of Compliance no later than March 11, 2014.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

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.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Stephen.Brown@cdfa.ca.gov](mailto:Stephen.Brown@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on December 30, 2013. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Stephen.Brown@cdfa.ca.gov](mailto:Stephen.Brown@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hear-

ing 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.

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 (FAC 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 (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC section 5321, 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.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

This regulation will benefit the public's general welfare by providing authority for the State to perform detection, control and eradication activities against Caribbean fruit fly in Los Angeles County.

The implementation of this regulation will prevent:

- Direct damage to the agricultural industry growing host fruits.

- Indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets.
- Increased production costs to the affected agricultural industries.
- Increased pesticide use by the affected agricultural industries.
- Increased costs to the consumers of host fruits.
- Increased pesticide use by homeowners and others.
- The need to implement a State interior quarantine.

There is no existing, comparable federal regulation or statute.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

The emergency amendment of this regulation established Los Angeles County as the eradication area, the hosts and the means and methods which can be utilized in the control and eradication of Caribbean fruit fly. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against Caribbean fruit fly in Los Angeles County.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.  
 Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts

that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment 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

The Department has determined the amendment of this regulation benefits:

- The general public
- Homeowners and Community Gardens
- Agricultural industry
- The State’s general fund

There are no known specific benefits to worker safety or the health of California residents. The Department is not aware of any specific benefits the amendment of this regulation will have to the protection of public safety of California residents or worker safety. Based upon the economic analysis, the Department believes the amendment of this regulation benefits the general welfare of California residents. [Gov. Code sec. 11346.3(b)].

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend subsections 3591.11(a), 3591.11(b) and 3591.11(c) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

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 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](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Lindsay Rains 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/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to amend Sections 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7 and 3701.8 of the regulations in Title 3 of the California Code of Regulations pertaining to the Citrus Nursery Stock Pest Cleanliness Program.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

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.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on December 30, 2013. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

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.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, California Food and Agricultural Code (FAG) Sections 6940, 6941, 6942, 6943, 6944, 6945 and 6946 obligated the Department to develop and establish a mandatory Citrus Nursery Stock Pest Cleanliness Program to protect citrus nursery source propagative trees from harmful diseases, pests, and other risks

and threats and that the program shall be administered by the Secretary.

Existing law, FAC Section 5801 provides that after an investigation and hearing, if the Secretary determines that any kind of plant is generally infected with a virus, the Secretary may adopt regulations which prohibit or restrict the propagation.

Existing law, FAC Section 5802 establishes that if a source of plant material has been demonstrated to be free of dangerous or detrimental viruses the Secretary shall adopt regulations to permit the use of the source material.

Existing law, FAC Section establishes that it is unlawful to propagate or sell nursery stock which is in violation of the adopted regulations.

There is no existing, comparable federal regulation or statute.

The Department is the only agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

FAC Sections 6940, 6941, 6942, 6943, 6944, 6945 and 6946 obligated the Department to develop and implement a mandatory Citrus Nursery Stock Pest Cleanliness Program.

FAC Section 5801 states, “If the director, after investigation and hearing, determines that any kind or variety of plant is generally infected with a virus or mycoplasma-like disease that is dangerous or detrimental to the production of fruit, nut, or vine crops in this state, he may adopt regulations which prohibit or restrict the propagation by cuttings and the budding, grafting, or otherwise joining of tissue of such kind or variety of plant with any kind or variety of fruit or nut tree or vine.”

FAC Section 5802 states, “If a source of any prohibited or restricted kind or variety of plant has been demonstrated to be free of dangerous or detrimental viruses or mycoplasma-like organisms, the director shall, in the regulation, permit use of such source.”

FAC Section 5803 states, “It is unlawful for any person to bud, graft, or otherwise propagate or grow any fruit or nut tree or vine in violation of any regulations which are adopted pursuant to this article or to sell as nursery stock any plant which is so produced.”

FAC Sections 5801, 5802 and 5803 were not cited under the authority and reference citations even though they are clearly applicable in 2010. These proposed amendments will incorporate this existing statutory authority into the existing regulations under the authority and reference citations as applicable and clearly state in

the regulation that it is unlawful to not comply with these regulations. This will benefit the citrus industry and the general public by providing additional legal clarity regarding the mandatory nature of the program.

California is the number one economic citrus state in the nation, with the USDA putting the value of California citrus at \$1,131,851,000 (Federal Register Vol. 71 No.83; published May 1, 2006; pg 25487). A 2002 report by the Arizona State University School of Business indicates that there is at least \$825.6 million of direct economic output and another \$1.6 billion when all upstream suppliers and downstream retailers are included. This represents over 25,000 direct and indirect employees. This will help ensure a healthy citrus industry and protect this source of economic activity benefiting the public health and welfare of California residents.

AMENDED TEXT

These proposed amendments will add FAC Sections 5801, 5802, 5803 to either the authority or reference citations for each section as appropriate. Additionally, Section 3701.1(a) is being amended to clarify it is unlawful to propagate citrus or sell the resulting nursery stock which fails to comply with the requirements of these regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

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

Significant effect on housing costs: None.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

**Results of the Economic Analysis**

Amendment 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

These proposed amendments to the authority cited and reference sections and the proposed amendment of Section 3701.1, General Provisions (a), do not materially change the existing program. These proposed changes merely provide additional legal clarity regarding the mandatory nature of the program. There are no additional economic impacts from these proposed amendments.

The specific benefits of the amendment of this regulation are to:

- Provide legal clarity for the mandatory nature of this program.
- Help ensure a healthy citrus industry which protects it as a source of economic activity. [Gov. Code sec. 11346.5(a)(3)(C)].

The Department is not aware of any specific benefits the amendment of this regulation will have to the protection of public safety of California residents or worker safety. Based upon the economic analysis, the Department believes the amendment of this regulation benefits the general public health and welfare of California residents. [Gov. Code sec. 11346.3(b)].

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

#### ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice. To date, no other interested party has come forth with any alternatives to these regulations.

#### AUTHORITY

Food and Agricultural Code Sections 407, 5801, 5802 and 6946 authorize the Department to adopt these regulations.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5310, 5311, 5801, 5802, 5803, 6940, 6941, 6943, 6944 and 6945 of the Food and Agricultural Code.

#### 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 is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Raines 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 (<http://www.cdfa.ca.gov/plant/Regulations.html>).

#### 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 adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any 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. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The California Department of Alcoholic Beverage Control (ABC) proposes to amend the regulation de-

scribed below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to ABC. The written comment period closes at **5:00 p.m. on December 30, 2013**. ABC will consider only comments received at the ABC Headquarters Office by that time. Please submit comments to:

Adriana Ruelas, Legislative Officer  
 Department of Alcoholic Beverage Control  
 3927 Lennane Drive, Suite 100  
 Sacramento, California 95834  
 E-mail: [adriana.ruelas@asm.ca.gov](mailto:adriana.ruelas@asm.ca.gov)  
 Phone: (916) 928-6821  
 FAX: (916) 419-2599

**AUTHORITY AND REFERENCE**

Authority for the proposed amendments is provided by Business and Professions Code Section 25600(a)(1). The proposed amendments implement, interpret, or make specific the following reference: Business and Professions Code Sections 25500, 25750, 25600, 25600(a)(1).

**DOCUMENTS INCORPORATED BY REFERENCE**

No documents are being incorporated by reference.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

ABC proposes to amend Section 106(d) of Title 4, Article 16 of the California Code of Regulations (CCR). This section concerns alcoholic beverage lists. The Department of Alcoholic Beverage Control proposes amending section 106(d) in response to a petition

received from licensees requesting an increase in the monetary limit of alcoholic beverage lists from \$25 to \$50 to more accurately reflect modern-day business practices. This limit has not been increased in over 27 years. The \$50-limit will be consistent with market trends and practices, and will allow manufacturers and wholesalers to continue to provide retailers with permissible items of a quality consistent with the original intent of this limited exception.

Existing law, known as the “tied-house” law, separates the alcoholic beverage industry into three component parts, or tiers, of manufacturer (including breweries, wineries and distilleries), wholesaler, and retailer (both on-sale and off-sale).

Tied-house refers to a practice in this country prior to Prohibition where a bar or public house is tied to the products of a particular manufacturer, either because the manufacturer owns the house/bar, or the house is contractually obligated to carry only a particular manufacturer’s products.

The original policy rationale for this body of law was to: (a) promote the state’s interest in an orderly market; (b) prohibit the vertical integration and dominance by a single producer in the marketplace; (c) prohibit commercial bribery and protect the public from predatory marketing practices; and, (d) discourage and/or prevent the intemperate use of alcoholic beverages. For these reasons, other than exceptions granted by the Legislature, the holder of one type of license is not permitted to give free goods, rebates, premiums, services or anything of value to another licensee in connection with the sale of alcoholic beverages. Rule 106(d) relates to one of these exceptions (Business and Professions Section 25600).

**ANTICIPATED BENEFITS OF THE PROPOSED ACTION**

The specific benefits anticipated by this proposed change could be an increase in compliance with this prohibition therefore diminishing trade practice violations.

**EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING STATE REGULATIONS**

The Department has evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations, and these are the only regulations concerning monetary limits of alcoholic beverage lists. Therefore, proposed amendments to this regulation are consistent and compatible with existing state regulations seeking to update outdated regulations with today’s business practices.

**IMPACT ON BUSINESS**

It is not anticipated that the proposed amendments will have a significant statewide adverse impact affecting business, including the ability of California businesses to compete with businesses in other states.

**IMPACT ON SMALL BUSINESS**

The proposed amendments will not affect small businesses. The statute requires licensees to submit information to the Department and authorizes the Department to adopt regulations for implementation and enforcement. These proposed amendments just specify that copies of the labels must be “filed” with the Department and if a label for beer has not been filed and accepted by the Department, it may not be sold or shipped into California.

**RESULTS OF THE ECONOMIC  
IMPACT ANALYSIS**

The Department concludes that it (1) is unlikely that the proposal will create or eliminate jobs within California, (2) will not create new businesses or eliminate existing businesses within California, and (3) will not affect the expansion of businesses currently doing business within California. As stated above, the specific benefits anticipated by this proposed change could be an increase in compliance with this prohibition therefore diminishing trade practice violations.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

**LOCAL MANDATE**

These amendments do not impose a mandate on local agencies or school districts.

**COST TO ANY LOCAL AGENCY OR SCHOOL  
DISTRICT THAT MUST BE REIMBURSED IN  
ACCORDANCE WITH GOVERNMENT CODE  
SECTIONS 17500–17630**

These amendments do not create costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500–17630.

**COST OR SAVINGS TO ANY STATE AGENCY**

None.

**IMPACT ON PRIVATE PERSONS/BUSINESSES**

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

**SIGNIFICANT EFFECT ON HOUSING COSTS**

The proposed amendments will have no effect on housing costs.

**COST OR SAVINGS TO ANY STATE AGENCY**

The proposed amendments will not result in costs or savings to any State agency.

**OTHER NON-DISCRETIONARY COST OR  
SAVINGS IMPOSED UPON LOCAL AGENCIES**

These proposed amendments will not result in other non-discretionary costs or savings to local agencies.

**COST OR SAVINGS IN FEDERAL FUNDING TO  
THE STATE**

These proposed amendments will not result in costs or savings in federal funding to the state.

**CONSIDERATION OF ALTERNATIVES**

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

ABC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

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

ABC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Headquarters office located at 3927 Lenane Drive, Suite 100, Sacramento, California 95834. 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 the Economic and Fiscal Impact Statement, Form STD. 399. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Department's contact person or viewed on the website.

CONTACT PERSONS

Copies may be obtained by accessing ABC's website at [www.abc.ca.gov](http://www.abc.ca.gov) or by contacting:

Adriana Ruelas, Legislative Officer  
 Department of Alcoholic Beverage Control  
 3927 Lennane Drive, Suite 100  
 Sacramento, California 95834  
 E-mail: [adriana.ruelas@abc.ca.gov](mailto:adriana.ruelas@abc.ca.gov)  
 Phone: (916) 928-6821  
 FAX: (916) 419-2599

In the event the contact person is unavailable, inquiries regarding the proposed regulatory action should be directed to the following back-up contact person:

Matthew D. Botting, General Counsel  
 Department of Alcoholic Beverage Control  
 3927 Lennane Drive, Suite 100  
 Sacramento, California 95834  
 E-mail: [matthew.botting@abc.ca.gov](mailto:matthew.botting@abc.ca.gov)  
 Phone: (916) 419-2500  
 FAX: (916) 419-2599

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, ABC may adopt the proposed regulations substantially as described in this notice. If ABC 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 calendar days before ABC adopts the regulations as revised. Requests for copies of any modified regulation should be sent to the ABC's contact person identified above at the address indicated, or may be viewed on ABC's website. ABC will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

TITLE 14. DEPARTMENT OF CONSERVATION

SB 4 WELL STIMULATION TREATMENT REGULATIONS  
 NOTICE OF PROPOSED RULEMAKING ACTION

REGARDING

TITLE 14. NATURAL RESOURCES  
 DIVISION 2. DEPARTMENT OF CONSERVATION  
 CHAPTER 4. DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

**NOTICE IS HEREBY GIVEN** that the California Department of Conservation (Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. With this rulemaking the Department will propose permanent regulations, after the consideration of all comments, objections, or recommendations.

WRITTEN COMMENT PERIOD AND PUBLIC COMMENT HEARINGS

Any person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the Department. Comments may be submitted by email to [DOGGRRegulations@conservation.ca.gov](mailto:DOGGRRegulations@conservation.ca.gov), by facsimile (FAX) to (916) 324-0948, or by mail to:

Department of Conservation  
 801 K Street, MS 24-02  
 Sacramento, CA 95814  
 ATTN: Well Stimulation Regulations

**The written comment period closes at 5:00 p.m. on January 14, 2014.** The Department will consider only comments received at the Department's offices by that time.

Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed action at one of the public hearings to be held at the following times and places:

- Sacramento — January 6, 3:00 p.m.–7:00 p.m. Sierra Hearing Room in the Cal/EPA Building, 1001 I Street, 2nd Floor.
- Long Beach — January 6, 3:00 p.m.–7:00 p.m. California State University Auditorium, 1212 Bellflower Boulevard.

- Salinas — January 8, 3:00 p.m.–7:00 p.m. National Steinbeck Center, One Main Street.
- Bakersfield — January 8, 3:00 p.m.–7:00 pm. Kern County Administrative Center, First Floor Board Chambers, 1115 Truxtun Avenue.
- Santa Maria — January 13, 3:00 p.m.–7:00 p.m. Santa Barbara County Supervisors Hearing Room, 511 East Lakeside Pkwy.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 3013 and 3160 of the Public Resources Code, and to implement, interpret or make specific Sections 3106, 3150, 3151, 3152, 3153, 3154, 3156, 3157, 3158, 3159, 3160, 3203, 3234, and 21065 of the Public Resources Code, the Department is considering changes to Chapter 4 of Division 2 of Title 14 of the California Code of Regulations as follows: adoption of sections 1751, 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1784, 1784.1, 1785, 1786, 1787, 1788, and 1789.

#### POLICY STATEMENT OVERVIEW/INFORMATIVE DIGEST

Senate Bill 4 (Pavley, Chapter 313, Statutes of 2013) was signed by Governor Brown on September 20, 2013. The intent of SB 4 is to provide a comprehensive regulatory framework for well stimulation treatments in California. SB 4 requires a permit from the Division of Oil, Gas and Geothermal Resources to conduct well stimulation. The permit application must include detailed information about the fluids to be used, a ground water monitoring plan, and a water management plan. Copies of an approved permit must be sent to neighboring property owners and tenants, and water well testing must be provided upon request. SB 4 requires the Division to prepare regulations to ensure that well stimulation is done safely and to require detailed public disclosure about the well stimulation. The Division must develop an internet website to facilitate public disclosure of well stimulation information, and the website must allow the public to easily search and aggregate the information.

SB 4 requires the Division to prepare an environmental impact report, consistent with the California Environmental Quality Act, addressing the practice of well stimulation in California. Additionally, SB 4 requires the Natural Resources Agency to complete an independent scientific study on well stimulation treatments, and the State Water Resources Control Board to develop groundwater modeling criteria and implement groundwater monitoring programs.

Well stimulation is a short-term and non-continual process designed to enhance oil and gas production or recovery. Initially, the Department’s rulemaking effort had focused on one specific form of well stimulation: hydraulic fracturing. Hydraulic fracturing is the high-pressure injection of a mix of fluids and proppants into an oil or gas reservoir. The mix, injected under pressure, fractures the reservoir rock. When the fluids are removed, the proppants keep open the cracks left by the fracturing, allowing oil or natural gas to flow back to the well. Fracturing the rock is necessary to extract oil or natural gas from formations in which the pore space in the rock making up the oil or natural gas reservoir is too tight to allow the flow of fluids or gasses to the well.

With the increased use of the practice in other parts of the country, public scrutiny of hydraulic fracturing has become as common as the practice itself. Public concern over a perceived lack of regulation has become widespread, highlighted by various documentaries, studies, reports, and proposed legislation, at both the federal and state level.

SB 4 began as a bill to regulate hydraulic fracturing, but was expanded to include all forms of well stimulation due in part to lack of public information about these procedures and new information about oil reserve estimates in areas of the state not previously subject to widespread oil recovery activity, such as the Monterey Shale.

#### Existing Law

All oil and gas wells drilled and constructed in California must adhere to strict requirements. As specified in Public Resources Code (PRC), Division 3, Chapter 1, section 3106, the Department’s Division of Oil, Gas, and Geothermal Resources (Division) regulates oil, gas, and geothermal well operations throughout the State. PRC section 3106 requires the Division supervise the drilling, operation, and abandonment of oil and gas wells “so as to prevent, as far as possible, damage to life, health, property, and natural resources . . .” Also included in PRC section 3106 is the authority to allow, with Division approval and oversight, the oil and gas industry to “utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate recovery of underground hydrocarbons.” Essentially, PRC section 3106 mandates the Division to find a balance between health and safety and the recovery of underground hydrocarbons.

In accordance with these statutory mandates, the Division has numerous existing regulations regarding oil and gas operations in California. These regulations include requirements regarding the protection of underground and surface water; testing and monitoring to ensure the integrity of the well casing; the cement used to secure the well casing inside the bore hole; the cement

and equipment used to seal off the well from underground zones bearing fresh water, and other hydrocarbon resources; and minimum maintenance requirements for oil and gas production facilities. These requirements provide a first line of protection from potential damage caused by all aspects of oil and gas production, including well stimulation.

SB 4 complements the existing rules that require some of the strongest well construction and operation standards in the nation by requiring further safeguards to public health and safety and the environment regarding well stimulation treatment.

#### Proposed Regulations

The proposed regulations are intended to supplement the Division's current oil and gas regulatory framework with regulations specific to well stimulation treatment to meet the mandates of SB 4. The proposed regulations satisfy the goals and requirements of SB 4 by setting requirements to ensure integrity of wells, well casings, and the geologic and hydrologic isolation of the oil and gas formation during and following well stimulation treatments; and by requiring full disclosure of the composition and disposition of well stimulation fluids, including hydraulic fracturing fluids, acid well stimulation fluids, and flowback fluids. The proposed regulations satisfy the goals and requirements of SB 4 by implementing express statutory requirements regarding well stimulation permits, public disclosure, neighbor notification, and water well testing. The proposed regulations address the distinction between well stimulation treatment and other routine operations; the distinction between well stimulation and underground injection projects; and the acid concentration threshold at which an acid matrix stimulation treatment is subject to the requirements of SB 4. Each of these objectives is discussed further below.

- The proposed regulations address pressure testing and specified evaluation of the well and the geology near the well prior to the well stimulation treatment to ensure that the well stimulation treatment will not damage the well, and that the well stimulation fluids will be confined to the intended zone. The objective of pressure testing a well prior to a well stimulation treatment is to make sure the well through which the well stimulation treatment occurs is competent to withstand the pressures created by the well stimulation treatment. The objective of evaluating the well and the area around the well is to identify other wells in the vicinity of the well stimulation treatment that may act as a conduit out of the intended zone. The benefit of the evaluation and testing is that the Division and the operator will have comprehensive information regarding the integrity of the well, information regarding the integrity of wells near the well stimulation treatment, and geologic information regarding the area around the well prior to the well stimulation treatment.
- The proposed regulations address monitoring that operators must complete during and after a well stimulation treatment. The objective of monitoring during and after well stimulation is to require operators to monitor for any indication of well failure, specify how an operator would respond in the case of a well failure, and specify that a well must be monitored to determine the amount of gas, oil and water produced, including the volume of a readily identifiable fluid flowback. The benefit of monitoring during and after well stimulation is that the operator will have a clear directive regarding when to terminate a well stimulation treatment, how to respond in the case of a well failure, and what information must be collected to ensure that future well failures are preventable.
- The proposed regulations address storage and handling of well stimulation fluids, including storage of fluid in containers. The objective of the proposed regulations regarding storage and handling is to ensure that storage and handling be performed in compliance with all existing laws and regulations, and that an operator has a plan of action in the case of an unauthorized release. The benefit of the proposed storage and handling requirements is that all fluids will be handled safely and that spills and incidents are responded to effectively and proactively.
- The proposed regulations address reporting by establishing the procedures by which operators submit specified information during and after the well stimulation treatment has been completed. The objective of the proposed regulations is to ensure that operators submit specified information to the Division throughout the well stimulation process, and other State agencies would be able to obtain specified information if necessary. The benefit of the proposed regulation is that the Division will receive comprehensive data at every step of the well stimulation process to ensure that well stimulation is done in a safe manner; and the public will know when and where well stimulation is occurring, and be able to obtain information

specific to the completed well stimulation treatment.

- The proposed regulations address the procedure by which an operator may request a review and authorization for multiple well stimulation treatment permit applications or notices of intent to drill or rework a well: The objective of the proposed regulation is to group approvals to create efficiency for the Division and the operator.
- The proposed regulations address the difference between well stimulation and underground injection projects. The objective of the proposed regulations is to define the two separate terms and clarify that both are subject to two distinct regulatory frameworks. The benefit of the proposed regulation is clarity for the Division, operators, and the public regarding which set of regulations oversee a specified oil and gas operation.
- The proposed regulations address the specified acid concentration threshold at which the regulations are applicable; the point at which well stimulation treatment begins and ends for purposes of the regulations; and the distinction between well stimulation treatment requirements and underground injection project requirements. The objective of the proposed regulation is to establish the necessary parameters for the requirements of the proposed regulations. The benefit of the proposed regulation is clarity for the Division, operators, and the public regarding which set of regulations oversees a specified oil and gas operation.

#### CONSISTENCY WITH FEDERAL STATUTE AND REGULATION

The federal Bureau of Land Management (BLM) is in the process of developing regulations regarding well stimulation treatment on federal and Indian lands. Operators with leases on federal lands must comply with both BLM's regulations and with state operating requirements. The Department is in regular dialogue with BLM for the purpose of ensuring harmonized and efficient implementation of the two agencies' respective regulations. The Department will continue to work with BLM to ensure that the well stimulation regulations are compatible.

The U.S. Safe Drinking Water Act (SDWA) mandates the protection of underground sources of drinking water from endangerment related to underground injection activities (42 U.S.C. § 1421(b)(1)). The Underground Injection Control (UIC) Program requirements promulgated under SDWA authority and codified at 40

CFR Parts 124 and 144 through 148 create a regulatory framework to ensure protection of current and future USDWs from endangerment. Underground injection of fluids through wells is subject to the requirements of the SDWA except where specifically excluded by the statute. In the 2005 Energy Policy Act, Congress revised the SDWA definition of "underground injection" to specifically exclude from UIC regulation the "underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities" (42 U.S.C. § 1421(d)(1)(B)). UIC regulations further provide that "[a]ny underground injection, except into a well authorized by rule or except as authorized by permit issued under the UIC program, is prohibited" (40 CFR 144.11).

The general exclusion of hydraulic fracturing from the SDWA in no way precludes the state from regulating hydraulic fracturing or any other form of well stimulation treatment. To the extent that the SDWA does apply, the proposed regulations are consistent with the federal law and the proposed regulations will effectively prevent well stimulation treatment from endangering underground sources of drinking water.

#### CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed regulations reflect extensive consultation with other state agencies with authority over aspects of oil and gas production operations. The proposed regulations are intended to dovetail with the requirements implemented by other state agencies. The proposed regulations are not inconsistent or incompatible with existing state regulations.

#### PLAIN ENGLISH REQUIREMENT

The Department staff prepared the proposed regulation changes pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are written to be easily understood by the parties that will use them.

#### LOCAL MANDATE

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

#### FISCAL IMPACT

This proposal does not impose costs on any local agency or school district 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. This proposal does not result in any cost or savings in federal funding to the state.

#### COST OR SAVINGS TO STATE AGENCIES

Implementation of the requirements in the proposed regulations would require a baseline appropriation of approximately \$8.645 million first year, \$7.738 million second year, and \$7.738 million ongoing.

#### EFFECT ON HOUSING COSTS

The Department has determined that the proposed regulations will not have a significant effect on housing costs.

#### IMPACT ON BUSINESS

The Department has made an initial determination that the adoption of these regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states. The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

This rulemaking will affect businesses engaged in the practice of well stimulation in the State. The following compliance requirements are projected to result from the proposed action:

- Radial cement evaluation, or other cement evaluation approved by the Division.
- Well stimulation radius analysis.
- Pressure testing prior to the well stimulation treatment.
- Monitoring during a well stimulation treatment.
- Storage and handling of well stimulation fluids.
- Monitoring after a well stimulation treatment.

- Post well stimulation reporting.  
SB 4 expressly establishes the following reporting and recordkeeping requirement:

- Public Resources Code section 3160 requires operators to publicly disclose the composition and disposition of well stimulation fluids, including, but not limited to, hydraulic fracturing fluids, acid well stimulation fluids, and flowback fluids.

The proposed regulations establish the following reporting requirements:

- The proposed regulations specify the contents of a well stimulation permit application, including the results of the cement evaluation, the results of the well stimulation treatment radius analysis, the well stimulation treatment design, and specified chemical information.
- The proposed regulations require operators to report specified diagnostic testing results obtained from monitoring during a well stimulation treatment.
- The proposed regulations require operators to provide the Division a specified written report in the case of an unauthorized release of well stimulation fluids.
- The proposed regulations require operators to submit specified information obtained from monitoring after a well stimulation treatment.
- The proposed regulations require an operator to submit a specified report after the well stimulation treatment.

#### COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department drafted the proposed regulations after careful consideration of current best practices instituted by operators when conducting the many forms of well stimulation. A majority of the requirements in the proposed regulations are consistent with common and best industry practices followed by operators before, during, and after a well stimulation treatment. Additionally, the Department drafted the proposed regulations based on the requirements of SB 4 (Pavley, Chapter 313, Statutes of 2013), therefore many of the proposed regulations simply clarify and streamline statutory law. The following areas of the proposed regulations have been identified by the Department as potentially resulting in economic impact:

1. Radial cement evaluation, or other cement evaluation approved by the Division.
2. Well stimulation radius analysis.
3. Pressure testing prior to the well stimulation treatment.
4. Monitoring during a well stimulation treatment.

5. Storage and handling of well stimulation fluids.
6. Monitoring after a well stimulation treatment.
7. Post well stimulation reporting.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Given the economic context of well stimulation treatments, the added economic impacts associated with complying with the proposed regulations will not deter operators from performing future well stimulation treatments. For these reasons, the Department has made the following determinations:

- The proposed regulations will not affect the creation or elimination of jobs within the State of California.
- The proposed regulations will not affect the creation of new businesses or the elimination of existing businesses within the State of California.
- The proposed regulations will not affect the expansion of businesses currently doing business in the State of California.
- The proposed regulations will not affect the ability of businesses within California to compete with businesses in other States.

The proposed regulations satisfy the Division's statutory mandate to prevent damage to life, health, property, and natural resources by ensuring that wells are properly drilled, operated, repaired, and plugged and abandoned; and to allow, with Division approval and oversight, the oil and gas industry to utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate recovery of underground hydrocarbons. Also, the proposed regulations satisfy the statutory goals of SB 4 by addressing the well stimulation permit application process, acid concentration thresholds, construction of wells and well casings to ensure integrity of wells, well casings, and the geologic and hydrologic isolation of the oil and gas formation during and following well stimulation treatments, and full disclosure of the composition and disposition of well stimulation fluids, including hydraulic fracturing fluids, acid well stimulation fluids, and flowback fluids, and the distinction between well stimulation and underground injection projects. Further, the Department has determined that the proposed regulations will result in nonmonetary benefits such as protection of public health and safety, worker safety, environmental safety, and transparency in business and government. Specifically, the benefits are as follows:

- Clarity for the Division, operators, and the public regarding which set of regulations oversee a specified oil and gas operation.

- A better informed public who know when and where well stimulation is occurring, and are able to obtain information specific to a completed well stimulation treatment.
- The Division will receive comprehensive information regarding the integrity of a well, information regarding the integrity of wells near a well stimulation treatment, and geologic information regarding the area around the well prior to a well stimulation treatment, which will result in assurances that well stimulation will be completed safely.
- Operators will be provided with clear directives regarding when to terminate a well stimulation treatment, how to respond in the case of a well failure, and what information must be collected to ensure that future well failures are preventable.
- Assurances that all well stimulation fluids will be handled safely and that spills and incidents will be responded to effectively and proactively.

#### HOUSING COSTS

The proposed regulation will have no significant effect on housing costs.

#### FINDING OF NECESSITY OF REPORTS

The Department has found that the proposed requirements for reports are necessary to implement the effective regulation of well stimulation, and are necessary for the health, safety, and welfare of the people of the state that the requirements apply to businesses.

#### SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations may affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment

period or at any hearing scheduled to take statements or arguments that are relevant to the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Tim Shular  
 Department of Conservation  
 801 K Street, MS 24-02  
 Sacramento, CA 95814  
 Phone: (916) 322-3080  
 Email: [DOGGRRegulations@conservation.ca.gov](mailto:DOGGRRegulations@conservation.ca.gov)

The backup contact person for these inquiries is:

Jan Perez  
 Department of Conservation  
 801 K Street, MS 24-02  
 Sacramento, CA 95814  
 Phone: (916) 322-3080  
 Email: [DOGGRRegulations@conservation.ca.gov](mailto:DOGGRRegulations@conservation.ca.gov)

Please direct requests for copies of the proposed text (the “express terms”) of these regulations, the initial statement of reasons, the modified text of these regulations, if any, or other information upon which this rule-making is based to Tim Shular at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The Department 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 regulation, the initial statement of reasons, and a standard form 399.

Copies of these documents may be obtained by contacting Tim Shular at the address and phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period and any hearing that may be conducted by the Department to accept comments and evidence regarding the adoption of these proposed regulations, the Department will consider all timely and relevant comments received; thereafter the Department may adopt the proposed regulations substantially as described in this notice. If the Department

makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Tim Shular at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they 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 Tim Shular at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: <http://www.conservation.ca.gov>.

**TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the Department), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, and 3383, of the California Code of Regulations (CCR), Title 15, concerning the establishment of Reentry Hubs at designated CDCR Institutions.

PUBLIC HEARING

Date and Time: **January 7, 2014 — 10:00 a.m. to 11:00 a.m.**  
 Place: Department of Corrections and Rehabilitation  
 Kern Room  
 1515 S Street — North Building  
 Sacramento, CA 95811

Purpose: To receive comments about this action.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

#### PUBLIC COMMENT PERIOD

The public comment period will close **January 7, 2014, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This action will:

- Establish Reentry Hubs at designated institutions, consistent with *The Future of California Corrections* (i.e., the *Blueprint*), to provide enhanced rehabilitative programming to inmates who are nearing release and have a need for specific programming such as academic or vocational education, substance abuse treatment, or job seeking and readiness skills.
- Establish criteria for priority placement and ineligibility at a Reentry Hub.
- Adopt definitions for the terms “Cognitive Behavioral Therapy,” “Reentry Hubs” and “Transitions Programs” which are used in the proposed regulation text.
- Establish a new “Reentry Hub” Administrative Determinant to indicate that an inmate is endorsed for transfer to a Reentry Hub. Administrative determinants are used, when case factors indicate, to override an inmate’s classification placement score and house the inmate at a facility which is not consistent with the inmate’s placement score.
- Amend the Milestone Completion Credit Schedule to include credits for programs completed at Reentry Hubs.
- Establish eligibility criteria for inmate participation in substance abuse treatment programs.
- Replace references to “vocational” education with “Career Technical Education”.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief**  
**Regulation and Policy Management Branch**  
**Department of Corrections and Rehabilitation**  
**P.O. Box 942883, Sacramento, CA 94283-0001**  
**Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Josh Jugum**  
**Regulation and Policy Management Branch**  
**Telephone (916) 445-2228**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Michele Gonzalez**  
**Division of Rehabilitative Programs**  
**Telephone (916) 323-6667**

#### AUTHORITY AND REFERENCE

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR,

#### FORMS INCORPORATED BY REFERENCE

Milestone Completion Credit Schedule, Revised 09/13

#### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that these regulations will help to reduce recidivism and, eventually, to reduce overcrowding in California prisons. Extensive research has demonstrated the value of evidence-based rehabilitative programs in preparing inmates to transition back to their communities. Reentry Hubs will give priority placement to inmates nearing release who have specific criminogenic needs and address those needs directly through evidence-based programming.

EVALUATION OF  
CONSISTENCY/COMPATIBILITY WITH  
EXISTING LAWS/REGULATIONS

The Department has researched existing regulations regarding reentry and rehabilitative programs and has determined that these proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of state prisons.

RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the health of California residents, worker safety, or the state’s environment, because they relate strictly to the internal management of CDCR institutions and the rehabilitative programming provided to inmates.

The Department has determined that the proposed regulations will have an indirect positive impact upon the welfare of California residents by helping to reduce recidivism among inmates released from California prisons. Providing evidence–based programming to inmates nearing release in critical areas such as substance abuse, education, and job–seeking skills will help inmates to make a successful transition back to their communities.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law, than the proposed regulatory action. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND  
INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those

items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

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

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

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

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF HEALTH CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE SERVICES MAY PROVIDE SUPPLEMENTAL PAYMENTS TO HOSPITALS UP TO THE FEDERAL UPPER PAYMENT LIMIT**

This notice is to provide information of public interest with respect to supplemental payments that are proposed to be made to specified hospitals for hospital inpatient and outpatient services provided to Medi-Cal beneficiaries. This notice also serves to provide information with respect to a proposed increase in payments that may be made to Medi-Cal managed care health plans.

The supplemental payments to hospitals would be up to the aggregate upper payment limit for the category of

hospitals receiving the payments for the period of January 1, 2014, through December 31, 2016. These payments would be made periodically (quarterly or with respect to other time periods) on a lump-sum basis throughout each fiscal year, and would not be paid as individual increases to current reimbursement rates for specific services.

The payments to hospitals would supplement, and not supplant, specified existing levels of payments, but would be subject to all applicable federal payment limits. The increased payments to Medi-Cal managed care health plans also would be for the period of January 1, 2014, through December 31, 2016, and would be subject to actuarial and other federal limits.

The proposed additional payments to hospitals and managed care plans are subject to approval by the federal Centers for Medicare & Medicaid Services.

**PUBLIC REVIEW AND COMMENTS**

A description of the proposed California legislation, Senate Bill 239, which amends the Welfare and Institutions Code to make the changes described in this notice, is available for public review at local county welfare offices throughout the State. A copy of the description may also be requested in writing, from Jennifer Brooks, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

Any written comments concerning the proposal may also be mailed to the above address or emailed to [Jennifer.Brooks@dhcs.ca.gov](mailto:Jennifer.Brooks@dhcs.ca.gov).

**DECISION NOT TO PROCEED**

**BOARD OF BARBERING AND COSMETOLOGY**

The Board of Barbering and Cosmetology has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on May 31, 2013, OAL File # Z-2013-0521-02, concerning Title 16, sections 977, 978, 979, 980, 980.1, 980.2, 980.3, 980.4, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993 and 994.

DATED: October 30, 2013

/s/  
Kevin Flanagan  
Regulations Analyst  
Board of Barbering and Cosmetology

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO LIST: EMISSIONS  
FROM HIGH-TEMPERATURE UNREFINED  
RAPESEED OIL**

**November 15, 2013**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list emissions from high-temperature unrefined rapeseed oil as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986.<sup>1</sup> This action is being proposed under the authoritative bodies listing mechanism.<sup>2</sup>

Chemical	Endpoint	Reference	Occurrence and Uses
Emissions from high-temperature unrefined rapeseed oil	Cancer	IARC (2010)	Emissions created by frying foods in unrefined rapeseed oil heated past its boiling point. (Note: Most commercially available rapeseed oil, commonly known as canola oil, is refined. This notice does not pertain to emissions from refined rapeseed/canola oil.)

**Background on listing via the authoritative bodies mechanism:** A chemical must be listed under the Proposition 65 regulations when two conditions are met:

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)<sup>3</sup>).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The International Agency for Research on Cancer (IARC) is one of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

**OEHHA’s determination:** *Emissions from high-temperature unrefined rapeseed oil* meet the criteria for listing as known to the State to cause cancer under Proposition 65, based on findings of IARC (2010).

**Formal identification and sufficiency of evidence for emissions from high-temperature unrefined rapeseed oil:** In 2010, IARC published *Volume 95* in the series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*, entitled *Household Use of Solid Fuels and High-temperature Frying* (IARC, 2010). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for *emissions from high-temperature unrefined rapeseed oil*.

IARC concluded “There is *sufficient evidence* in experimental animals for the carcinogenicity of emissions from high-temperature unrefined rapeseed oil” (emphasis in original). OEHHA is relying on IARC’s discussion of data and conclusions in the report that *emissions from high-temperature unrefined rapeseed oil* cause cancer. Evidence described in the report includes studies showing that *emissions from high-temperature unrefined rapeseed oil* increase the incidences of combined malignant and benign lung tumors (mainly adenocarcinomas) in male and female Balb/c mice (Zhang *et al.*, 2003; Chen *et al.*, 2005) and the incidence of lung carcinoma in female Sprague Dawley rats (Long *et al.*, 2005).

Thus, the IARC (2010) has found that *emissions from high-temperature unrefined rapeseed oil* cause increased incidence of malignant tumors in female rats and combined malignant and benign tumors in both sexes of the mouse.

<sup>3</sup> All referenced sections are from Title 27 of the Cal. Code of Regulations.

**Request for comments:** OEHHA is requesting comments as to whether *emissions from high-temperature unrefined rapeseed oil* meet the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, December 16, 2013.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov) with “NOIL — emissions from high-temperature unrefined rapeseed oil” in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, CA 95812-4010

Fax: (916) 323-2265

Street Address: 1001 I Street  
Sacramento, CA 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period.

If you have any questions, please contact Ms. Oshita at [cynthia.oshita@oehha.ca.gov](mailto:cynthia.oshita@oehha.ca.gov) or at (916) 445-6900.

**References**

Chen F, Zhang ZH, Long LL (2005). [Experimental study of potential carcinogenesis of cooking oil fumes.] *J Environ Occup Med* **22**:287-290. [As cited by IARC, 2010]

International Agency for Research on Cancer (IARC, 2010). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 95, Household Use of Solid Fuels and High-temperature Frying*, IARC, World Health Organization, Lyon, France. Available at: <http://monographs.iarc.fr/ENG/Monographs/vol95/mono95.pdf>

Long LL, Chen F, He XP, Li FH (2005). Experimental study on lung cancer induced by cooking oil fumes in SD rats. *J Environ Health* **22**:114-116. [As cited by IARC, 2010]

Zhang ZH, Chen F, Tan Y *et al.* (2003). [Pulmonary carcinoma pathological change caused by COF in Balb/c mouse.] *Chinese J Public Health* **19**:1455-1457. [As cited by IARC, 2010]

**DISAPPROVAL DECISION**

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**BOARD OF PHARMACY**

**In re:**  
**Board of Pharmacy**  
**Regulatory Action: Title 16**  
**California Code of Regulations**  
**Adopt sections: 1747, 1747.1**  
**DECISION OF DISAPPROVAL OF**  
**REGULATORY ACTION**  
**Government Code Section 11349.3**  
**OAL File No. 2013-0913-06 S**

SUMMARY OF REGULATORY ACTION

The Board of Pharmacy (Board) proposed this action to add Article 5.5 entitled “Pedigree Requirements” to title 16 of the California Code of Regulations and to adopt sections 1747 and 1747.1, which establish requirements for serialized electronic pedigrees of dangerous drugs.<sup>1</sup> The purpose of the drug pedigree legislation and related regulations is to prevent the introduction of counterfeit, altered, diverted, misbranded, or expired drugs from entering into California’s pharmaceutical drug supply chain.

Among other things, proposed section 1747.1 establishes dates by which a manufacturer that distributes a dangerous drug in California shall submit to the Board declarations related to the manufacturer’s readiness to comply with statutory electronic pedigree requirements, as well as information that is to be contained in

<sup>1</sup> As defined in Business and Professions Code section 4034(a) “pedigree” means the following:

(a) “Pedigree” means a record, in electronic form, containing information regarding each transaction resulting in a change of ownership of a given dangerous drug, from sale by a manufacturer, through acquisition and sale by one or more wholesalers, manufacturers, repackagers, or pharmacies, until final sale to a pharmacy or other person furnishing, administering, or dispensing the dangerous drug. The pedigree shall be created and maintained in an interoperable electronic system, ensuring compatibility throughout all stages of distribution.

those declarations, pursuant to Business and Professions Code section 4163.5. Proposed section 1747.1 also sets forth requirements for manufacturers, wholesalers, repackagers, pharmacies, and pharmacy warehouses to submit specified declarations to the Board in order to designate dangerous drugs that they possess as not subject to the serialized electronic pedigree requirements, as provided in Business and Professions Code sections 4163.2 and 4163.4, as well as information that is to be contained in those declarations. All declarations required by proposed section 1747.1 are required to be signed under penalty of perjury by an owner, officer, or employee with authority to bind the entity submitting the declaration.

**DECISION**

On September 13, 2013, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On October 25, 2013, OAL notified the Board that OAL disapproved the proposed action because the Board failed to provide a sufficient economic impact assessment that complied with Government Code section 11346.3(b)(1) and failed to meet the necessity standard of Government Code section 11349.1.

**CONCLUSION**

OAL disapproved this proposed regulatory action for the reasons set forth above.

Date: October 31, 2013

\_\_\_\_\_  
 Richard L. Smith  
 Senior Counsel  
 For: Debra M. Cornez  
 Director

Original: Virginia Herold

Copy: Carolyn Klein

**SUMMARY OF REGULATORY  
 ACTIONS**

**REGULATIONS FILED WITH  
 SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2013-0925-01

**BOARD FOR PROFESSIONAL ENGINEERS,  
 LAND SURVEYORS AND GEOLOGISTS**  
 Fingerprinting

This regulatory action by the Board for Professional Engineers, Land Surveyors, and Geologists updates title 16 of the California Code of Regulations to include fingerprint and disclosure requirements for the processing and approval of applications for licensure.

These changes are made pursuant to Business and Professions Code section 144, as amended by Senate Bill 543 (Stats 2011, Ch. 448).

Title 16

California Code of Regulations

ADOPT: 420.1, 3021.1

Filed 11/06/2013

Effective 01/01/2014

Agency Contact: Jeff Alameida (916) 263-2269

File# 2013-0919-04

**BOARD OF EQUALIZATION**  
 Petroleum Refining Properties

The State Board of Equalization repealed section 474 of title 18 of the California Code of Regulations as a change without regulatory effect in that section 474 has been held invalid by the Supreme Court of the State of California (Western States Petroleum Association v. Board of Equalization (2013) 57 Cal. 4th 401). Section 474 defines "petroleum refining property" and establishes a rebuttable presumption, for purposes of recognizing declines in value, that land, improvement, and fixtures and other machinery and equipment classified as improvements constitute one appraisal unit, except when measuring declines in value caused by disaster, in which case land constitutes a separate appraisal unit.

Title 18

California Code of Regulations

REPEAL: 474

Filed 10/30/2013

Agency Contact:

Richard E. Bennion (916) 445-2130

File# 2013-0918-02

**BOARD OF FORESTRY AND FIRE PROTECTION**  
 Lumber Products Assessment, 2013

The Board of Forestry and Fire Protection submitted a certificate of compliance for the emergency adoption of sections 1667.1 through 1667.6 of title 14 of the California Code of Regulations which identified those products subject to the "Lumber Products Assessment" imposed pursuant to Public Resources Code section 4629.5 and provided for a review procedure and annual

update. The original emergency regulatory action and its readoption were deemed an emergency by the Legislature and exempt from review by the Office of Administrative Law pursuant to subdivision (b) of section 4629.4 of the Public Resources Code.

Title 14  
California Code of Regulations  
ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6  
Filed 10/30/2013  
Effective 10/30/2013  
Agency Contact: Eric Huff (916)616-8643

File# 2013-0926-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Rendering Industry Advisory Board

Senate Bill (SB) 513 [Stats. 2011, ch. 337] enacted sections 19218 through 19218.7 of Article 1.5, Chapter 5, Part 3, Division 9 of the Food and Agricultural Code which established the Rendering Industry Advisory Board (RIAB). The RIAB was created to advise and make recommendations to the Secretary of the Department of Food and Agriculture regarding, among other things, licensing matters, regulations, procedures for employment, training, supervision, and compensation of inspectors and other personnel, and the rate and collection of license fees and penalties. The Department of Food and Agriculture adopted sections 1180.3.3, 1180.3.4, 1180.3.5, 1180.3.6, 1180.3.7, 1180.3.8, and 1180.3.9 of title 3 of the California Code of Regulations to be used by the RIAB to implement the provisions of SB 513.

Title 3  
California Code of Regulations  
ADOPT: 1180.3.3, 1180.3.4, 1180.3.5, 1180.3.6, 1180.3.7, 1180.3.8, 1180.3.9  
Filed 11/06/2013  
Effective 01/01/2014  
Agency Contact: Nancy Grillo (916)900-5033

File# 2013-1015-09  
DEPARTMENT OF FOOD AND AGRICULTURE  
Gypsy Moth Eradication Area

This regulatory action establishes Butte County as an eradication area for the gypsy moth (*Lymantria dispar*). Butte County joins eleven other counties already proclaimed to be eradication areas with respect to the gypsy moth. The effect of the amendment provides authority for the state to perform eradication activities against the gypsy moth within Butte County, along with the other eleven counties.

Title 3  
California Code of Regulations  
AMEND: 3591.6(a)  
Filed 11/04/2013  
Effective 01/01/2014  
Agency Contact: Stephen S. Brown (916)654-1017

File# 2013-0919-05  
DEPARTMENT OF PUBLIC HEALTH  
Licensing of Genetic Counselors

The Department of Public Health (DPH) has amended the deemed emergency action that was exempt from OAL review pursuant to Health & Safety Code section 124977(d) and filed with the Secretary of State on February 11, 2013. The action adopted regulations concerning the licensing of Genetic Counselors and addresses issues concerning the use of the title "genetic counselor," the qualifications for genetic counselors, qualifications for a temporary genetic counselor license, continuing education requirements for genetic counselors, as well as the denials, renewals, and revocations of licenses. Two forms and fees were adopted also. This matter is also exempt from OAL review pursuant to Health & Safety Code section 124977(d) and will be filed with the Secretary of State and printed in the California Code of Regulations.

Title 17  
California Code of Regulations  
ADOPT: 6300.1, 6300.3, 6300.5, 6300.7, 6300.9, 6300.11, 6300.13, 6300.15, 6300.17, 6300.19, 6300.21, 6300.23, 6301.1, 6301.3, 6301.5, 6301.7, 6301.9, 6303.1, 6303.3  
Filed 10/31/2013  
Effective 10/31/2013  
Agency Contact: Laurel Prior (916)440-7673

File# 2013-1004-03  
DEPARTMENT OF PUBLIC HEALTH  
Office of Problem Gambling

In this "changes without regulatory effect" filing, the California Department of Public Health (CDPH) adopts and repeals regulations relating to the Office of Problem and Pathological Gambling and specifically to the implementation of the fee paid by licensed gambling enterprises for the Gambling Addiction Program Fund pursuant to Business and Professions Code section 19954. Assembly Bill No. 75, Chapter 22, Statutes of 2013 transferred the Office of Problem and Pathological Gambling and the fee authority of Business and Professions Code section 19954 from the Department of Alcohol and Drug Programs (DADP) to CDPH. In this filing, CDPH is repealing the existing DADP Office of Problem and Pathological Gambling regulations in Title 9 of the California Code of Regulations (CCR) and adopting nearly identical regulations in Title 17 of

the CCR which reflect the transfer of authority to CDPH. Other nonsubstantial changes are made to the transferred regulations.

Title 9, 17  
California Code of Regulations  
ADOPT: 40000, 40010, 40020, 40030, 40040 (Title 17)  
REPEAL: 14200, 14210, 14220, 14230, 14240 (Title 9)  
Filed 11/05/2013  
Agency Contact: Charlet Archuleta (916) 445-9403

File# 2013-1030-01  
DEPARTMENT OF WATER RESOURCES  
Conflict of Interest Code

This is an amendment to a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 23  
California Code of Regulations  
AMEND: 595  
Filed 11/06/2013  
Effective 12/06/2013  
Agency Contact: Amanda Jack (916) 651-6851

File# 2013-1016-01  
DIVISION OF WORKERS' COMPENSATION  
Workers' Compensation — QME Form 105

In this "changes without regulatory effect" filing, the Division of Workers' Compensation of the Department of Industrial Relations amends its "Request for QME Panel Under Labor Code Section 4062.1 Unrepresented" form (QME Form 105).

Title 8  
California Code of Regulations  
AMEND: 105  
Filed 11/06/2013  
Agency Contact: James D. Fisher (510) 286-0679

File# 2013-0918-01  
FISH AND GAME COMMISSION  
Commercial Herring Fishery

This rulemaking action by the Fish and Game Commission (Commission) updates regulations governing the commercial herring fishery in California for the 2013-2014 season, including season dates and fishing quotas. The Commission is also updating the Monthly Landings and Royalty Report, Form FG 143 HR (Rev. 5/01) and Release of Property, Form FG-MR-674 (Rev. 5/02), which are incorporated by reference.

Title 14  
California Code of Regulations  
AMEND: 163, 164  
Filed 10/30/2013  
Effective 10/30/2013  
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2013-1018-02  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
Globally Harmonized System Update to Hazard Communication — Health

The Occupational Safety and Health Standards Board submitted this file and print action pursuant to Labor Code section 142.3(a)(4) to readopt amendments to 29 sections from title 8 of the California Code of Regulations, and to amend the appendixes to many of these sections, that were approved and filed on May 6, 2013. The purpose of the amendments was to conform them to recent amendments in federal standards that address updates to the Hazard Communication Standard (HCS) and related sections. The amendments update requirements for hazard communication that are at least as effective as the federal standards for HCS programs, which include warning labels, signs, and safety data sheets, and employee training to inform workers and other downstream users of manufactured and imported chemical products, and are intended to be consistent with the United Nations Globally Harmonized System Classification and Labeling of Chemicals (GHS), Revision 3.

Title 8  
California Code of Regulations  
AMEND: 1529, 1532, 1532.1, Appendix B of 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, Appendix A of 5192, 5194, Appendix A of 5194, Appendix B of 5194, Appendix C of 5194, Appendix D of 5194, Appendix E of 5194, Appendix F of 5194, Appendix G of 5194, 5198, Appendix B of 5198, 5200, 5201, 5202, Appendix A of 5202, 5206, 5207, 5208, Appendix J of 5208, 5209, 5210, 5211, 5212, Appendix B of 5212, 5213, 5214, 5217, Appendix A of 5217, 5218, 5220, 8358, Appendix K of 8358, 8359  
Filed 11/06/2013  
Effective 11/06/2013  
Agency Contact: Marley Hart (916) 274-5721

File# 2013-0923-01  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998, GSD (January 1, 2015)

The State Allocation Board amended title 2, California Code of Regulations, section 1859.76. The amendment extends for one year, from January 1, 2014 to Jan-

uary 1, 2015, the additional grant to school districts for general site development costs under the School Facility Program. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. The extension is necessary to prevent school districts from experiencing funding shortfalls in completing new construction projects as planned.

Title 2  
 California Code of Regulations  
 AMEND: 1859.76  
 Filed 10/30/2013  
 Effective 01/01/2014  
 Agency Contact: Lisa Jones (916) 376-1753

File# 2013-0924-05  
**STATE ALLOCATION BOARD**  
 Leroy F. Greene School Facilities Act of 1998; Facility Hardship & HPI

This rulemaking by the State Allocation Board (SAB) makes substantive changes to sections of Title 2 of the California Code of Regulations and updates the "Application for Funding, School Facility Program", a document incorporated by reference. This action adds a definition for a "Facility Hardship Square Footage Grant" and provides for funding on a per-square-foot basis for Facility Hardship projects and Facility Hardship replacement schools.

Title 2  
 California Code of Regulations  
 AMEND: 1859.2, 1859.71, 1859.71.6, 1859.74.5, 1859.77.4, 1859.82, 1859.83  
 Filed 11/04/2013  
 Effective 01/01/2014  
 Agency Contact: Lisa Jones (916) 376-1753

File# 2013-1025-01  
**STATE WATER RESOURCES CONTROL BOARD**  
 Emergency Regulations Amending Water Rights Fee Schedules

On October 8, 2013, the State Water Resources Control Board adopted Resolution 2013-0032, which revised the emergency water right fee regulations and schedules to be consistent with the revenue levels set forth in the Budget Act for Fiscal Year (FY) 2013-2014. These emergency regulations adjust the fee schedule to: (1) increase annual fees to conform to amounts appropriated by the Legislature from the Water Rights Fund; (2) adjust the caps on application and petition filing fees based on the consumer price index; and (3) amend section 1068 to specify that the registration fee for an ap-

propriation of water for small domestic livestock stock pond or small irrigation use is non-refundable.

Title 23  
 California Code of Regulations  
 AMEND: 1062, 1064, 1066, 1068  
 Filed 10/31/2013  
 Effective 10/31/2013  
 Agency Contact: Robert Rinker (916) 322-3143

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN June 5, 2013 TO  
 November 6, 2013**

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 1**  
 10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004
- Title 2**  
 11/04/13 AMEND: 1859.2, 1859.71, 1859.71.6, 1859.74.5, 1859.77.4, 1859.82, 1859.83  
 10/30/13 AMEND: 1859.76  
 10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25  
 AMEND: 579.2  
 10/03/13 AMEND: 18521.5  
 10/03/13 ADOPT: 18421.5  
 10/03/13 AMEND: 18239  
 10/03/13 AMEND: Amend and renumber sections: 7285.0 (11000), 7285.1 (11001), 7285.2 (11002), 7285.4 (11003), 7285.7 (11004), 7286.0 (11005), 7286.1 (11005.1), 7286.3 (11006), 7286.4 (11007), 7286.5 (11008), 7286.6 (11009), 7286.7 (11010), 7286.8 (11011), 7287.0 (11013), 7287.1 (11014), 7287.2 (11015), 7287.3 (11016), 7287.4 (11017), 7287.6 (11019), 7287.7 (11020), 7287.8 (11021), 7287.9 (11022), 7288.0 (11023), 7289.4 (11027), 7289.5 (11028), 7290.6 (11029), 7290.7 (11030), 7290.8 (11031), 7290.9 (11032), 7291.0 (11033), 7291.1 (11031), 7291.2 (11035), 7291.3 (11036), 7291.4 (11037), 7291.6 (11039), 7291.7 (11040), 7291.8 (11041), 7291.9 (11042), 7291.10 (11043), 7291.11

(11044), 7291.12 (11045), 7291.13	09/23/13	REPEAL: 53200
(11046), 7291.14 (11047), 7291.16	09/23/13	REPEAL: 53400
(11049), 7291.17 (11050), 7291.18	09/23/13	REPEAL: 57100
(11051), 7292.0 (11052), 7292.1	09/19/13	AMEND: 2970
(11053), 7292.2 (11054), 7292.3	09/16/13	REPEAL: 56500
(11055), 7292.4 (11056), 7292.6	09/16/13	REPEAL: 59580
(11058), 7293.0 (11059), 7293.1	09/12/13	REPEAL: 56400
(11060), 7293.2 (11061), 7293.3(11062),	09/12/13	REPEAL: 52700
7293.4 (11063), 7293.5 (11064), 7293.6	09/12/13	REPEAL: 54500
(11065), 7293.7 (11066), 7293.8	09/09/13	AMEND: 649.56
(11067), 7293.9 (11068), 7294.0	08/23/13	ADOPT: 1859.90.3 AMEND: 1859.2,
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(11077), 7295.4 (11078), 7295.5		579.24
(11079), 7295.6 (11080), 7295.7	07/24/13	AMEND: 599.500, 599.508
(11081), 7295.8 (11082), 7295.9	07/23/13	AMEND: 35101
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10/28/13	AMEND: 54342, 57332	
10/11/13	ADOPT: 30400, 30409, 30411, 30412, 30413, 30413.5, 30414, 30415, 30416, 30417, 30418, 30419, 30420, 30467, 30468 AMEND: 30403, 30403.5, 30403.8, 30404, 30405, 30406, 30408, 30410, 30421, 30422, 30423, 30424, 30425, 30427.2, 30435, 30436, 30437, 30440, 30442, 30443, 30444, 30446, 30447, 30450, 30451, 30455.1, 30456.6, 30460, 30461, 30462, 30463, 30464, 30465, 30466 REPEAL: 30400.5, 30400.40, 30400.60, 30400.85, 30400.95, 30420, 30427, 30428, 30441, 30445, 30445.1, 30452, 30467, 30468	
10/02/13	AMEND: 54342(a)(29)	
09/18/13	ADOPT: 100900, 100901, 100902, 100903, 100904	
09/10/13	AMEND: 52086	
08/12/13	AMEND: 2641.55	
08/12/13	ADOPT: 30456, 30456.1, 30456.2, 30456.4, 30456.6, 30456.8, 30456.10, 30456.12	
07/16/13	ADOPT: 7000, 7002, 7004, 7006, 7008, 7010, 7012, 7014, 7016	
07/01/13	AMEND: 100000	
06/26/13	AMEND: 91022	
06/26/13	AMEND: 1230, 2641.57	
06/24/13	ADOPT: 95943 AMEND: 95802, 95830, 95833, 95910, 95911, 95912, 95913, 95920, 95921, 95942, 96010, 96022	
06/13/13	ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101	
<b>Title 18</b>		
10/30/13	REPEAL: 474	
10/14/13	ADOPT: 1566.1	
09/23/13	ADOPT: 2000	
08/28/13	AMEND: 1703	
08/28/13	AMEND: 1703	
07/24/13	AMEND: 462.040	
07/16/13	AMEND: 4601, 4603, 4604, 4605	
07/11/13	AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598	
06/25/13	ADOPT: 2000	
<b>Title 19</b>		
07/17/13	AMEND: 557.4, 557.5, 557.8, 557.13, 557.23, 561.2, 567, 567.8, 573, 574.4, 575.1, 575.3, 575.6, 575.8, 575.13, 575.16, 577.2, 578.6, 591.6, 592.1,	
<b>Title 20</b>		
10/17/13	AMEND: 1680, 1681, 1683, 1684	
08/28/13	ADOPT: 1240, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208	
<b>Title 21</b>		
09/23/13	ADOPT: 2653, 2654, 2655, 2656, 2657, 2658	
06/24/13	ADOPT: 2653, 2654, 2655, 2656, 2657, 2658	
<b>Title 22</b>		
10/28/13	AMEND: 123000	
10/16/13	AMEND: 67100.1, 67100.8, 67100.9	
10/02/13	AMEND: 97212	
10/01/13	AMEND: 69501.3(b), 69509.1(a), 69509.1(c)	
09/23/13	AMEND: 97232	
09/18/13	AMEND: 51516.1	
09/05/13	AMEND: 66261.33	
08/28/13	ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510	
08/28/13	ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510	
08/19/13	ADOPT: 70438.2	
<b>Title 23</b>		
11/06/13	AMEND: 595	
10/31/13	AMEND: 1062, 1064, 1066, 1068	
10/23/13	AMEND: 2200, 2200.5, 2200.6	

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08/07/13	ADOPT: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016	07/01/13	ADOPT: 40-038 AMEND: 22-071, 22-072, 22-305, 40-036, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-314, 44-315, 44-316, 44-317, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 47-220, 47-320, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201 REPEAL: 44-400, 44-401, 44-402, 44-403
08/07/13	ADOPT: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016		
07/26/13	ADOPT: 3979.6		
07/03/13	AMEND: 595		
07/01/13	ADOPT: 3007		
06/24/13	ADOPT: 3919.13		
<b>Title 27</b>			
08/08/13	AMEND: 25805		
07/11/13	AMEND: 25805		
06/25/13	AMEND: 25805		
<b>Title 28</b>			
10/07/13	ADOPT: 1300.67.003		
07/05/13	ADOPT: 1300.67.005		
<b>Title MPP</b>			
09/30/13	AMEND: 40-105, 42-422, 82-504		