DIGEST OF NEW REGULATIONS

SUMMARIES OF NEW REGULATIONS

For subscribers to the amendment service for Complete Code.
Includes all amendments to regulations approved by the Office
of Administrative Law and filed with the Secretary of State for
the period 2/16/2015 through 2/20/2015.

Title 3

Food and Agriculture, Department of
Amendment of regulation listing California noxious weed species

Summary: The Department of Food and Agriculture has amended its list of noxious weed species.

Noxious weeds negatively impact agriculture by decreasing the profitability and value of cropland, rangeland, timberland and the biodiversity of native ecosystems, including threatened and endangered species. Noxious weeds increase control costs where they are detected, negatively impact recreational use of public lands and waterways and are not aesthetically pleasing to view. The presence of noxious weeds over large areas can also result in increased fire hazards when they dry out.

The Department has stated that the newly added invasive plant species are not established or not widely established in California; however, this action will enhance the ability to control these noxious weeds within the state. Noxious weeds cannot be produced, sold or maintained in California as nursery stock. State or county agricultural inspectors have the authority to reject or divert for approved processing shipments contaminated with noxious weeds, thereby preventing their entry into the state.

Regulatory Action: Changes affect title 3, section 4500.
Agency Contact: Sam Khalid (916) 403–6625

Title 5

Community Colleges, California

Revision of student attendance computation methods for in-service training instruction

Summary: The Board of Governors of the California Community Colleges has amended regulations regarding the computation of attendance for public safety in-service training courses.

The regulations apply to student attendance tracking requirements as a condition of claiming state apportionment for in-service training courses in the areas of police, fire, corrections
and other criminal justice occupations. Regardless of the attendance accounting procedure used to compute full-time equivalent students (FTES) for apportionment purposes, community college districts will still be required to adhere to conduct-of-course and student attendance tracking requirements applicable to the particular public safety in-service training course for academic and other training documentation purposes.

Community college districts will now have the option of computing FTES for apportionment purposes for these public safety in-service training courses under any of the permitted student attendance accounting procedures that a particular course section may qualify for, including under the Alternative Attendance Accounting Procedure described elsewhere in the regulations.

**Regulatory Action:** Changes affect title 5, sections 58006 and 58051.

**Filed:** 2/3/2015. **Effective:** 3/5/2015. **OAL File No.:** 15-0203-02

**Agency Contact:** Michelle Goldberg (916) 324-4711

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**Community Colleges, California**

**Amendment of priority enrollment procedures**

**Summary:** The Board of Governors of the California Community Colleges has filed an action regarding priority enrollment procedures.

Prior to this action, state law required colleges administering a priority registration system for enrollment to grant first-level priority to active duty military and veterans, foster youth and former foster youth. Second-level enrollment priority was granted to students participating in Extended Opportunity Programs and Services (EOPS) and Disabled Student Programs and Services (DSPS). Third-level enrollment priority was granted to continuing students who were not on academic or progress probation for two consecutive terms, and to first-time students.

Recent legislation mandates that EOPS and DSPS students and students participating in the California Work Opportunity and Responsibility to Kids (CalWORKS) program shall be given first priority for enrollment, along with active duty military and veterans, foster youth and former foster youth. Districts shall not deny a foster youth or former foster youth priority registration for enrollment for failing to meet minimum academic standards or for exceeding one hundred units.

Lastly, a new regulation has been adopted to specify student eligibility requirements for a Board of Governors fee waiver.

**Regulatory Action:** Changes affect title 5, sections 58601, 58612, 58620 and 58621.

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**Title 10**

**Health Benefit Exchange, California**

**Emergency regulation establishes 2016 Standard Benefit Plan Designs**

**Summary:** The Health Benefit Exchange has adopted an emergency regulation incorporating the 2016 Standard Benefit Plan Designs by reference.

The plan designs are used by Qualified Health Plans that are certified in the Individual and Small Business Health Options Exchange Programs for plan year 2016 offered through Covered California. Qualified Health Plans will use the 2016 Standard Benefit Plans to enable Covered California enrollees to make a side-by-side comparison of competing plans.

The plan designs for Plan Year 2016 specifically prescribe cost-sharing amounts including co-payments, co-insurance, deductibles and maximum out-of-pocket amounts for in-network health services.

**Regulatory Action:** Emergency regulations. Changes affect title 10, section 6432.

**Filed:** 2/19/2015. **Effective:** 2/19/2015. **OAL File No.:** 15-0209-03

**Agency Contact:** Andrea Rosen (916) 228-8343

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**Title 23**

**Water Resources Control Board, State**

**New section summarizing amendments to onsite wastewater treatment system policy for San Francisco Bay region**

**Summary:** The State Water Resources Control Board has filed a new regulation summarizing amendments to the water quality control plan for the San Francisco Bay Region. The amendments incorporate by reference the Board's onsite wastewater treatment system policy and delete sections of the plan that were superseded by the policy.

**Regulatory Action:** Changes affect title 23, section 3919.14.

**Filed:** 2/17/2015. **Effective:** 2/17/2015. **OAL File No.:** 15-0122-03

**Agency Contact:** Richard Looker (510) 622-2451
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January 2, 2015; Register 2015, No. 1
January 9, 2015; Register 2015, No. 2
January 16, 2015; Register 2015, No. 3
January 23, 2015; Register 2015, No. 4
January 30, 2015; Register 2015, No. 5
February 6, 2015; Register 2015, No. 6
February 13, 2015; Register 2015, No. 7
February 20, 2015; Register 2015, No. 8

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Subchapter 5. Wild Bird and Animal Importations

(Originally Printed 7–25–45)

See Rules and Regulations of the Fish and Game Commission, C. A. C. 14, Section 671.
Cascarea spp. (dodder)
Cynara cardunculus (artichoke thistle)
Cyperus esculentus (yellow nutsedge)
Cyperus rotundus (purple nutsedge)
Cytisus scoparius (Scotch broom)
Diodia virginiana (buttonweed)
Ditrichia graveolens (stinkweed)
Drymaria cordata (white clover, tropical chickweed)
Egeria najas (anaconda)
Elymus repens (=Elytrigia repens) (quackgrass)
Euphorbia esula (leafly spurge)
Euphorbia graminica (grassleaf spurge)
Euphorbia dendroides (tree spurge)
Euphorbia oblongata (oblong spurge)
Euphorbia serpentina (serpentine spurge)
Euphorbia terracina (carnation spurge)
Fallopia ×bohemica (=Reynoutria ×bohemica; Polygonum ×bohemica) (Bohemian knotweed)
Fallopia japonica (=Polygonum cuspidatum; Reynoutria j.) (Japanese knotweed)
Fallopia sachalinensis (=Polygonum s.; Reynoutria s.) (giant knotweed)
Paspalum villosa (hairy emuweed)
Galega officinalis (Goat's rue)
Genista monspessuliana (French broom)
Halimodendron halodendron (Russian salt tree)
Hedegon glomeratus (hedgehog)
Helianthus ciliaris (blueweed)
Heteropogon contortus (tanglehead)
Hydrilla verticillata (hydrilla)
Hydrocharis morsus–ranae (Frogbit)
Hygrophila polystepha (Indian swampweed)
Hyssopus niger (black henbane)
Hypericum canariense (Canary Island St. Johnswort)
Hypericum perforatum (Klamath weed)
Isoetes tinctoria (tavern's weed)
Lagarosiphon major (oxygen weed, African elodea)
Lepidium appellanum (=Caryaria appellanum) (globe–padded hoary cross)
Lepidium chalepense (=Caryaria chalepensis) (lens–padded hoary cross)
Lepidium coronopus (=Coronopus squamatus) (swinecress)
Lepidium draba (=Caryaria draba) (heart–padded hoary cross)
Lepidium latifolium (perennial pepperweed)
Leptochloa chinensis (=Dinebra c.) (Chinese sprangletop)
Limnophyllum laevigatum (South American spongethistle)
Limnophyllum spongia (American spongethistle, American frog’s-bit)
Limnophila indica (Indian marshweed)
Limnophila sessiliflora (Asian marshweed)
Linaria dalmatica (Dalmatian toadflax)
Ludwigia decurrens (winged water–primrose)
Ludwigia hexapetala (water–primrose)
Ludwigia peruiana (Peruvian primrose–willow)
Lythrum salicaria (purple loosestrife)
Mercurialis ambigua (Spanish mercury)
Muhlenbergia schreberi (nimblewill)
Myosotis aquaticum (giant chickweed)
Narthecium gracile (false garlic)
Nymphaea mexicana (banana waterlily)
Nymphoides peltata (yellow floating heart)
Oenothera serenensis (E. drummondii) (Drummond’s gaunt)
Oenothera sinuosa (E. sinuata) (wavyleaf gaunt)
Ononis alopecuroides (foxtail restharrow)
Onopordum spp. (including Scotch thistle, Illyrian thistle and Taurian thistle)
Orobanche ramosa (branched broomrape)
Oryza rufipogon (red rice)
Panicum antidotale (blue panicgrass)
Parthenium hysterophorus (Santa Maria feverfew)
Peganum harmala (harmel)
Persicaria wallichii (=P. polystachya; Rubrivena polystachya) (Himalayan knotweed)
Pennisetum clandestinum (Kikuyu grass)
Physalis virginiana var. sonora (smooth groundcherry)
Physalis viscosa (grape groundcherry)
Potentilla recta (sulfur cinquefoil)
Prosopis sierravillera (creeping mesquite)
Retama monosperma (bridal veil broom)
Rhagodia stellaris (star vine)
Rorippa nasturtium (Austrian fieldcress)
Rorippa sylvestris (creeping yellowcress)
Saccharum ravennae (ravenna grass)
Salvia gregas (common Russian thistle)
Salvia collina (spineless Russian thistle)
Salvia dawesi (=S. verniculata) (wormleaf salvias)
Salvia paulsenii (barbwire Russian thistle)
Savia aethiops (Mediterranean sage)
Savina virgata (meadow sage)
Salvia urticaea s.l. (giant salvinia)
Scabiosa hispanicus (golden thistle)
Senecio jacoba (=Jacobaea vulgaris) (tansy ragwort)
Senecio linearfolius (fireweed groundsel)
Senecio squalidus (Oxford ragwort)
Sesbania punicea (red sesbania, rattlesbox)
Setaria faberi (giant foxtail)
Solanum cardiophyllum (heartleaf nightshade)
Solanum carolinense (Carolina hortenset)
Solanum dimidiatum (Torrey's nightshade)
Solanum elaeagnifolium (white hortenset)
Solanum lanceolatum (lanceleaf nightshade)
Solanum marginatum (white–marginated nightshade)
Sonchus arvensis (perennial sowthistle)
Sorghum halepense (Johnson grass and other perennial Sorghum spp. including but not limited to Sorghum burlum and perennial sweet sudan grass)
Spartina alterniflora and hybrids (smooth cordgrass and hybrids)
Spartina anglica (common cordgrass)
Spartina densiflora (dense–flowered cordgrass)
Spartina patens (saltmeadow cordgrass)
Spartium junceum (Spanish broom)
Sphaerophysa salsula (Australian peaweed)
Stipa brachychaeta (=Stipa heteromera b. ; Amelichloa b.) (pungrass)
Striga lutea (witchweed)
Synephrum asperum (rough comfrey)
Taeniatherum caput–medusae (medusahead)
Tegetes minuta (wild marigold)
Tamarix chinensis (salt cedar)
Tamarix gallica (salt cedar)
Tamarix parviflora (salt cedar)
Tamarix ramosissima (salt cedar)
Tribolium obliterum (Capegrass)
Tribulus terestris (puncture vine)
Ulex europaeus (gorse)
Vicia album (European mistletoe)
Volatarius canariensis (Canary Island knapweed)
Zostera japonica (dwarf seagrass)
Zygophyllum fabago (Syrian bennacer)

This regulation shall in no way restrict the designation of a weed pest to those species listed herein.
Chapter 7. Miscellaneous Rulings

Subchapter 1. Service Charges

§ 4600. General Provisions.

(a) The department may provide analytical, diagnostic, inspection, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases on a charge-for-service basis.

(b) Service charges may include the approximate hourly labor costs of the involved departmental staff, including prorated staff benefits and departmental overhead costs, the cost of any shipping, handling, supplies, equipment and materials; and mileage, travel and per diem pursuant to the State's per diem travel rules, and required to provide the service.

(c) This subchapter establishes the department's schedule of charges as provided in Sections 5851 and 5852, Food and Agricultural Code.

(d) The department shall provide a diagnostic result within ten working days of receipt of a nematology sample or plant pathology sample or shall notify the client of an estimated time for the delivery of diagnostic results if a period of time longer than ten working days will be required.

(e) The department shall provide a diagnostic result within 35 working days of receipt of a plant pathology sample or plant pathology specimen or shall notify the client of an estimated time for the delivery of diagnostic results if a period of time longer than 35 working days will be required.

(f) The identification of a pest not known to occur in the United States or California, or a pest that is of limited or wide but general distribution in California shall be reported to the appropriate federal or state plant pest prevention officials.

(g) The client may establish an account with the department from which fees for services rendered by the department may be debited or the service charges established by this subchapter shall be payable after the service has been provided and billed by the department.

(h) Payments not received within 30 calendar days of the date of billing shall be considered late. Payments postmarked on the 30th calendar day shall be considered to be on time. Once late, a late charge of 10% of the total amount billed or amount unpaid shall be assessed and added to the bill.

(i) The department may refuse services for any client who has not paid a previously submitted bill or when there is a lack of qualified staff to provide requested service.


(a) The department shall not guarantee the accuracy, level or timeliness of its diagnostic results; or that it can provide diagnostic services for every request or sample or specimen submitted or obtained.

(b) If the department cannot perform the requested diagnostics, the client shall be contacted and consulted about what action she/he prefers, and informed of any additional time or costs that might be involved if samples or specimens would have to be sent to an outside vendor/specialist for diagnostics.

(c) The department shall not be responsible for shipping costs or samples that are inadequate, lost, not delivered, damaged during transport, decayed or otherwise unfit or unusable for the requested service or for the costs of shipping samples requested by the shipper to be returned.

§ 4602. Payment for Services Provided.

(a) The department shall establish a schedule of charges for the services described in this subchapter based upon the approximate cost of the service rendered.

(b) The department may charge additional fees, upon approval by the client, when due to conditions, or number of samples and/or determinations made, the fees established will not cover the cost of the service as described.

(c) A client may request a refund of any funds that the client deposited in an account with the department.

§ 4603. Schedule of Charges.

The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges for analytical, certification, diagnostic, inspection, quality assurance, testing and other non-regulatory services related to nursery stock, plants, seed, or other plant pests and diseases.

(a) The hourly charge for requested diagnostics or scientific consultations which require travel is $60 per hour portal to portal, plus any car mileage at $0.35 per mile, air fare, meals and lodging pursuant to the State's per diem travel rules.

(b) Nematology

(1) The charge for processing and providing diagnostics for an unprocessed nematode sample is $40.

(2) The charge for diagnostics of processed and preserved nematode samples is $20.

(c) Entomology and Plant Taxonomy

(1) The charge per specimen for diagnostics of arthropods or plants in quantities of ten specimens or less is $20 regardless of the level of taxonomic determination.

(2) The charge for processing multiple samples of 11 or more specimen determinations will be $60 per hour plus the cost of any materials that might be required.

(d) General Pathology

(1) The general plant pathology per diagnosis charge for up to ten samples is $20 regardless of the level of taxonomic determination.

(2) The general plant pathology per diagnosis charge for multiple sample submissions of 11 or more specimens is $60 per hour plus the cost of any materials that might be required.

(3) The general plant pathology per diagnosis charge involving the use of an electron microscope is $160 per hour plus the cost of any materials that might be required.

(e) Seed Pathology

For seeds of the same kind in the same sample:

(1) Seed blotter tests are $35 for 400 seeds and $60 for 1000 seeds.

(2) An agar plate test of 400 seeds for fungal pathogens is $35.
(3) An extraction and plating test for the first bacterial pathogen is $125 and $25 for each additional bacterial pathogen.
(4) A Potato Spindle Tuber Viroid DNA hybridization test is $250.
(5) Enzyme-linked immunosorbent assay (ELISA) tests are $60 for 400 seeds and $85 for 1200 seeds.

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<thead>
<tr>
<th>Crop/Disease</th>
<th>Pathogen</th>
<th>Cost</th>
<th>Test duration</th>
<th>Minimum sample size</th>
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</tr>
<tr>
<td>Bacterial wilt</td>
<td>Clavibacter michiganensis subsp. insidiosus</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
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<tr>
<td>Bacterial leaf spot</td>
<td>Xanthomonas campestris pv. alfae</td>
<td>$125</td>
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<td>Spring black stem</td>
<td>Pseudomonas syringae</td>
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<td>Verticillium wilt</td>
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<td>Alfalfa mosaic virus</td>
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<td>3 weeks</td>
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<td>ASPARAGUS</td>
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<td>CARROT and CORRIANDER</td>
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<td>Alternaria radicina</td>
<td>$60</td>
<td>2 weeks</td>
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<td>Septoria apicola</td>
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<td>$125</td>
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<tr>
<td>Fusarium wilt</td>
<td>Fusarium oxysporum</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>GRASSES and GRAINS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blind seed</td>
<td>Gloeospora temulenta</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>50 g nontreated seed</td>
</tr>
<tr>
<td>Ergot of grasses</td>
<td>Cercospora purpurea</td>
<td>$35</td>
<td>1 week</td>
<td>1000 nontreated seed</td>
</tr>
<tr>
<td>Foot rot of grasses</td>
<td>Drechslera sorokiniana</td>
<td>$35</td>
<td>500 nontreated seed</td>
<td></td>
</tr>
<tr>
<td>Root rot</td>
<td>Cochliobolus sativus</td>
<td>$35</td>
<td>2 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>LETTUCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bacterial leaf spot</td>
<td>Xanthomonas campestris pv. vitians</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Septoria leaf spot</td>
<td>Septoria lutea</td>
<td>$35</td>
<td>1 week</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Lettuce mosaic virus</td>
<td>Lettuce mosaic virus</td>
<td>$160</td>
<td>1 week</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Crop/Disease</td>
<td>Pathogen</td>
<td>Cost</td>
<td>Test duration</td>
<td>Minimum sample size</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------------</td>
<td>-------</td>
<td>---------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>ONION (seeds, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botrytis diseases</td>
<td>Botrytis spp.</td>
<td>$35</td>
<td>2 weeks</td>
<td>500 g nontreated seed</td>
</tr>
<tr>
<td>Onion smut</td>
<td>Urocytis magica</td>
<td>$35</td>
<td>1 week</td>
<td>50 g nontreated seed</td>
</tr>
<tr>
<td>White rot</td>
<td>Sclerotium cepivorum</td>
<td>$35</td>
<td>2 weeks</td>
<td>80 g nontreated seed</td>
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<tr>
<td>PARSLEY</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Alternaria leaf spot</td>
<td>Alternaria dauci (=A. porri)</td>
<td>$60</td>
<td>2 weeks</td>
<td>2 g nontreated seed</td>
</tr>
<tr>
<td>Late blight</td>
<td>Septoria apicola</td>
<td>$35</td>
<td>1 week</td>
<td>15 g nontreated seed</td>
</tr>
<tr>
<td>PEPPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bacterial speck</td>
<td>Pseudomonas syringae pv. tomato</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Bacterial spot</td>
<td>Xanthomonas campestris pv. vesicatoria</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Anthracnose, ripe rot</td>
<td>Colletotrichum spp.</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Tobacco mosaic virus</td>
<td>Tobacco mosaic virus</td>
<td>$60</td>
<td>1 week</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Tomato ring spot virus</td>
<td>Tomato ring spot virus</td>
<td>$60</td>
<td>1 week</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>RICE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brown leaf spot</td>
<td>Drechslera oryzae</td>
<td>$35</td>
<td>2 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Rice blast</td>
<td>Pyricularia grisea</td>
<td>$35</td>
<td>2 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Smut</td>
<td>Tilletia horrida</td>
<td>$35</td>
<td>1 week</td>
<td>100 g nontreated seed</td>
</tr>
<tr>
<td>SAFFLOWER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fusarium wilt</td>
<td>Fusarium oxysporum f. sp. carthami</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Rust</td>
<td>Puccinia carthami</td>
<td>$35</td>
<td>2 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>SPINACH</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leaf spot</td>
<td>Colletotrichum dematium f. sp. spinaciae</td>
<td>$60</td>
<td>2–3 weeks</td>
<td>1000 nontreated seed</td>
</tr>
<tr>
<td>Verticillium wilt</td>
<td>Verticillium dahliae</td>
<td>$35</td>
<td>2–3 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>SUNFLOWER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternaria leaf blight</td>
<td>Alternaria spp.</td>
<td>$35</td>
<td>3 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Downy mildew</td>
<td>Plasmopara halstedii</td>
<td>$125</td>
<td>4–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Fusarium wilt or stalk rot</td>
<td>Fusarium spp.</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Septoria leaf spot</td>
<td>Septoria helianthi</td>
<td>$35</td>
<td>3 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Verticillium wilt</td>
<td>Verticillium sp.</td>
<td>$35</td>
<td>3 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>TOMATO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bacterial speck</td>
<td>Pseudomonas syringae pv. tomato</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Bacterial spot</td>
<td>Xanthomonas campestris pv. vesicatoria</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>Bacterial wilt</td>
<td>Clavibacter michiganensis</td>
<td>$125</td>
<td>2–5 weeks</td>
<td>30,000 nontreated seed</td>
</tr>
<tr>
<td>subsp. michiganensis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fusarium root rot</td>
<td>Fusarium oxysporum f. sp. radicicolyopersici</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Fusarium wilt</td>
<td>Fusarium oxysporum f. sp. lycopersici</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Tobacco mosaic virus</td>
<td>Tobacco mosaic virus</td>
<td>$60</td>
<td>1 week</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Tobacco ring spot virus</td>
<td>Tobacco ring spot virus</td>
<td>$60</td>
<td>1 week</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Tomato mosaic virus</td>
<td>Tomato mosaic virus</td>
<td>$60</td>
<td>1 week</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Tomato ring spot virus</td>
<td>Tomato ring spot virus</td>
<td>$60</td>
<td>1 week</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Potato Spindle Tuber</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Viroid (PSTVd)</td>
<td>PSTVd</td>
<td>$250</td>
<td>3 weeks</td>
<td>1000 seed</td>
</tr>
<tr>
<td>WHEAT AND OTHER GRAINS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glume blotch</td>
<td>Leptosphaeria nodorum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwarf Bunt</td>
<td>Tilletia controversa (Tck)</td>
<td>$35</td>
<td>2–5 weeks</td>
<td>500 nontreated seed</td>
</tr>
<tr>
<td>Flag Smut</td>
<td>Urocystis agropyri (U.a.)</td>
<td>$35</td>
<td>1 week</td>
<td>250 g nontreated seed</td>
</tr>
<tr>
<td>Karnal Bunt</td>
<td>Tilletia indica (T.i.)</td>
<td>$35</td>
<td>1 week</td>
<td>250 g nontreated seed</td>
</tr>
<tr>
<td>Smuts and bunches</td>
<td>Tck + U.a. + T.i.</td>
<td>$50</td>
<td>1 week</td>
<td>250 g nontreated seed</td>
</tr>
<tr>
<td>Smuts and bunches</td>
<td>Tck + U.a. + T.i.</td>
<td>$50</td>
<td>1 week</td>
<td>250 g nontreated seed</td>
</tr>
</tbody>
</table>

(1) Seed Testing. Where noted below, the hourly rate is $60 per hour.
(2) Agricultural seed.
<table>
<thead>
<tr>
<th>Purity Analysis</th>
<th>Germination Test</th>
<th>Tetrazolium Test</th>
<th>Fees for additional tests, examinations, and services as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trefoil</td>
<td>48.00</td>
<td>3.60</td>
<td>California or All State Noxious Weed Seed examination $25.00</td>
</tr>
<tr>
<td>Vetch</td>
<td>62.00</td>
<td>3.10</td>
<td>Complete Other Species examination $35.00</td>
</tr>
<tr>
<td>Wheat</td>
<td>65.00</td>
<td>2.90</td>
<td>Foreign Noxious Weed Seed $35.00</td>
</tr>
<tr>
<td>Wheatgrass</td>
<td>Hourly</td>
<td>3.80</td>
<td>Ryegrass Florense $20.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sclerotia Percentage $35.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Seed Moisture $30.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Soil Quality Exam $35.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Soil Percentage $35.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>X-ray Analysis $35.00</td>
</tr>
</tbody>
</table>

1 Parity Analysis requires a minimum sample of 30,000 seed units and includes California Noxious Weed Seed examination. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

2 Germination or Tetrazolium test requires a minimum sample of 1,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

For germination tests of mixtures of two or more kinds of lawn or pasture seed, which require a purity separation before a germination test is made, the fee will include a purity analysis report if specifically requested.

For germination tests of mixtures of two or more kinds of lawn or pasture seed or all other kinds, the fee will be the sum of the fees established for germination tests of the several components. For a purity analysis of such mixtures, the fee is the same as for that component of the mixture for which the highest charge would be made if analyzed separately. The minimum fee for any mixture will be $60.00.

(2) Vegetable seed.

<table>
<thead>
<tr>
<th>Purity Analysis</th>
<th>Germination Test</th>
<th>Tetrazolium Test</th>
<th>Fees for additional tests, examinations, and services as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asparagus</td>
<td>$35.00</td>
<td>40.00</td>
<td>California or All State Noxious Weed Seed examination $25.00</td>
</tr>
<tr>
<td>Beans</td>
<td>30.00</td>
<td>47.00</td>
<td>Complete Other Species examination $35.00</td>
</tr>
<tr>
<td>Beet</td>
<td>56.00</td>
<td>51.00</td>
<td>Foreign Noxious Weed Seed $35.00</td>
</tr>
<tr>
<td>Broccoli</td>
<td>57.00</td>
<td>31.00</td>
<td>Ryegrass Florense $20.00</td>
</tr>
<tr>
<td>Brussels sprouts</td>
<td>57.00</td>
<td>31.00</td>
<td>Sclerotia Percentage $35.00</td>
</tr>
<tr>
<td>Cabbage</td>
<td>57.00</td>
<td>31.00</td>
<td>Seed Moisture $30.00</td>
</tr>
<tr>
<td>Carrot</td>
<td>61.00</td>
<td>40.00</td>
<td>Soil Quality Exam $35.00</td>
</tr>
<tr>
<td>Cauliflower</td>
<td>57.00</td>
<td>31.00</td>
<td>Soil Percentage $35.00</td>
</tr>
<tr>
<td>Celery</td>
<td>69.00</td>
<td>40.00</td>
<td>X-ray Analysis $35.00</td>
</tr>
<tr>
<td>Chard, Swiss</td>
<td>56.00</td>
<td>51.00</td>
<td></td>
</tr>
<tr>
<td>Chicory</td>
<td>60.00</td>
<td>36.00</td>
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<tr>
<td>Chives</td>
<td>49.00</td>
<td>35.00</td>
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</tr>
<tr>
<td>Corn, sweet</td>
<td>37.00</td>
<td>40.00</td>
<td></td>
</tr>
<tr>
<td>Cucumber</td>
<td>42.00</td>
<td>31.00</td>
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<tr>
<td>Dill</td>
<td>60.00</td>
<td>40.00</td>
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</tr>
<tr>
<td>Eggplant</td>
<td>36.00</td>
<td>36.00</td>
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<tr>
<td>Endive</td>
<td>60.00</td>
<td>40.00</td>
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</tr>
<tr>
<td>Lettuce</td>
<td>52.00</td>
<td>36.00</td>
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</tr>
<tr>
<td>Melon</td>
<td>42.00</td>
<td>36.00</td>
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<tr>
<td>Mustard</td>
<td>57.00</td>
<td>36.00</td>
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</tr>
<tr>
<td>Okra</td>
<td>49.00</td>
<td>31.00</td>
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<tr>
<td>Onion</td>
<td>49.00</td>
<td>31.00</td>
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<tr>
<td>Parsley</td>
<td>60.00</td>
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<tr>
<td>Parsnip</td>
<td>60.00</td>
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<tr>
<td>Pea</td>
<td>30.00</td>
<td>36.00</td>
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<tr>
<td>Pepper</td>
<td>36.00</td>
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<tr>
<td>Pumpkin</td>
<td>42.00</td>
<td>40.00</td>
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<td>Radish</td>
<td>40.00</td>
<td>31.00</td>
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<tr>
<td>Spinach</td>
<td>37.00</td>
<td>31.00</td>
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<tr>
<td>(except New Zealand)</td>
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</tr>
<tr>
<td>Squash</td>
<td>42.00</td>
<td>40.00</td>
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<tr>
<td>Tomato</td>
<td>36.00</td>
<td>36.00</td>
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</tr>
<tr>
<td>Turnip</td>
<td>57.00</td>
<td>36.00</td>
<td></td>
</tr>
<tr>
<td>Watermelon</td>
<td>42.00</td>
<td>36.00</td>
<td></td>
</tr>
</tbody>
</table>

1 Parity Analysis requires a minimum sample of 30,000 seed units and includes California Noxious Weed Seed examination. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

2 Germination or Tetrazolium Tests require a minimum sample of 1,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

1 California, All State and Foreign Noxious Weed Seed examinations and Complete Other Species examination require a minimum sample of 30,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

2 Ryegrass Florense test requires a minimum sample of 1,000 seed units. Samples submitted not meeting the minimum shall not be run. For the minimum weight for a kind of seed, contact the California Seed Laboratory prior to submitting a sample for testing.

3 $20.00 when a purity test, soil exam, sclerotia exam or noxious exam is also requested.

4 In addition to Germination test fee.

Charges for tests of agricultural and vegetable seed kinds not listed and for seed that is unclean, field run, or excessively dirty will be based on the cost of a similar test, or on the time required to run the test at $60.00 per hour ($50.00 minimum charge).

Fees for special handling and services are as follows: International Seed Testing Association (ISTA) $20.00 Canadian Seed Act & Regulations (CSAR) $20.00 Express mailing (Federal Express or others) $3.00 FAXing test results $3.00 per page

1 Additional fee for purity testing.

(g) Postentry Quarantine Program — Charges shall be per postentry quarantine inspection performed as required under federal regulation (7 CFR § 319.37-7) and based upon combining the total amounts of (1) and (2) below. (1) The charge for inspection performed at the postentry quarantine site is $60 per hour.

(2) The charge for travel, based upon the distance traveled from the responsible inspector’s office to the postentry quarantine inspection site, shall be:

(A) $50 for up to 50 miles;
(B) $100 from over 50 to 100 miles;
(C) $150 from over 100 to 150 miles;
(D) $200 from over 150 to 200 miles; and,
(E) $300 for over 200 miles.

(h) Grapevine Registration and Certification Fees.

(1) The annual application fee shall be $200.

(2) Field Planting Inspection Fees

(A) Increase Block, $50 for each acre or portion thereof
(B) Nursery Planting, $120 for each acre or portion thereof

(3) Greenhouse or other non-field planting inspection fees: $100 per each 20,000 square feet or portion thereof.

(i) Phytosanitary Certification. This is a non-regulatory requested service in order to meet a regulatory requirement imposed by another country, state, district or territory. The Secretary of Food and Agriculture, pursuant to Section 5852 of the Food and Agricultural Code, establishes the following schedule of charges and these charges shall be based upon the State or federal certificates issued in California by authorized State or county agricultural commissioners' staff.

(1) Federal Certificates — Charges shall conform to the requirements of federal regulation (7 CFR § 354.35(5)) and are based upon a "cost per certificate."

(A) If the United States Department of Agriculture’s Phytosanitary Certificate Tracking System (PCIT) is used to assess the cost per certificate is $5.30.
(B) If PCIT is not used, the cost per certificate is $5.30.
(2) State Certificates — Charges shall be based upon a “cost–per–
certificate.”
(A) The charge for an original State phytosanitary certificate or certificate of quarantine compliance issued for interstate movement shall be $5.30 if PCIT is used to assess the fee.
(B) If PCIT is not used, the cost per certificate is $5.30.
(3) Collection and Remittance of Fees
(A) Each county agricultural commissioner’s office shall assess the required fees for State and federal phytosanitary certificates and certificates of quarantine compliance upon the issuance of the certificate; except there shall be no additional charge for reissued certificates as a result of an error by the certifying official.
(B) Each county agricultural commissioner’s office shall annually remit any fees collected, except if PCIT is used to assess the fee, to the Department by January 31st, the fees remitted shall be those which were collected within the 12 month period annually beginning on December 1st and ending on November 30th. Fees sent to “collection” and portions of fees reimbursed through the “collection” process need not be remitted.
(C) Except for fees assessed through PCIT, each county agricultural commissioner’s office may include a surcharge for each State or federal certificate issued to recover the approximate costs incurred for collecting and remitting these fees to the Department. This surcharge shall be recovered from the person/business requesting the certificate.
(D) Any county agricultural commissioner’s office issuing less than 100 certificates during the applicable 12 month period is exempt from having to remit the collected fees and they may be retained by the collecting office.
(E) The person/business which is authorized to use a “master certificate” shall remit $125 directly to the Department at the time the “master certificate” is issued and thereafter annually remit $125 directly to the Department by January 31st. This service charge shall be applicable regardless if the “master certificate” is utilized for any portion of the preceding year starting December 1st and ending on November 30th or if the “master certificate” is suspended or revoked for cause by the destination state or the Department during that annual period.
(F) All fees shall be remitted by check made payable to “Department of Food and Agriculture,” mailed to:
CASHIER
DEPARTMENT OF FOOD AND AGRICULTURE
PO BOX 92372
SACRAMENTO, CA 94271-2872
and if a “master certificate” is used, shall be accompanied by letter stating the name of the shipper listed on the compliance agreement and the compliance agreement number.
(G) If not otherwise amended prior to July 1, 2015, this regulation shall sunset.

HISTORY
1. New section filed 11–12–2002; operative 12–12–2002. Pursuant to Food and Agricultural Code Section 5852, subdivision (h), regulations establishing charges for the services listed in subdivision (a) of that section are not subject to review by the Office of Administrative Law (Register 2002, No. 46).
2. New subsections (b)–(f)(2) and amendment of NOTE filed 10–6–2004; operative 11–5–2004 (Register 2004, No. 41). Pursuant to Food and Agricultural Code section 5852(b), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.
3. New subsection (g) filed 3–15–2005; operative 3–17–2005 (Register 2005, No. 7). Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by OAL.
5. New subsections (i)–(j)(3)(G) filed 5–17–2012; operative 7–1–2012. Pursuant to Food and Agricultural Code section 5852(h), regulations establishing charges for services listed in subsection (a) of that section are not subject to review by the Office of Administrative Law. Submitted to OAL for printing only (Register 2012, No. 20).

Division 5. Miscellaneous Matters
[Repealed]


HISTORY
1. Editorial repealer of Chapter 5 (Section 5000), Master Premium List reference (Register 77, No. 10). For prior history, see Register 72, No. 6.
§ 58006. Application of Actual Student Contact Hours of Attendance Procedure.

The actual student contact hours of attendance procedure is based upon a count of students present at each course meeting, and shall apply to:

(a) All credit courses (exclusive of independent study, work experience and distance education courses computed using the alternative attendance accounting procedure described in subdivision (f) of section 58003.1) scheduled to meet for fewer than five days, or credit courses of five or more days which are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets;

(b) All open entry/open exit courses;

(c) All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (f)(2) of section 58003.1;

(d) The attendance of students other than indented apprentices who are actively enrolled in apprenticeships courses of related and supplemental instruction.

(e) A district may use, but shall not be required to use the actual student contact hours of attendance procedure for any other credit course, exclusive of independent study and work experience education courses, which it offers.


HISTORY
1. Amendment of subsections (d) and (f) and NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
2. Amendment of subsections (a) and (e) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).
3. Repealer of subsection (d) and subsection relettering filed 2-3-2015; operative 3-3-2015. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2015, No. 8).

§ 58007. Noncredit Courses.

Contact hours of enrollment in noncredit courses, except for noncredit courses using the alternative attendance accounting procedure described in subdivision (f)(2) of section 58003.1, shall be based upon the count of students present at each course meeting. Full-time equivalent student in noncredit courses shall be computed by dividing the sum of contact hours of enrollment by 525, except for noncredit courses using the alternative attendance accounting procedure described in section 58003.1(f)(2).

Nonresidents may be claimed for purposes of calculating full-time equivalent student only if they are living in California during the period of attendance and are otherwise eligible for such purposes as provided in this chapter.


HISTORY
1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of History 1 (Register 95, No. 23).
6. Amendment of section heading and section filed 7-17-2007; operative 8-10-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 58008. Application of Actual Clock Hours of Teaching Procedure.

Actual clock hours of teaching procedure is based upon a count of each 50- through 60-minute hour of instruction devoted to each indentured apprentice enrolled in and attending apprenticeship courses of related and supplemental instruction pursuant to Labor Code section 3074.

NOTE: Authority cited: Sections 8150-8153.5, 66700 and 70901, Education Code; and Section 3074, Labor Code. Reference: Sections 8150-8153 and 70901, Education Code; and Section 3074, Labor Code.

HISTORY
1. Amendment of section and NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
2. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 106, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58009. Application of Alternate Attendance Procedure for Independent Study, Work-Experience and Certain Distance Education Courses.

(a) For independent study, cooperative work-experience and distance education courses using the attendance accounting procedure specified in subdivision (f) of section 58003.1, one weekly student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census day prescribed in section 58003.1(b) or (c), except for independent study or distance education laboratory courses. For independent study or distance education laboratory courses, weekly student contact hours shall be equivalent to those which would be generated for the same student effort in a laboratory course computed pursuant to subdivisions (b) or (c) of section 58003.1. For purposes of this section only, a "distance education laboratory course" means a distance education course which consists partly or exclusively of laboratory work.

(b) For credit courses, full-time equivalent student in courses described in subdivision (a) offered during the terms is computed by multiplying the weekly student contact hours authorized pursuant to subdivision (a), generated as of the census date prescribed in section 58003.1(b) by the term length multiplier as provided for in section 58003.1, and dividing by 525.

(c) For noncredit courses described in subdivision (a), full-time equivalent student is computed on a census basis as prescribed in section 58003.1(f)(2).

(d) Full-time equivalent student in credit courses described in subdivision (a) which are conducted during a summer or other intercession is computed by multiplying the weekly student contact hours, authorized pursuant to subdivision (a) of this section, generated in each course, by a course length multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such courses conducted in the primary terms, and dividing by 525.


HISTORY
1. New section filed 6-8-83; effective thirtieth day thereafter (Register 83, No. 24).
2. Amendment filed 6-4-85; effective thirtieth day thereafter (Register 85, No. 23).
3. Amendment of subsections (a) and (b) and NOTE filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. Amendment filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).
5. Amendment of section heading and text filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
7. Amendment of subsection (c) filed 12-3-2001; operative 1-2-2002. Submitted to OAL for printing only (Register 2001, No. 50).
9. Amendment of subsections (a), (b) and (d) filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
§ 5809.5. Computation for Work–Experience Education Programs.

For the purposes of computing full-time equivalent student of community college students in cooperative education or work–experience education programs, the following provisions shall apply:

(a) One student contact hour is to be counted for each unit of cooperative education or work–experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and cooperative education or work–experience. The maximum contact hours counted for a student shall not exceed the maximum number of cooperative education or work–experience units for which the student may be granted credit under the rules and regulations of the Chancellor's Office.

(b) "Immediate supervision" of off–campus work stations shall be defined as student participation in on–the–job training as outlined under a training agreement coordinated by the community college district under a state–approved plan, wherein the employer and the qualified community college coordinator share responsibility for on–the–job supervision.


§ 5810. Reporting Date Procedures.

The governing board of each community college district shall report full–time equivalent student in accordance with the provisions of section 58003.4.

(a) Full–time equivalent student for courses using census procedure may be reported in either the fiscal year in which the census day procedure is completed or in which the course ends.

If the summer, full–time equivalent student, reported by a district as specified above, impacts other districts' apportionment to the detriment of the system by maximizing the district's reported FTES, and thereby resulting in the district's prior or succeeding year's reported FTES being less than its funded base FTES, the Chancellor shall have the authority to prescribe the district the reporting of its summer FTES.

(b) For courses using actual student contact hours of attendance procedure, the full–time equivalent student shall be reported in the period immediately following the completion of the course, even if the course overlaps fiscal years.


(a) For each course section census week, as defined in section 58003.1(b), or each course section census day, as defined in section 58003.1(c), a separate tabulation is required for each of the course categories using a census day procedure. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:
   (A) Static course identifier code
   (B) Section identifier code
   (C) Title
   (D) Method of instruction code

(2) Number of days the daily census course is scheduled to meet or number of weeks the weekly census course is scheduled to meet.

(3) Number of class hours each daily census course section is scheduled to meet on the census day or number of class hours each weekly census course is scheduled to meet during the census week.

(4) Beginning and ending dates.

(5) Date of census days.

(6) An alphabetical list of each student actively enrolled in each course section including:
   (A) Name (last, first, initial)
   (B) Student identification code
   (C) Residency category as specified on Form CCPS 320
   (D) Scheduled contact hours per week or per day (or units of credit for which enrolled in independent study and work experience courses).

(b) Each tabulation shall also provide a grand total of student contact hours generated by residency category.


§ 58022. Actual Student Contact Hours of Attendance Procedure Tabulations.

(a) A separate tabulation is required for each of the course categories described in section 58006 of this subchapter. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:
   (A) Static course identifier code.
(B) Section identifier code.
(C) Title.
(D) Method of instruction code.
(2) Number of days the course is scheduled to meet.
(3) Number of clock hours each course section is scheduled to meet.
(4) Beginning and ending dates.
(5) An alphabetical list of each student actively enrolled in each course section indicating:
(A) Names (last, first, initial).
(B) Student identification code.
(C) Residency category as specified on Form CCFS 320.
(D) Actual student contact hours of attendance.
(2) Each tabulation described in this section shall also provide a grand total of actual student contact hours of attendance generated by residency category.
HISTORY
1. Amendment of subsection (a) and NOTE filed 5–15–93; operative 6–4–93 (Register 93, No. 25).
2. Change without regulatory effect amending section and NOTE filed 3–15–2006 pursuant to section 106, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58023. Class Hour Unit.
For purposes of this Article, the class hour unit for graded and ungraded classes is defined as not less than 50 consecutive minutes exclusive of passing time. In block scheduling of more than one class hour only one contact hour may be counted in each clock hour of 60 minutes, except that a fractional part of class hour beyond the last full clock hour may be counted from and including the 51st minute of the last full clock hour providing there is no class break in the last full clock or the partial class hour.
The divisor for this fractional part of a class hour shall be 50.
The Chancellor’s Office may, by rule and regulation, make any and all other provisions necessary to carry out the provisions of this Article.
HISTORY
1. New section filed 3–4–91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4–5–91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 58024. Actual Apprentice Hours of Teaching Procedure Tabulations.
(a) A separate tabulation is required for all indentured apprentices actively enrolled in each apprenticeship course of related and supplementary instruction pursuant to Labor Code Section 3074. Each tabulation shall provide a detailed listing for each course section as follows:
(1) Identification
(A) static course identifier code
(B) section identifier code
(C) title
(D) method of instruction code
(2) number of days the course is scheduled to meet.
(3) number of clock hours each course section is scheduled to meet.
(4) beginning and ending dates.
(5) an alphabetical list of each student considered part of the active enrollment in each course section indicating:
(A) names (last, first, initial)
(B) student identification code, and
(C) actual clock hours (of 50 to 60 minutes) of attendance.
(b) Each tabulation described in this Section shall also provide a grand total of actual clock hours of attendance.

Article 4. Support Documentation

§ 58030. Support Documentation.
The governing board of each district shall adopt procedures that will document all course enrollment, attendance and enrollment information required by the provisions of this subchapter. Authorized procedures shall include rules for retention of support documentation which will enable an independent determination regarding the accuracy of tabulations submitted by the district to the Chancellor’s Office as the basis of its claims for State support. Such support documentation procedures shall provide for accurate and timely attendance and contact hour data and shall be so structured as to provide for internal controls.
The governing board of each district shall, upon request, make available to the Chancellor’s Office a copy of its authorized procedures for course enrollment, attendance and enrollment documentation.
HISTORY
1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 58031. Calculation of Attendance When Records Are Lost or Destroyed.
Whenever any attendance records of any district have been lost or destroyed, making it impossible for an accurate report on full-time equivalent student (FTES) for the district for any fiscal year to be rendered, which fact shall be shown to the satisfaction of the Board of Governors by the affidavits of the members of the governing board of the district, the Board of Governors shall estimate the FTES of such district. The estimated FTES shall be deemed to be the actual FTES for that fiscal year for the making of apportionments to the district from the State School Fund.
HISTORY
1. New section filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
Article 5. Attendance Accounting Standards

§ 58050. Conditions for Claiming Attendance.

(a) All of the following conditions must be met in order for the attendance of students enrolled in a course to qualify for state apportionment:

(1) The course or the program of which it is a part must be approved by the Board of Governors in accordance with the provisions of subchapter 2 (commencing with section 55100) of chapter 6.

(2) The course must meet the criteria and standards for courses prescribed by section 59002.

(3) Unless expressly exempted by statute, the course must be open to enrollment by the general public, in accordance with section 58051.5 and article 1 (commencing with section 58100) of subchapter 2 of this chapter.

(4) The district may not receive full compensation for the direct education costs for the course from any public or private agency, individual or group of individuals in accordance with section 58051.5.

(5) The students enrolled in the course must be engaged in educational activities required of such students as described in the course outline of record. The number of contact hours for which apportionment is claimed shall not exceed the number specified in the course outline of record, subject to computation adjustments authorized pursuant to other provisions of this subchapter including, but not limited to, sections 58003.1, 58023 and 58164. If the course involves student use of district computers, other equipment, or facilities, the district shall monitor usage of such equipment or facilities as part of the course to ensure that they are used solely for the specified educational activities.

(6) The students must be under the immediate supervision of an employee of the district, unless provided otherwise by law.

(7) The employee of the district must hold valid and unrevoked credentials or be employed pursuant to minimum qualifications adopted by the Board of Governors or equivalencies pursuant to section 53430 authorizing the employee to render service in the capacity and during the period in which the employee served.

(b) The regulations in this article are intended to clarify and interpret attendance accounting terminology used in subsection (a), and in sections 58051 and 58055.


History. 1. Amendment filed 12-28-83; effective upon filing pursuant to Government Code section 11346.2d (Register 83, No. 53).

2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

3. Amendment of section and Note filed 12-30-2005; operative 1-29-2006. Submitted to OAL for printing only (Register 2006, No. 1).

4. Change without regulatory effect amending subsection (a)(2) filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

5. Amendment of subsections (a) and (c)(7) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58061. Method for Computing Full-Time Equivalent Student (FTES).

(a)(1) Except as otherwise provided, in computing the full-time equivalent student of a community college district, there shall be included only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the district authorized to render service in the capacity and during the period in which he or she served.

(2)(A) A community college district may also include the attendance of students enrolled in approved courses or programs of independent study who are under the supervision, control, and evaluation, but not necessarily in the immediate presence, of an academic employee of the district who is authorized to render such service.

(B) The community college district shall determine the nature, manner, and place of conducting any independent study courses or program in accordance with the requirements of this section and article 3 (commencing with section 55230) of subchapter 3 of chapter 6.

(C) Each district conducting independent study courses shall ensure that the components of each independent study course or program for each student shall be set out in a written record or program, including the number of units (if applicable) and hours of study required, the arrangements for consultation with the instructor, and the work product to be evaluated.

(3) A community college district may also include the attendance of students enrolled in approved distance education in accordance with the provisions of article 1 (commencing with section 55200) of subchapter 3 of chapter 6.

(b) For the purpose of work-experience education programs meeting the standards of the Carl D. Perkins Career Technical Education Act of 2006 California State Plan (or any successor agreement related to career technical education), "immediate supervision" of off-campus work training stations means student participation in on-the-job training as outlined under a training agreement, coordinated by the community college district under a state-approved plan, wherein the employer and academic school personnel share the responsibility for on-the-job supervision. The student/instructor ratio in the work-experience education program shall not exceed 125 students per full-time equivalent academic coordinator.

(c) For purposes of computing the full-time equivalent student of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. However, prerequisites for the courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.

(d) Notwithstanding subdivision (c) and any regulations related thereto, a community college may give preference in enrollment to persons who are employed by, or serving in a voluntary capacity with, a fire protection or fire prevention agency in any course of in-service fire training at the community college in cooperation with any fire protection or fire prevention agency or association. Preference shall only be given when such persons could not otherwise complete the course within a reasonable time and when no other training program is reasonably available. At least 15 percent of the enrollment in in-service fire training courses shall consist of persons who are neither volunteers of, nor employed by, a fire protection or fire prevention agency or association, if the persons are available to attend a course. Full-time equivalent student for the courses may be reported for state aid.

(e) Subdivision (d) shall apply only to the following:

(1) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, have been, as of January 1, 1980, the primary source of in-service fire training for any fire protection or fire prevention agency or association.

(2) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, establish in-service fire training for any fire protection or fire prevention agency or association which did not have in-service fire training, prior to January 1, 1980.

(f) In the event that in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.
(g) As a condition of claiming state apportionment, in addition to all other applicable apportionment eligibility requirements, for in-service training courses in the areas of police, fire, corrections, and other criminal justice occupations, community college districts conducting in-service training courses must adhere to all applicable conduct of course and student attendance tracking requirements prescribed by law and/or the state public safety agency responsible for adopting training standards in the in-service training course area in which the student is licensed, certified or employed. For purposes of claiming state apportionment, the units of full-time equivalent student shall be computed for courses consistent with the provisions of section 58003.1(a).


HISTORY
1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

2. Amendment of subsections (a)(2) and (d) and new subsection (a)(3) filed 4-29-94; operative 5-29-94. Submitted to OAL for printing only (Register 94, No. 18).

3. Amendment of section heading and text filed 5-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 30).

4. Editorial correction of History 1 (Register 95, No. 23).


7. Repealer and new subsection (g) and amendment of Note filed 2-3-2015; operative 3-5-2015. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2015, No. 5).

§ 58051.5. Reports for Apportionment; Prohibited Classes.
(a) No community college district may claim for purposes of state apportionment any classes:
(1) If the district receives full compensation for direct education costs for the class from any public or private agency, individual or group of individuals, or
(2) If the public or private agency, individual or group of individuals, with whom the district has a contract and/or instructional agreement, has received from other sources full compensation for the direct education costs for the conduct of the class; or
(3) If such classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to ensure that attendance in such classes is open to the general public, except that students may be required to meet prerequisites which have been established pursuant to sections 55002 and 55003.
(b) For classes that are not fully funded under contracts identified in paragraph (a)(2) and are claimed for apportionment purposes, the community college district shall require the contracting entity to certify that the direct education costs of the activity are not being fully funded through other sources.


HISTORY
1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

2. Amendment filed 4-1-92; operative 5-4-92 (Register 92, No. 15).

3. Amendment of opening paragraph and subsection (b) filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

4. Amendment of subsections (a)(b) filed 6-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

5. Editorial correction of History 1 (Register 95, No. 23).

6. Amendment of section and Note filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).

7. Editorial correction of subsection (a)(2) (Register 98, No. 36).


§ 58051.6. Full-Time Equivalent Student; Adult Education for Inmates of City, County, or City and County Jail, Road Camp, Farm or Federal Correctional Facility.
(a) Notwithstanding sections 58050 and 58051.5(a)(3), the governing board of a community college district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults, or a federal correctional facility may include the units of full-time equivalent student generated in those classes and computed pursuant to section 58003.1, for purposes of state apportionments. However, apportionments for these units, whether generated in credit or noncredit courses, shall be limited to the lesser of either the district's prior year's level of funding or the noncredent apportionment rate as determined by the Chancellor, multiplied by the full-time equivalent student generated in such classes.
(b) Any courses conducted under this section shall conform to the criteria and standards adopted by the Board of Governors under section 70901 of the Education Code, and shall be submitted to the Board of Governors for approval.


HISTORY
1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

2. Editorial correction of printing error in subsection (a) (Register 91, No. 43).

3. Amendment of section heading, text and Note filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

4. Editorial correction of History 1 (Register 95, No. 23).

5. Amendment filed 11-6-97; operative 12-6-97. Submitted to OAL for printing only (Register 97, No. 46).

6. Amendment of section and Note filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58052. Basic Requirement.
The Board of Governors finds that the language quoted in Section 58051(a)(1) is the basic attendance accounting requirement for community colleges, and that the language is intended to promote the following purposes:
(a) To ensure the effectiveness of instruction;
(b) To ensure that state aid is apportioned according to the same standards to all districts;
(c) To ensure the safety of students; and
(d) To ensure that the state, districts, and students receive a reasonable return for monies expended.


HISTORY
1. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§ 58054. Educational Activities Required of Students. [Repealed]


HISTORY
1. Repealer filed 12-17-84; effective thirty days thereafter (Register 84, No. 51).

§ 58055. Immediate Supervision.
(a) For the purposes of health sciences education programs in community colleges, "immediate supervision" means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the student in clinical activities with academic personnel of the district. In all such cases the person to whom the pupil is required to report and who is not an academic district em-
employee shall possess a valid certificate or license to practice a healing art in California.

(b) For the purposes of educational programs sponsored by the California Firefighter Joint Apprenticeship Program, the term "immediate supervision" as used in section 58051 means, in the context of classes conducted at the workplace, student participation in classes instructed by a person who is qualified, by means of education or experience, as a journeyman, and shares the responsibility for supervision of the students participating in the classes with academic personnel of the district.

(c) For the purposes of early childhood education programs in community colleges, "immediate supervision" means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students in student teaching activities with academic personnel of the district. In all such cases the person to whom the student is required to report and who is not an academic district employee shall possess at a minimum a Master Teacher Child Development Permit issued by the California Commission on Teacher Credentialing, or the equivalent.


§ 58056. Immediate Supervision and Control.

(a) Subdivision (a)(1) of section 58051 requires, as a condition for granting attendance for appointment purposes, the immediate supervision and control of an academic employee authorized to render service in a capacity and during the period in which he or she served. Immediate supervision and control requires the presence of the authorized employee. More specifically, immediate supervision or presence is characterized by all of the following:

(1) The authorized employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and

(2) The authorized employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and

(3) The authorized employee shall be to have any other assigned duty during the instructional activity for which attendance is being claimed. The criteria specified above are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

(b) Under the following limited circumstances, attendance of students enrolled in a course or program which does not meet the requirements of subdivision (a) shall qualify for appointment purposes if:

(1) The course or program is approved and being conducted as distance education in accordance with article 1 (commencing with section 55200) of subchapter 3 of chapter 6; or

(2) The course or program is approved and being conducted as independent study in accordance with subchapter 4 (commencing with section 55300) of chapter 6; or

(3) The course or program is approved and being conducted as work experience education in accordance with article 4 (commencing with section 55250) of subchapter 3 of chapter 6 of this part; or

(4) The course or program is approved and is being conducted as health sciences education in accordance with section 58055(a).

(c) Attendance generated solely under an instructional assistant or aide does not qualify for appointment. In addition, instructional aides shall not be used to increase the number of students in relation to the number of classroom instructors in the district. However, attendance may qualify for appointment under the following limited circumstances:

(1) The assistant or aide functions under the exclusive direction of the authorized employee assigned to that educational activity, and not independently; and

(2) The assistant or aide performs only those duties specifically authorized by law, including, but not limited to, sections 88240–88249 of the Education Code; and,

(3) The authorized employee is able, in terms of physical proximity and range of communication, to provide necessary supervision and control of students, so that by working in conjunction with the assistant or aide, the requirements of subsection (a) of this section are met.


HISTORY
1. Amendment filed 10–25–91; operative 11–24–91 (Register 92, No. 9).
2. Amendment of subsections (b)(1) and (b)(3) filed 5–16–2008; operative 6–15–2008; Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58058. Employee of the District.

(a) A person is an "employee of the district" within the meaning of subdivision (a)(1) of Section 58051 if:

(1) The district has the primary right to control and direct the person’s activities during the time such person is serving the district; and

(2) A contract exists between the person and the district, indicia of which may include provisions which specify the terms and conditions of work, salary and other compensation, work to be performed, and employment classification; and,

(3) The district compensates the person according to an accepted salary or wage schedule which complies with the provisions of Article 8 (commencing with Section 87801), Chapter 3, Part 51 of the Education Code.

(b) For the purposes of complying with the requirements of this section, a district may also contract for instruction to be provided by a public or private agency. Such contracts shall specify that the district has the primary right to control and direct the activities of the person or persons furnished by the public or private agency during the term of the contract. In addition, the district shall enter into a written contract with each person furnished by the public or private agency; and said contracts shall meet the requirements of subsection (a)(1) and (2) of this section. In this manner an individual employed will continue to be an employee of a public or private agency, while at the same time qualifying as an employee of the district.


HISTORY
1. Amendment of subsections (a) and (a)(2) and Note filed 10–25–91; operative 11–24–91 (Register 92, No. 9).

§ 58060. Valid Employment Qualifications.

For the purposes of Sections 58051 and 58056, the employee is deemed authorized to perform the services because he or she is employed pursuant to a valid, unrevoked credential issued by the Board of Governors or pursuant to minimum qualifications adopted by the Board of Governors or equivalencies pursuant to Section 53430.

(a) If the person serves pursuant to a credential,

(1) It must authorize the holder to provide instruction in the particular subject matter or matters; and

(2) It must authorize the holder to provide that instruction during the period in which the holder is providing it.

(b) If the person serves pursuant to minimum qualifications adopted by the Board of Governors or equivalencies, the qualifications or equivalencies must be related to the assignment and effective during the period of instruction for which attendance is being claimed.

(c) For purposes of this section, an employee is deemed authorized to perform the services if he or she is employed as a faculty intern.


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Subchapter 2. Limitations on State Aid

Article 1. Open Courses

§ 58100. Open Enrollment. [Repealed]


§ 58102. Course Description.

The description of each course shall be clear and understandable to the prospective student and shall be published in the official catalog, and/or schedule of classes, and/or addenda.

A course description may indicate that the course is designed to meet certain specialized needs. If so indicated, the availability of the course to all qualified students must also be affirmed.


[The next page is 394.19.]
§ 58507. Program Changes.

A community college district may allow a student to add or drop classes during the term pursuant to district policy. The enrollment fee shall be adjusted to reflect added or dropped courses as allowed by district policy.


History
1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State, operative 4-3-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment of section and Note filed 2-24-93; operative 3-26-93 (Register 93, No. 9).
3. Editorial correction of History 2 (Register 93, No. 23).

§ 58508. Refunds.

(a) A community college district governing board shall refund upon request any enrollment fee paid by a student pursuant to section 58501 for program changes made during the first two weeks of instruction for a primary term—length course, or by the 10 percent point of the length of the course for a short-term course.

(b) A student shall be allowed at least two weeks from the final qualifying date of the program change specified in subdivision (a) to request an enrollment fee refund.

(c) A community college district shall not refund any enrollment fee paid by a student for program changes made after the first two weeks of instruction for a primary term—length course, or after the 10 percent point of the length of the course for a short-term course, unless the program change is a result of action by the district to cancel or reschedule a class or to drop a student pursuant to subdivision (f) of section 55003 where the student fails to meet a prerequisite.

(d) When refunding an enrollment fee pursuant to subdivision (a), a community college district may retain any semester or quarter an amount not to exceed $10.00.

(e) If the district has adopted a withdrawal policy pursuant to section 55024, any student who is a member of an active or reserve United States military service, and who has withdrawn from courses due to military orders, may file a petition with the district requesting refund of the enrollment fee. The district shall refund the entire fee unless academic credit has been awarded.

(f) Prior to refunding any enrollment fee or tuition, the district may determine if the student received federal Title IV funds during the term of enrollment. If funds were received, the refund may be held for up to 30 days while the district determines if any institutional or student return to the federal Title IV programs is due under Section 485 of the Higher Education Amendments of 1998, P.L. 105-244. If a refund is deemed to be required, the amount of enrollment fee refund may first be used to meet any return obligation of the district and, if an amount of enrollment fee refund remains after the district obligation has been met, that amount may be used to meet any return obligation of the student. If an enrollment fee refund amount remains after all return obligations have been met, the student shall receive the remainder.


History
1. New section filed 9-5-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 36).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State, operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. New subsection (d) filed 5-20-91 and submitted to OAL on 5-24-91 for printing only pursuant to Education Code section 70901.5; operative 6-19-91 (Register 91, No. 31).
4. Amendment of subsection (b) filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
5. Amendment of section and Note filed 2-24-93; operative 3-26-93 (Register 93, No. 9).
6. Editorial correction of History 2 (Register 93, No. 23).
7. Amendment of subsection (a) (c) and Note filed 5-25-94; operative 6-24-94; submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
8. Editorial correction of History 1 (Register 95, No. 23).
10. Change without regulatory effect amending subsections (a)—(c) filed 3-15-2006 pursuant to section 100; title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
11. Amendment of subsections (c) and (d) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

§ 58509. Authority of Chancellor to Waive Provisions to Accommodate Students Impacted by Extraordinary Conditions.

(a) Notwithstanding section 58508, a community college district may provide a full refund of enrollment fees to any student who withdrew from one or more classes, where the district finds that such withdrawal was necessary for one of the following reasons:

1. The college attended by the student was closed or the college was unable to provide all or substantially all of the instruction in the course or courses in which the student was enrolled due to fire, flood or other weather conditions that prevented access to the courses.
2. Although the district does not qualify for an apportionment adjustment pursuant to section 58146, one of the conditions enumerated in that section made it difficult or impossible for the student to attend one or more classes because the student was actively engaged in responding to the fire, flood or other conditions or because such condition required the student to evacuate his or her home.
3. Consistent with section 55024, a community college district need not record a "W" on the academic records of a student who withdraws from one or more classes due to any of the circumstances described in subdivision (a).
4. The Chancellor is authorized, upon receipt of a written request from a community college district, to waive any provision of this title in order to accommodate students affected by any of the circumstances described in subdivision (a).


History
1. New section filed 9-31-2000 as an emergency; operative 9-31-2000. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 2000, No. 40).
2. Repealer and new section filed 1-16-2004; operative 1-12-2004. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2004, No. 11).
3. Amendment filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
4. Amendment of section heading and subdivision (a), new subsections (a)(1)-(a)(2) and amendment of section (a) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).

Article 2. Student Center Fee

§ 58510. Student Center Fee Election.

If it desires to exercise the authority given by section 76775 of the Education Code, the governing board of a community college district shall
establish procedures for an election conducted for the purpose of collecting a student body center building and operating fee, and call an election for such purpose. The procedures shall be developed in consultation with the student government body of the college(s) at which the fee would be assessed. The election shall, at minimum, meet the following criteria:

(a) The governing board shall make available in its district office and the student government office written information regarding the election procedures. Such information shall be made available to the public upon request.

(b) Adequate notice of the election shall be given. Adequate notice is deemed to be at least ten school days prior to the election date.

(c) The election shall be held on a day which counts toward the 175 day requirement set forth in section 58142. In instances where the election is conducted for more than one day, those days shall be consecutive and shall be limited to a maximum of five days.

(d) The ballot proposal seeking authorization of the fee shall specify the intended duration of the fee and the intended use of the fee revenue.

(e) The election shall be conducted in a manner that would allow equal opportunity for day and evening students to participate.


HISTORY
1. New article filed 5-12-88; operative 5-12-88 (Register 88, No. 20).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending first paragraph, subsection (c) and Note filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Article 3. Transportation Services Fees

§ 58520. Transportation Services Fee Election. [Repealed]


HISTORY
1. New article 3 (section 58520) and section filed 7-20-2007; operative 8-19-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

Subchapter 7. Student Financial Aid

§ 58600. Scope.

This subchapter governs the administration of student financial aid allocated by the Board of Governors to community college districts.


HISTORY
1. New chapter 7 (sections 58600-58630, not consecutive) filed 9-20-84; effective upon filing pursuant to Government Code section 11346.2(d) (register 84, No. 40).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and Note filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58601. Definitions.

As used in this subchapter:
Board of Governors Fee Waiver. An instrument used by a community college district to process the financial assistance provided to eligible students pursuant to the terms of this subchapter.


HISTORY
1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and Note filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58610. Allocations.

(a) The Chancellor shall estimate each community college district's need for Board of Governors Grants, and shall allocate funds to districts based on that anticipated need.

(b) In estimating each district's need for these financial assistance funds the Chancellor shall consider the following factors:

1. The number of Pell Grant recipients in the district in the previous fiscal year;
2. The estimated number of students in the district who are eligible pursuant to Education Code section 76300;
3. The estimated number of low-income students in the district who are enrolled for fewer than six units.

4. All the Chancellor shall apportion the allocations in the advanced apportionment certified by the Chancellor.


HISTORY
1. Amendment of subsections (j) and (k) filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending subsection (b)(2) and Note filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58611. Adjustments.

Districts shall report the number of and amounts provided for Board of Governors Grants. The Chancellor shall then adjust the financial assistance allocation in the first and second principal apportionments to reflect each district's actual expenditure of funds allocated pursuant to this subchapter. Any necessary additional adjustments shall be made in the applicable fiscal year recalculations.


HISTORY
1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and Note filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58612. Financial Assistance Awards.

(a) A community college district shall provide Board of Governors Fee Waivers to all students who are eligible and who apply for this assistance.

(b) Nothing in this subchapter shall prohibit a community college district from establishing a date beyond which it will not accept applications for this financial assistance.
§ 58613. Award Amounts.

Board of Governors Grants shall be made in the amount of the enrollment fee calculated pursuant to section 58507.


HISTORY
1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending section (c) and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58620. Student Eligibility: Board of Governors Fee Waiver.

To be eligible for a Board of Governors Fee Waiver, a student must:
(a) Be a California resident; so long as a person qualifies for a military statutorily required exemption to residence determination pursuant to Education Code section 68074, 68075, or section 68075.5, or is statutorily required to be exempted from paying nonresident tuition pursuant to Education Code section 68310.5, he or she shall be deemed a California resident for purposes of this section; and
(b) Meet one of the following criteria:
(i) Income Standards.
(A) Be a single and independent student having no other dependents and whose total income in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of one; or be a married, independent student, or an independent student in a registered domestic partnership (RDP), having no dependents other than a spouse, whose total income of both student and spouse or RDP in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of two.
(B) Be a student who is dependent in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size.
(C) Provide documentation of taxable or untaxed income.
(D) Be a student who is married, in a registered domestic partnership, or a single head of household in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size.
(E) Be an independent student whose Estimated Family Contribution as determined by federal methodology is equal to zero or a dependent student for whom the parent portion of the Estimated Family Contribution as determined by federal methodology is equal to or less than zero.
(F) For purposes of this subdivision, U.S. Department of Health and Human Services Poverty Guidelines used each year shall be the most recently published guidelines immediately preceding the academic year for which a fee waiver is requested.
(b) Current recipient of benefits described in Education Code section 76300(g).
(A) At the time of enrollment be a recipient of benefits under the Temporary Assistance for Needy Families (TANF) program. A dependent student whose parent(s) or guardian(s) are recipients of TANF shall be eligible if the TANF program grant includes a grant for the student or if the TANF grant is the sole source of income for the parent or guardian.
(b) At the time of enrollment be a recipient of benefits under Supplemental Security Income (SSI) program. A dependent student whose parent(s) or guardian(s) are recipients of SSI shall be eligible if the SSI program grant is the sole source of income for the parent(s) or guardian(s).
(C) At the time of enrollment be a recipient of benefits under the General Assistance program.
(D) Provide documentation that the student is a recipient of benefits under one of the programs identified in Education Code section 76300(g) and (h) at the time of enrollment. Documentation sufficient to meet the requirements of this subdivision shall provide official evidence of these benefits.
(E) Need-Based Financial Aid Eligibility. Any student who has been determined financially eligible for federal and/or state need-based financial aid.
NOTE: Authority cited: Sections 66700, 68044, 70901, 76300 and 76305.5, Education Code. Reference: Sections 68074, 68075 and 76300(g) and (h), Education Code; 20 U.S.C. Section 1070(a); and 34 C.F.R. Section 674.12.

HISTORY
1. Amendment filed 11-15-85; effective thirtieth day thereafter (Register 85, No. 46).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(a).
3. Editorial correction of History 2 (Register 95, No. 23).
4. Change without regulatory effect amending section and NOTE filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

§ 58621. Loss of Eligibility.

(a) (1) Districts shall adopt policies providing that a student who is otherwise eligible for a Board of Governors Fee Waiver shall become ineligible if the student is placed on academic or progress probation, as defined in section 55031(a) or (h), or any combination thereof for two or more consecutive terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made. (2) Foster Youth, as defined in Education Code 66025.5(b), shall not be subject to loss of BOG Fee Waiver under this section. This exemption is effective until the date specified in Education Code 66025.5(c).
(b) For purposes of this section, primary terms are fall and spring semesters for colleges on a semester system and fall, winter, and spring quarters for colleges on a quarter system. Terms shall be considered consecutive on the basis of the student’s enrollment so long as the break in the student’s enrollment does not exceed one primary term.
(c) Districts shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing BOG Fee Waiver eligibility. Dissemination includes but is not limited to information provided in college catalogs and class schedules.
(d) Students placed on academic or progress probation pursuant to section 55031(a) or (h) shall be notified of their status no later than thirty
§ 58700. Introduction.
(a) The criteria and standards set forth in this Subchapter shall serve as the basis for making the Board of Governors' annual budget request for the California Community Colleges to the Governor and the Legislature and as the basis for Board of Governors' allocation of the state general apportionment revenues.
(b) The provisions of Chapter 5, Article 2.5 of Part 50 of the Education Code and the provisions of this Subchapter shall be the sole basis for budget requests and allocations of state general apportionment revenues.
(c) Notwithstanding the foregoing, adjustments for prior year apportionments shall be made using the funding mechanism applied for apportionment purposes in the year for which adjustments are made.

§ 58702. Scope of Subchapter.
This subchapter applies to the allocation of general state apportionment.

§ 58702.5. Waiver
The Chancellor is authorized to waive or adjust any provision of this Subchapter as necessary to ensure that districts not party to district reorganization authorized by Education Code Sections 74265 and 74265.5 will not be adversely affected during the fiscal year in which such reorganization occurs.

§ 58704. System Funding Principles.
(a) General funding for community college districts shall be prior year general apportionment revenue (state and local) adjusted for any amount attributed to a deficit mechanism, with revenue adjustments being made for inflation, increases or decreases in FTES (Full-Time Equivalent Student) and such other adjustments as are authorized by law.
(b) The funding mechanism for community college districts shall be based on the principles contained in Education Code sections 84750.5 and 84760.5, and such other categories of operation as may, from time to time, be determined by the Legislature.
(c) The funding mechanism for community college noncredit activities shall be as specified in section 84750.5(d)(2) of the Education Code.
(d) The following funding rates apply to the specified workload measures as follows:
(1) The marginal funding rate for credit revenue per FTES shall be not less than four thousand three hundred sixty-seven dollars ($4,367), to be revised per the recognized change in the cost-of-living specified in subsequent annual Budget Acts.

(2) The marginal funding rate for noncredit revenue per FTES shall be not less than two thousand six hundred twenty-six dollars ($2,626), to be revised per the recognized change in the cost-of-living specified in subsequent annual Budget Acts.

(3) The marginal funding rate for career development and college preparation FTES may be at a uniform rate of three thousand ninety-two dollars ($3,092), to be revised per the recognized change in the cost-of-living specified in subsequent annual Budget Acts. This funding authorization is contingent on an adequate appropriation dedicated for this purpose in the annual budget.

(4) Changes in FTES shall result in adjustments to credit, noncredit, and career development and college preparation revenues based on the respective marginal funding rates for credit, noncredit, and career development and college preparation FTES.

(A) Increases in FTES shall result in an increase in its respective revenue in the year of the increase and at its associated marginal rate per FTES, including any cost-of-living adjustment authorized by statute or by the annual Budget Act.

(B) Decreases in FTES shall result in a revenue reduction for its respective workload in the year following the decrease and at its associated marginal rate per FTES.

(c) Nothing in these regulations for state apportionment allocation shall require district governing boards to expend allocated revenues in specified categories of operation or according to workload measures contained herein.

(f) The Chancellor may develop and provide for district use, any procedures, processes and formulas he or she deems necessary to the utilization of the criteria and standards specified herein.


§ 58706. Definitions. [Repealed]


HISTORY
1. New section filed 5–29–91 and submitted to OAL. 6–3–91 for printing only pursuant to Education Code section 70901.5; operative 6–30–91 (Register 91, No. 28).
3. Repealer of subsection (c) and subsection relettering filed 7–17–2007; operative 8–16–2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

§ 58707. Adjustments Under Former Funding System.

The following articles of this subchapter shall remain in effect only for purposes of program–based funding and for making adjustments for periods when funding was allocated under program–based funding. These articles do not apply in any way to the funding system described in section 58704 or the allocation process prescribed in Education Code section 84750.5:

Article 2. Credit Instruction
Article 3. Credit Instructional Services
Article 4. Credit Student Services
Article 5. Maintenance and Operations
Article 6. Institutional Support
Article 7. Noncredit Activities

[The next page is 394.35.]
4) Guardian Life Insurance Company of America and Managed Dental Care of California
5) LIBERTY Dental Plan of California, Inc., a CA corporation
6) Metropolitan Life Insurance Company and Safeguard Health Plans, Inc
7) Premier Access Insurance Company and Access Dental Plan of California,

(c) Submission Requirements: Entities eligible to apply for recertification to participate in the Individual or SHOP Exchange or who intend to submit a proposed family dental plan must comply with the submission date and requirements in (c)(2) if the events in subdivision (c)(3) do not occur.

(1) Submit a notice to Covered California indicating intent to request recertification no later than 5:00 pm Pacific Time on March 17, 2014.
(2) Complete the application in subdivision (d) and submit to Covered California in its entirety no later than 5:00 pm Pacific Time on May 1, 2014.

(3) If the California Legislature amends Health and Safety Code §1399.849(c)(1) and Insurance Code § 10965.3 to set the start of open enrollment for the 2015 plan year as November 15, 2014 or any another date, applicants are required to complete the application in subdivision (d) and submit to Covered California in its entirety on or before 5:00 pm Pacific Time on June 2, 2014.


1. New section filed 3–10–2014 as an emergency; operative 3–10–2014 (Register 2014, No. 11). A Certificate of Compliance must be transmitted to OAL by 9–3–2014 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 2013, No. 42.

2. New section referred 9–2–2014 as an emergency pursuant to Government Code section 100504(a)(g), as modified by Senate Bill 857 (Stats. 2014, c. 31); operative 9–2–2014 (Register 2014, No. 36). A Certificate of Compliance must be transmitted to OAL by 3–10–2016 pursuant to Government Code section 100504 or emergency language will be repealed by operation of law on the following day.


The purpose of this section is to set forth the requirements for eligible applicants to request recertification of their QHPs for the Plan Year 2016 for the individual Exchange and for the SHOP Exchange. Applicants must complete the QHP Issuer Recertification Application for Plan Year 2016 dated January 15, 2015, a form which is incorporated by reference, in order for Issuer’s QHPs to be recertified for sale through Covered California in 2016. If an applicant meets the requirements for recertification, that issuer will be approved to offer, market and sell certified QHPs through Covered California for the Plan Year 2016. If an applicant’s QHPs fail to meet the requirements for recertification for 2016, Covered California will decertify some or all of the applicant’s plans for 2016.

(a) The definitions in Section 6410 of Article 2 of this chapter shall govern this section unless a conflict exists. If a conflict exists, definitions in Section 6428 shall prevail.

(b) Applicants eligible to complete the QHP Issuer Recertification Application for Plan Year 2016 dated January 15, 2015 to be recertified to participate in the Individual Exchange in 2016 are limited to the entities listed below:

1. Blue Cross of California dba Anthem Blue Cross
2. California Physicians’ Service dba Blue Shield of California
3. Chinese Community Health Plan, Inc.
4. Health Net Life Insurance Company
5. Health Net, Inc.
7. L.A. Care Health Plan Joint Powers Authority
8. Molina Healthcare of California
9. Sharp Health Plan
10. County of Santa Clara dba Valley Health Plan
11. Western Health Advantage
12. Alameda Alliance Joint Powers Authority dba Alameda Alliance for Health
13. Ventura County dba Ventura County Health Care Plan
(c) Applicants eligible to complete the QHP Issuer Recertification Application for Plan Year 2016 dated January 15, 2015 to be recertified to participate in the SHOP Exchange are limited to the entities listed below:

1. California Physicians’ Service dba Blue Shield of California
2. Chinese Community Health Plan, Inc.
3. Health Net Life Insurance Company
4. Kaiser Foundation Health Plan, Inc.
5. Sharp Health Plan
6. Western Health Advantage

(d) Submission Requirements. Entities eligible to apply to be recertified to participate in the Individual Exchange or in the SHOP Exchange must comply with the submission dates and requirements as follows:

(1) Submit a notice to Covered California indicating the applicant’s intent to request recertification no later than 5:00 pm Pacific Time on February 16, 2015.
(2) Complete the application referenced in subdivision (e) and submit to Covered California in its entirety no later than 5:00 pm Pacific Time on May 1, 2015.

(e) Qualified Health Plan (QHP) Issuer Recertification Application for Plan Year 2016 dated January 15, 2015. Applicants who are eligible to complete the QHP Issuer Recertification Application for Plan Year 2016 for participation in the Individual Exchange or in the SHOP Exchange must complete the following: QHP Issuer Recertification Application for Plan Year 2016 dated January 15, 2015.


1. New section filed 2–5–2015 as an emergency pursuant to Government Code section 100504(a)(6), as modified by Senate Bill 857 (Stats. 2014, c. 31); operative 2–5–2015 (Register 2015, No. 6). A Certificate of Compliance must be transmitted to OAL by 2–4–2017, pursuant to Government Code section...
§ 6430. Qualified Health Plan (QHP) New Entrant Certification Application for Plan Year 2016
Dated January 15, 2015.

The purpose of this section is to set forth the requirements for eligible applicants to request certification as a Qualified Health Plan for the Plan Year 2016 dated January 15, 2015 for the Individual Exchange and for the SHOP Exchange. Applicants must complete the Qualified Health Plan (QHP) New Entrant Certification Application for Plan Year 2016 dated January 15, 2015, which is incorporated by reference, in order to request certification of its plan offerings as Qualified Health Plans for 2016 Plan Year. If an applicant meets the requirements for certification and Covered California, in its sole discretion, determines that Qualified Health Plans proposed by the applicant meet the requirements and are necessary, some or all of that applicant’s proposed plans may be certified as Qualified Health Plans by Covered California for the Plan Year 2016. If an applicant fails to meet the requirements for certification as a Qualified Health Plan for 2016 or if Covered California, in its sole discretion, determines that the applicant’s offerings are not necessary in a given geographic service area, Covered California may decline to certify some or all of the applicants proposed plans for 2016.

(a) The definitions included in 10 CCR 6410 shall govern this section.
(b) Applicants eligible to complete the Qualified Health Plan (QHP) New Entrant Certification Application for Plan Year 2016 dated January 15, 2015 to be certified to participate in the Individual Exchange in 2016 are limited to entities below:
1. Health issuers who received their license or certificate of authority to offer, market or sell health insurance or a health plan from a California state regulator as of August 12, 2012;
2. Medi-Cal Managed Care Plan (MMCP): An entity contracting with the Department of Health Care Services to provide health care services to enrolled Medi-Cal beneficiaries under Chapter 7, commencing with Section 14000, or Chapter 8, commencing with Section 14200, of Division 9, Part 3, of the Welfare and Institutions Code; or
(c) Applicants who are eligible to complete the Qualified Health Plan (QHP) New Entrant Certification Application for Plan Year 2016 dated January 15, 2015 for participation in the SHOP Exchange include any entity licensed to offer, market or sell small group health insurance in California.
(d) Submission Requirements: Entities eligible to apply for certification to participate in the Individual or SHOP Exchange must comply with the submission date and requirements as follows:
1. Submit a notice to Covered California indicating the applicant’s intent to request certification no later than 5:00 pm Pacific Time on February 16, 2015.
2. Complete the application referenced in subdivision (e) and submit to Covered California in its entirety no later than 5:00 pm Pacific Time on May 1, 2015.
(e) Qualified Health Plan (QHP) New Entrant Certification Application for Plan Year 2016: Applicants who are eligible to complete the Qualified Health Plan (QHP) New Entrant Certification Application for Plan Year 2016 for participation in the Individual or SHOP Exchange must complete the following: QHP New Entrant Certification Application for Plan Year 2016 dated January 15, 2015.


History
1. New section filed 2–5–2015 as an emergency pursuant to Government Code section 106504(a)(6), as modified by Senate Bill 857 (Stats. 2014, c. 31); opera-
tive 2–5–2015 (Register 2015, No. 6). A Certificate of Compliance must be transmitted to OAL by 2–4–2017, pursuant to Government Code section 106504 or emergency language will be repealed by operation of law on the following day.


Note: Authority cited: Section 106504, Government Code. Reference: Sections 106503 and 106504(c), Government Code; Section 1366.6(e), Health and Safety Code; and Section 10112.3(g), Insurance Code.

History
1. New section filed 2–19–2015 as an emergency pursuant to Government Code section 106504(a)(6); operative 2–19–2015 (Register 2015, No. 8). A Certificate of Compliance must be transmitted to OAL by 2–19–2017 pursuant to Government Code section 106504(a)(6) or emergency language will be repealed by operation of law on the following day.


The purpose of this section is to set forth the requirements for eligible applicants to request certification as a either a standalone dental plan or an issuer of family dental plans in the individual Exchange and for the SHOP Exchange. Applicants must complete the Dental Plan New Entrant Application for Plan Year 2015 Version 2–19–14, a form incorporated by reference, in order to request certification of its plan offerings as either a standalone dental plan or family dental plan for the 2015 Plan Year. If an applicant meets the requirements for certification and if Covered California, in its sole discretion, determines that additional dental plans as proposed by the applicant meet the requirements and are necessary, some or all of that applicant’s proposed plans may be certified as standalone dental plans or family dental plans for the Plan Year 2015. If an applicant fails to meet the requirements for certification as a standalone dental plan or family dental plan for 2015 or if Covered California, in its sole discretion, determines that the applicant’s offerings in a given geographic service area are not necessary, as described in Part 1.4 of the Dental Plan New Entrant Application for Plan Year 2015 Version 2–19–14, Covered California may decline to certify some or all of the applicant’s proposed dental plans for 2015.

(a) The definitions included in 10 CCR 6410 shall govern this section.
(b) Applicants eligible to complete the Dental Plan New Entrant Application for Plan Year 2015 Version 2–19–14, a form incorporated by reference, include any plan licensed to offer dental benefits in California in 2015 in either the individual or small group market.

(d) Submission Requirements: Entities eligible to apply for certification to participate in the Individual or SHOP Exchange must comply with the submission date and requirements in (e)(2) if the events in subdivision (e)(3) do not occur:
1. Submit a notice to Covered California indicating intent to request certification no later than 5:00 pm Pacific Time on March 17, 2014.
2. Complete the application in subdivision (d) and submit to Covered California in its entirety no later than 5:00 pm Pacific Time on May 1, 2014.
3. If the California Legislature amends Health and Safety Code §1399.849(c)(1) and Insurance Code §10656.3 to set the start of open enrollment for the 2015 plan year as November 15, 2014 or any another date, applicants are required to complete the application in subdivision (d) and submit to Covered California in its entirety on or before 5:00pm Pacific Time on June 2, 2014.

History
1. New section filed 3–10–2014 as an emergency; operative 3–10–2014 (Register 2014, No. 11). A Certificate of Compliance must be transmitted to OAL by 9–8–2014 or emergency language will be repeated by operation of law on the following day. For prior history, see Register 2013, No. 42.
2. New section refiled 9–2–2014 as an emergency pursuant to Government Code section 100504(a)(6), as modified by Senate Bill 857 (Stats. 2014, c. 31); operative 9–2–2014 (Register 2014, No. 36). A Certificate of Compliance must be transmitted to OAL by 3–10–2014 pursuant to Government Code section 100501 or emergency language will be repeated by operation of law on the following day.

§ 6442. QHP Certification. [Repealed]

History
1. New section filed 1–17–2013 as an emergency; operative 1–17–2013 (Register 2013, No. 3). A Certificate of Compliance must be transmitted to OAL by 7–16–2013 or emergency language will be repeated by operation of law on the following day.
2. New section refiled 7–10–2013 as an emergency; operative 7–10–2013 (Register 2013, No. 28). A Certificate of Compliance must be transmitted to OAL by 10–8–2013 or emergency language will be repeated by operation of law on the following day.

§ 6444. Protest Process. [Repealed]

History
1. New section filed 1–17–2013 as an emergency; operative 1–17–2013 (Register 2013, No. 3). A Certificate of Compliance must be transmitted to OAL by 7–16–2013 or emergency language will be repeated by operation of law on the following day.
2. New section refiled 7–10–2013 as an emergency; operative 7–10–2013 (Register 2013, No. 28). A Certificate of Compliance must be transmitted to OAL by 10–8–2013 or emergency language will be repeated by operation of law on the following day.

§ 6446. Pediatric Dental Health Plan Solicitation.
(a) The Exchange will solicit bids from Dental Plan Issuers to offer, market and sell Pediatric Essential Health Benefits Dental Plans. Bids are sought for statewide and regional dental plans.
(b) Definitions: For purposes of this section, the following terms mean:
(1) Bidder: A Dental Plan Issuer seeking to enter into a contract for the sale of Pediatric EHB Dental Plans through the Exchange.
(2) Coalition: A group of individual Dental Plan Issuers who together submit a bid to provide statewide dental coverage through the Exchange.
(3) Dental Plan Issuer: A carrier licensed to provide dental coverage in the state of California.
(4) Member or Enrollee: an individual who is enrolled in a Pediatric EHB Dental Plan.
(5) Pediatric Essential Health Benefits Dental Plan or Pediatric EHB Dental Plan: A dental benefit plan for children up to age 19, providing dental services coverage and which must meet all applicable requirements of the Patient Protection and Affordable Care Act of 2010 (Public Law 111–148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including actuarial value requirements and prohibiting the imposition of frequency limitations on covered dental care.
(6) Pediatric EHB Dental Standard Benefit Plan Design: Benefit plan design adopted by the Exchange which stipulates required coverage levels, cost-sharing amounts, covered services and deductible levels in accordance with required actuarial values.
(7) Primary Issuer: A Dental Plan Issuer responsible for aggregating and managing members of a Coalition.
(c) To be considered for participation as a Pediatric EHB Dental Plan, Bidder must meet the following requirements when submitting responses to the Solicitation:
(1) Bidder must hold the required licenses to operate as a Dental Plan Issuer in the State of California. Bidder must verify whether it is in good standing with all appropriate local, state and federal licensing authorities. Good standing means that the Bidder has had no fines, penalties levied, citations, or ongoing disputes, which are of a material nature, with either the California Department of Insurance or the Department of Managed Health Care in the last two years.
(2) Bidder must verify whether it is seeking a certificate of authority or an amendment to an existing certificate of authority from the appropriate regulatory agency, which is either the California Department of Insurance or the Department of Managed Health Care, in order to meet the requirements of individual and small group products to be offered in the California Health Benefit Exchange.
(3) In response to this Solicitation, Bidder must submit all material necessary to obtain approval of Pediatric EHB Dental Plans to the appropriate California regulatory agency.
(4) Bidder must bid to cover its entire licensed service area, and must verify that it has done so.
(5) Bidder must use low-income population data provided by the Exchange in the Bidder’s Library on the IBEEX 15 Solicitation at http://www.healthexchange.ca.gov/Solicitations/Documents/Dental%20Providers.pdf to create and submit maps showing contracted Federally Qualified Health Centers and other dental providers serving low-income populations plotted by county.
(6) Bidder must have the ability to show the Exchange an example of a member website.
(7) Bidder may only vary the premium for the Pediatric EHB Dental Plan by geography (rating region), by coverage tier, and by actuarial value level.
(8) If a Bidder chooses to submit a bid for statewide coverage as a Coalition of multiple Dental Plan Issuers, a Primary Issuer must take responsibility for aggregating and managing Coalition members. All Dental Plan Issuers who are members of the Coalition must be a party to the Coalition contract with the Exchange and must individually meet the Exchange’s requirements in this section.
(9) A successful Bidder must attest that it will use a health assessment tool to identify enrollees who are in need of covered restorative treatment services at the time of enrollment.
(10) A successful Bidder must attest that it will provide reports to the Exchange related to utilization, costs, quality, operations and performance guarantees.
(11) A successful Bidder must attest that it will build data interfaces with the Exchange’s eligibility and enrollment systems and report transactions to the Exchange.
(12) A successful Bidder must attest that it will be ready to accept enrollment as of October 1, 2013.
(13) Bidder must maintain a system of accountability for quality improvement in accordance with all applicable statutes and regulations.
(14) Bidder must provide its active dental membership, as of July 1, 2012, in the state of California, defined by market segment (individual, employer-sponsored vs. voluntary).
(15) Bidder must describe three attributes of its organization Bidder believes distinguish it from its competitors.
(16) Describe up to three examples of Bidder’s successful innovations to improve service quality and reduce costs.
(17) Verify whether Bidder offers discount programs related to non-covered services.
(18) Provide a brief description of any outside vendors that Bidder will utilize to serve the Exchange.
(19) Provide the physical location of all administrative teams that Bidder proposes to serve the Exchange.

(20) Describe whether the account team members (e.g. implementation manager, claims specialist, member services manager, etc.) will be dedicated to the Exchange.

(21) Describe whether a dedicated implementation manager will be assigned to lead and coordinate the implementation activities with the Exchange.

(22) Describe the services and support Bidder will provide during the implementation process and what information and resources will be required of the Exchange.

(23) Should Bidder’s organization be selected, explain how Bidder plans to accommodate the additional enrollees.

(24) Describe whether Bidder will provide the Exchange with a dedicated claims processing unit.

(25) Verify whether the Exchange will retain the right to annually audit/assess the plan administrator’s compliance with the terms of the con-
ment under Resolution No. 2013–0007 on March 19, 2013. This amendment establishes total maximum daily loads (TMDLs) for bacteria in San Pedro Creek (Creek) and at Pacifica State Beach (Beach), and incorporates new implementation provisions in the Basin Plan to allow a “reference system and antidegradation approach” for the bacteria water quality objectives. The intent of implementing bacteria water quality objectives using a “reference system and antidegradation approach” is to a) avoid requiring treatment of natural sources of bacteria from undeveloped areas, and b) ensure that bacteriological water quality is at least as good as that of a reference site and that no degradation of existing bacteriological water quality is permitted where existing bacteriological water quality is better than that of a reference site.

The objective of this amendment is to reduce levels of bacteria in San Pedro Creek and at Pacifica State Beach to protect water quality for water contact recreation (REC–1). The TMDL requires reductions in the number of days during the year that levels of bacteria exceed water quality objectives. It allocates discharges of bacteria to municipal stormwater runoff and dry weather flows, stormwater runoff from highways, hose facilities, and sanitary sewer systems, accounting for natural background sources in the watershed.

Required control measures for the existing or new horse facilities will be implemented through the requirements of the Water Board’s General Waste Discharge Requirements for Confined Animal Facilities. Required control measures for the sanitary sewer systems will be implemented through the requirements and provisions of the State Water Board’s General Waste Discharges Requirements Order for sanitary sewer systems as well as Cease and Desist Order No. R2–2011–0031 issued by the Water Board to Pacifica. Required control measures for municipal stormwater runoff and dry weather flows will be implemented through the Municipal Regional Stormwater NPDES Permit, or a new stormwater NPDES permit. Required control measures for stormwater discharges from Caltrans’ storm sewer systems will be implemented through Caltrans’ existing stormwater NPDES permit requirements.

**History**


San Francisco Bay Water Board Resolution R2–2014–0028 amended the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan). The Basin Plan amendment amended sections of the Basin Plan that discuss septic systems by incorporating by reference without change the State Water Resources Control Board’s adopted Onsite Wastewater Systems (OWTS) Policy and deleting those sections of the Basin Plan that were superseded by the OWTS Policy. The State Water Resources Control Board approved the amendment under Resolution 2014–0064 on November 18, 2014. This amendment is intended to implement the state-wide OWTS policy for the San Francisco Bay Region.

**History**


**Article 3. Central Coast Region**

§ 3920. Water Quality Control Plans.

The following are changes to the 1990 Water Quality Control Plan for the Central Coast Region (Basin Plan): (1) Revision of language in beneficial use definitions to be more consistent with statewide format. Changes include adding an “Estuarine Habitat”, “Freshwater Replenishment”, “Hydropower Generation”, and “Aquaculture” beneficial use. The “Fish Migration” (Migr) definition is clarified to emphasize waters supporting habitat needed by migrating aquatic organisms is included in the definition. The “Navigation” beneficial use is expanded to include waters used for all types of shipping (not just Naval shipping), waters used for travel, or waters used for transportation. The “Commercial and Sport Fishing” beneficial use is expanded to consider fresh water body areas not just saline waters. The “Shellfish Harvesting” beneficial use is expanded to include waters used for collection of shellfish for human consumption. Shellfish are also defined as filter feeding varieties. (2) Assign designated beneficial uses for approximately 300 additional water bodies and revise beneficial use designations for approximately 150 water bodies. (3) Update water quality objectives for organic chemicals in accordance with Title 22, California Code of Regulations. (4) Add water quality objectives for the Paso Robles ground water basin. (5) Add Regional Water Quality Control Board Policy to alleviate seawater intrusion in the Salinas and Pajaro ground water basins. (6) Add Regional Water Quality Control Board Policy of Appreciation for Discharger Compliance.

**History**


§ 3921. Revised Beneficial Use Definitions.

The 1994 Water Quality Control Plan for the Central Coast Region (Basin Plan) was amended in September 1994 resulting in revisions to the definitions for the following beneficial uses: Freshwater Replenishment (FRSH), Navigation (NAV), Estuarine Habitat (EST), and Shellfish Harvesting (SHELL).

**History**


The 1994 Water Quality Control Plan for the Central Coast Region (Basin Plan) was amended on April 14, 1995 as follows: the San Lorenzo Valley on-site septic system prohibition was rescinded and replaced with the “Wastewater Management Plan for the San Lorenzo Watershed” and “San Lorenzo Nitrate Management Plan, Phase II Final Report.”

**History**


§ 3923. Removal of the Numeric Nitrate Objective for the San Lorenzo River.

On June 2, 2002, the Central Coast Regional Water Quality Control Board adopted Resolution No. 00–001 amending the Water Quality Control Plan for the Central Coast Basin (Basin Plan). The amendment revised the Basin Plan by removing the numeric nitrate objective for the San Lorenzo River. Water quality will continue to be protected by the narrative Basin Plan text and color and biostimulatory effects objectives. The amendment removes the numeric nitrate objective for San Lorenzo River from Chapter Three, page III–14 in the Basin Plan.

**History**

§ 3924. Total Maximum Daily Load (TMDL) for Pathogens in Morro Bay, Including Chorro and Los Osos Creeks.

Establishes a Total Maximum Daily Load (TMDL) for pathogens in Morro Bay, Chorro and Los Osos Creeks to address impairment of the beneficial uses of Shellfish Harvesting, Contact Recreation and Non-contact Recreation by excessive levels of bacterial indicator organisms. The numeric target for the Bay is equal to the California Department of Health Service’s standard, and the numeric targets for the creeks are equal to the existing water quality objectives. An implicit margin of safety was incorporated into the TMDL through the use of conservative numeric targets.

The Regional Water Quality Control Board (Regional Board) will rely on self-determined actions and actions required by existing regulatory authority (National Pollutant Discharge Eliminations Systems permits for stormwater discharges and Waste Discharge Requirements [WDRs] for treated sewage discharges) for a ten-year implementation period to achieve the TMDL. The Regional Board will monitoring water quality for compliance with the numeric targets for fecal coliform and/or other appropriate bacterial indicator organisms and will track implementation progress. Any future revision of the TMDL or the numeric targets will be considered through the Basin Plan amendment process. If future revision to the implementation strategy is recommended, the revision will be considered through the Basin Plan amendment process and/or on a case-by-case basis through existing regulatory authority (e.g., additional WDRs).

HISTORY


Regional Board Resolution No. R3–2002–0051, adopted on May 16, 2003 by the Central Coast Regional Water Quality Control Board (Regional Board), modified the regulatory provisions of the Water Quality Control Plan for the Central Coast Region (Basin Plan) by establishing a Total Maximum Daily Load (TMDL) for Sediment in Chorro Creek, Los Osos Creek, and the Morro Bay Estuary, adopting numeric targets for sediment, and adopting an implementation plan to achieve the TMDL.

This Basin Plan amendment establishes the TMDL for sediment in Chorro Creek at 30,020 tons/year; in Los Osos Creek at 4,864 tons/year; and in the Morro Bay Estuary at 24,885 tons/year. An implicit margin of safety was incorporated into the TMDL through the use of conservative assumptions throughout the sediment source analysis and characterization of beneficial uses impacts. The Regional Board set lead allocations for subwatersheds based on fifty percent reductions in erosion. The amendment establishes numeric targets for streambed sediment characteristics known to be supportive of the beneficial uses protecting anadromous fish and for the volume of tidal prism in the Morro Bay Estuary. The numeric targets interpret narrative water quality objectives for sediment in the Basin Plan. The Regional Board will evaluate the TMDL by monitoring numeric targets and tracking implementation actions. Implementation emphasizes the activities of the Morro Bay National Estuary Program, Coastal San Luis Resources Conservation District, and other public and private groups to implement self-determined activities identified in the amendment language. If self-determined actions have not been completed at the end of the third year of implementation, staff will develop a regulatory approach (rather than a self-determined approach) and present a revised implementation plan to the Regional Board as a Basin Plan amendment. This Basin Plan amendment establishes a 50-year implementation period to achieve the TMDL. Revision of the TMDL, the numeric targets, or the implementation strategy would be considered through the Basin Plan amendment process.

HISTORY

§ 3926. Amends the Water Quality Control Plan (Basin Plan) for the Central Coast Region to Include a Revised and Updated Monitoring and Assessment Chapter (Chapter 6).

On December 24, 2002, the Central Coast Regional Water Quality Control Board (Regional Board) adopted an amendment to the Water Quality Control Plan—Central Coastal Basin, 1994 (Basin Plan). The Water Quality Control Plan—Central Coastal Basin, 1994 (Basin Plan) serves as the cornerstone water quality protection policy and legal standards for the Central Coast. It identifies beneficial uses of surface and ground waters, establishes water quality objectives to protect beneficial uses, and provides an implementation plan to achieve those objectives. The Basin Plan includes a chapter on surveillance, monitoring, and assessment programs of the State and the Region (Chapter 6). Over the intervening years, new monitoring and assessment programs have been developed and existing monitoring and assessment programs have changed.

The purpose of this amendment is to include up-to-date information on State and Regional surveillance, monitoring, and assessment programs and requirements described in Chapter 6 of the Basin Plan.

HISTORY