



California Regulatory Notice Register

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*Time-Dated
Material*

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

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3700, subsection (d), of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control as an emergency action that was effective on November 15, 2003. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 15, 2004.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before February 23, 2004.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations, as he deems necessary, to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code Section 5322).

The amendment of Section 3700(d) removed the prohibition on the movement of articles and commodities covered within the regulated area for oak mortality disease (sudden oak death). The effect of the amendment is to remove the authority for the State to

regulate movement of hosts or potential carriers of the disease within the regulated area as it is no longer feasible or biologically sound to do so. There is no existing, comparable federal regulation or statute regarding intrastate movement of regulated articles and commodities.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3700 does impose a mandate on local agencies, but not on school districts. There is an on going mandate created by the original adoption of this regulation. However, the amendment of this regulation, removing restrictions on the movement of articles and commodities covered, does not impose a new mandate on the local agencies. No additional reimbursement is required for Section 3700 under Section 17561 of the Government Code because this action removed the restrictions within the regulated area of this regulation; therefore, no enforcement activities are required.

The Department has also determined that the amended regulation will involve no additional costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

ASSESSMENT

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department amended Section 3700, subsection (d) pursuant to the authority vested by Sections 407, 5321 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3700, subsection (d) to implement, interpret and make specific Sections 24.5, 5321 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov.

In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action. The Department proposes to continue the regulation as amended.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before February 23, 2003.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3423(b) establishes a quarantine area of approximately 137 square miles surrounding the Ontario area of San Bernardino County and includes a small portion of Los Angeles County (Pomona area). The effect of the change is to provide authority for the State to regulate movement of hosts of Oriental fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's

agricultural industry. The proposed action does not differ from any existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No reimbursement is required for Section 3423 under Section 17561 of the Government Code because the agricultural commissioners of Los Angeles and San Bernardino counties requested the change in the regulation.

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

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$45 per year in reasonable compliance with the proposed action.

ASSESSMENT

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

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified

and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any

person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS TO THE REGULATION FOR THE STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the proposed amendments to the Statewide Portable Equipment Registration Program Regulation (Statewide Regulation).

DATE: February 26, 2004

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., February 26, 2004, and may continue at 8:30 a.m., February 27, 2004. This item may not be considered until February 27, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before February 26, 2004, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments of title 13, California Code of Regulations (CCR), article 5, sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, and repeal of 2466 which is the Statewide Portable Equipment Registration Program.

BACKGROUND

The Statewide Regulation was approved by the Board on March 27, 1997 and became effective on September 17, 1997. The Board also approved amendments to the Statewide Regulation on December 11, 1998.

The Statewide Regulation establishes a uniform program to register portable engines and equipment units in California. Once registered in this voluntary program, owners or operators of portable engines and

associated equipment units can operate throughout the State without having to obtain permits from individual air pollution control and air quality management districts (districts). However, the districts play an important role in enforcing the requirements of the Statewide Regulation.

The current Statewide Regulation requires a phase-in of cleaner technologies that would result in the reduction and eventual elimination of high-emission engines. By January 1, 2010, any engine registered in the Statewide Portable Equipment Registration Program (Statewide Program) must be replaced or modified to meet California or federal nonroad emission standards (certified engines). Portable engines used on dredges must be retrofitted or replaced with certified engines by January 1, 2005.

Since 1997, ARB staff has received approximately 5,600 registration applications. Currently, the PERP program has about 14,500 portable engines, 1,500 associated equipment units, and another 5,200 pieces of military tactical support equipment (TSE) registered in the program.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

The proposed amendments to the Statewide Regulation are summarized in the following major categories:

Applicability Section

The proposed amendments would not allow the use of engines registered under the Statewide Regulation for certain specified applications. These applications include using portable generators to feed the electrical grid; providing primary or supplemental power to a building, stationary source or stationary equipment; or using registered engines to supplement or otherwise power equipment or operations permitted by the districts. For these applications, district approval would be necessary. Portable engines used in maintenance and repair, and emergency operations would continue to be allowed to operate under the Statewide Regulation. In addition, the temporary use of portable generators in remote locations, where grid power is unavailable, may be allowed under the Statewide Regulation upon approval of the Executive Officer.

Previously Exempt and Unpermitted Engines

Of the 33,000 portable engines estimated to be operating in California, 15,500 engines are believed to be operating without permits or registrations. Currently, the Statewide Regulation allows only portable engines certified to California or federal nonroad emission standards (certified engines) to register in the Statewide Program. ARB staff is proposing to allow any portable engine operating in California before 2003, certified or not, to apply and obtain registration

under the Statewide Regulation until December 31, 2005. After that time, only certified engines will be accepted into the Statewide Program. The purpose of the proposed amendment is to encourage owners and operators of portable engines operating in California to seek registration and ultimately bring their equipment into compliance with State regulatory requirements. Without this proposed amendment, many owners/operators of portable equipment would not be able to obtain registration or permits from local districts.

Increase Program Fees

Pursuant to Health and Safety Code section 41752(d), the ARB has established a fee schedule to collect registration, renewal, and other fees under the Statewide Regulation to cover resources necessary to operate and maintain the Statewide Program. When first establishing the Statewide Regulation, staff significantly underestimated the resources necessary to operate and maintain the Statewide Program. Fees currently collected do not cover the State's cost to administer the Statewide Program. Because of the current budget crisis, the ARB can no longer subsidize the costs of running the Statewide Program.

Staff is proposing an increase in fees to cover the full cost of the Statewide Regulation. Among the fees propose to be increased are the initial application fee from \$90 to \$270 for a 3-year registration and renewal fee from \$90 to \$225 for a 3-year renewal.

Recordkeeping and Reporting

The proposed amendments would require owners/operators of engines who are subject to daily recordkeeping requirements to keep a log onsite with each unit to track operation of the engine. The retention time for maintaining the records would be extended from two years to five years. Also, the operators of engines that are subject to hour limitations would be required to install hour meters. Staff is also proposing to remove the requirement for the submittal of annual reports to ARB staff; however, owners would need to make those reports available to district and ARB staff upon request. In addition, operators of generators used to power a building or stationary source during an unforeseen interruption of electrical power would be required to record the location, date, and length of time the generator was operated.

Miscellaneous Amendments

ARB staff is proposing to modify, add, and delete terms in the definition section, delete outdated provisions, require non-operational engines to be made operational, clarify the process for the change of ownership of registered engines, and modify the requirements for identical replacements of engines. These changes are considered to be non-substantive

and are intended to provide additional clarity and enforceability to the Statewide Regulation.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed amendments to the Statewide Regulation. The *Executive Summary* provides an overview of the proposed amendments to the Statewide Regulation. It contains a summary of the recommendations and a brief discussion of the environmental and economic impacts of the proposal. The *Technical Support Document* is a more detailed presentation of the technical aspects of the proposed amendments to the Statewide Regulation.

Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing which will begin on February 26, 2004.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, Todd Wong, Manager of the Technology Assessment Section, at (916) 324-8031 or by email at twong@arb.arb.ca.gov or Winston Potts, Air Resources Engineer, PE, Technology Assessment Section, (916) 327-5600 or by e-mail at wpotts@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, and Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594, or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

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

**COSTS TO PUBLIC AGENCIES AND TO
BUSINESSES AND PERSONS AFFECTED**

The determination of the Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons, and businesses in reasonable compliance with the proposed amendments to the Statewide Regulation are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will result in neither costs nor savings impacts to any state agency or in federal funding to the state, costs or mandate to any local agency or school district, whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, and title 2 of the Government Code, as discussed below or other non-discretionary savings to local agencies.

The cost to local agencies primarily involves the increase in renewal and administrative fees for those agencies with portable engines and associated equipment units registered in the Statewide Program. The total economic cost to local agencies is estimated to be \$76,000. These costs are not reimbursable state mandated costs pursuant to part 7 (commencing with 17500), division 4, title 2 of the Government Code because most if not all, of these agencies are authorized to collect fees to recoup their cost under Section 17500 et seq. of the Government Code. The proposed amendments to the Statewide Regulation apply to all entities who operate portable engines and chose to register those engines in the Statewide Program, and, therefore, does not impose unique requirements on local government agencies.

The Executive Officer has determined that individual local air districts may incur permitting and enforcement costs as a result of implementing the proposed amendments to the Statewide Regulation. However, the costs incurred by the districts are not reimbursable state costs because of the districts' authority to recover permitting and enforcement costs through fees assessments authorized under Health and Safety Code sections 41512 and 42311. Also, the costs incurred by the district of inspecting registered engines are recoverable under section 2461(e), title 13, CCR.

The Executive Officer has determined that State agencies will incur a total economic impact of \$27,000. Given the current fiscal and economic conditions, the Executive Officer cannot determine with certainty whether State agencies will be able to absorb these additional costs within current or future budgets, but it is anticipated that the agencies will be able to absorb annualized costs of this magnitude.

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

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

The Executive Officer has made an initial determination that the proposed regulatory action will have minimal statewide adverse economic impacts directly affecting businesses. The Executive Officer has also assessed that the proposed regulatory action will have minimal statewide adverse economic impacts directly affecting the ability of California businesses to compete with businesses in other states or representative private persons.

The Executive Officer has determined, pursuant to title 1, CCR, section 4, that the proposed amendments to the Statewide Regulation will affect small businesses. The total economic impact to small businesses would be \$1.1 million dollars. The total economic impact to all businesses would be \$1.57 million dollars. The increased costs are for those businesses that use portable engines in applications that would require permits from local districts, increased costs from the proposed increase in renewal fees, costs to register non-operational engines that have been made operational, costs for engines required to install hour meters, and costs for increased recordkeeping requirements.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. A more detailed assessment of economic impact is found in the Staff Report.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the amended reporting requirements that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

The proposed amendments to the Statewide Regulation will continue to have a beneficial effect on the California business climate by eliminating the need for duplicative permits, allowing increased flexibility, and lowering overall costs compared to obtaining and maintaining multiple district permits.

Before taking final action on the proposed regulation, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the amendment is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Initial Statement of Reasons.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received no later than **12:00 noon, February 25, 2004**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: portreg@listserv.arb.ca.gov, and received at the ARB **no later than 12:00 noon, February 25, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, February 25, 2004**.

The Board requests but does not require 30 copies of any written submission. Also the ARB requests that written, facsimile, and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in Health and Safety Code sections 39600, 39601, 41752, 41753, 41754, 41755, 43013, and 43018. This action is proposed under the authority granted to the ARB in Health and Safety Code sections 41750, 41751, 41752, 41753, 41754, and 41755.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full

regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 "I" Street, Visitors and Environmental Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058.3 in order to implement, interpret and make specific PC Section 5054, proposed to amend Sections 3044, 3092, 3138, and 3190 in the California Code of Regulations (CRC), Title 15, Division 3 relating to statewide vendor packages.

PUBLIC HEARING

Date and Time: March 5, 2004, 9:00 am to 12:00 pm
Place: Resource Agency Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close March 5, 2004 at 5:00 pm. Any person may submit public comments in writing (by mail, by fax, or e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)322-3842; or by e-mail at RPMB@corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:
Rick Grenz, Chief,
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 322-9702

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

A. Cunningham
Regulation Management Unit
Telephone (916) 322-9702

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

T. Rougeux, Chief
Institution Services Unit
Telephone (916) 323-6816

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

Cost or savings to any state agency: Savings
FY 03/04 \$1,744,000

Other non-discretionary cost or savings imposed on local agencies: *None*

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

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

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new or

the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons, and the Notice of Proposed Action will also be made available on the Department's website <http://www.cdc.state.ca.us>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

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

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- Directs facilities to make available to inmates the procedures for the receipt of packages from their correspondents via departmentally-approved state-wide vendors.
- Allows Condemned Grade A and Grade B inmates to be afforded the same property privileges as inmates assigned to Privilege Group A and Privilege Group D, respectively.
- Amends language regarding the facility's right to refuse to deliver a package if the inmate is not qualified. Provides the vendor direction when a package is in excess of the 30-pound limit or is received in a damaged condition.
- Permits inmates to possess in their quarters/living area, state-issued property and authorized personal property based upon privileges in Section 3044 and subject to disciplinary provisions in Sections 3314 and 3315. Language is deleted that allowed individual institutions to establish a list of personal property items and the maximum amount of such items an inmate may possess. This action will limit the amount and restrict the type of personal property an inmate is allowed to possess, as well as aid in the safety and security of the prisons and the public.
- Allows inmates to acquire authorized personal property packages based upon their privilege group, pursuant to Section 3044. Personal property packages include various items, which can be purchased by inmate correspondents and sent to the inmate via approved vendors, or items purchased by inmates from vendor catalogs and shipped to the inmate via approved vendors. These packages, also referred to as "quarterly packages," shall be shipped to the inmate's institution/facility by the departmentally-approved vendor.
- Allows inmates to acquire special purchases of authorized personal property items from departmentally-approved vendors. These special purchases shall only include health care appliances, correspondence courses, religious items, handicraft material, legal material, entertainment appliances, musical instruments and the purchase of books and subscriptions to periodicals. These special purchases are subject to designated staff approval, the Penal Code, the Title 15, and qualifying privilege groups.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A PROPOSED AIRBORNE TOXIC CONTROL MEASURE FOR PORTABLE DIESEL-FUELED ENGINES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting an airborne toxic control measure (ATCM) to reduce public exposure to diesel particulate matter (PM) emitted from portable diesel-fueled engines (proposed ATCM).

DATE: February 26, 2004

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Central Valley Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., on February 26, 2004, and may continue at 8:30 a.m., on February 27, 2004. This item may not be considered until February 27, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before February 26, 2004, to determine the day on which this item will be considered.

If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of sections 93116, 93116.1, 93116.2, 93116.3, 93116.4, and 93116.5, title 17, California Code of Regulations (CCR).

BACKGROUND

In 1998 the Board identified diesel PM emissions from diesel-fueled engines as a toxic air contaminant (TAC). In September 2000, the Board approved the Diesel Risk Reduction Plan, which outlined steps that would be taken to reduce diesel emissions from both new and existing diesel-fueled engines and vehicles, including portable engines. The ultimate goal of the Diesel Risk Reduction Plan is to reduce California's diesel PM emissions and associated cancer risks by 85 percent by 2020.

Unlike stationary engines, portable engines may be moved readily from one location to another. The engines are used to power a variety of equipment, including pumps (e.g., agricultural irrigation pumps and other water pumps), ground support equipment at

airports, cranes, oil-well drilling and workover rigs, power generators, dredging equipment, rock crushing and screening equipment, welding equipment, wood-chippers, and compressors. Portable diesel engines emit approximately 1,500 tons per year of diesel PM. These engines are distributed throughout California, and many are located in urban centers where the population is exposed to diesel PM emissions.

The proposed ATCM is designed to minimize the public’s exposure to diesel PM emitted from diesel-fueled portable engines. Health and Safety Code (H&SC) sections 39666 and 39667 require the ARB to adopt regulations to achieve the maximum possible reduction in public exposure to TACs through the application of best available control technology (BACT), or a more effective control method, in consideration of cost, risk, environmental impacts, and other specified factors.

Furthermore, the Children’s Environmental Health Protection Act (Stats. 1999, Ch. 731) requires the California Environmental Protection Agency to specifically consider children in setting Ambient Air Quality Standards and in developing criteria for TACs. The Office of Environmental Health Hazard Assessment (OEHHA) identified diesel PM and several other TACs associated with motor vehicle exhaust among the top priority pollutants affecting children’s health.

The ARB staff has prepared an Initial Statement of Reasons (ISOR) for the proposed ATCM that, together with the needs assessment (Diesel Risk Reduction Plan), serves as the report on the need and appropriate degree of regulation for diesel-fueled portable engines.

EXISTING FEDERAL AND STATE REGULATIONS

There are no federal regulations that are comparable to the proposed ATCM. However, since January 1, 1996, new portable engines sold in California have been subject to ARB’s Off-Road Compression Ignition emission standards (title 13, CCR, sections 2320 et seq.), which are equivalent to the United States Environmental Protection Agency (U.S. EPA) emission standards for newly manufactured nonroad engines (40 CFR, Part 89). There are currently three tiers of standards; Tier 1, 2, and 3. The U.S. EPA proposed Tier 4 emission standards in April 2003, which will, if adopted, require most engines to meet more stringent emission limits in the 2011-2014 timeframe.

The ARB currently administers a Statewide Portable Equipment Registration Program (PERP; title 13, CCR, sections 2450-2466) that allows portable-engine owners to voluntarily register their engines with the State in lieu of obtaining operating permits from the local air pollution control and air quality management districts (districts). By January 1, 2010, only engines

certified to U.S. EPA/ ARB off-road engine emission standards (Tier 1, 2, or 3) can be registered under PERP.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

Applicability and Requirements

The proposed ATCM would affect all diesel-fueled portable engines that are larger than 50 horsepower (hp). The proposed ATCM would require all portable engines to be certified to Tier 1, 2, or 3 U.S. EPA/ARB off-road engine standards by 2010, as is currently required for engines registered in the PERP. After 2010, it would require all fleets of portable engines to meet diesel PM emission averages that become more stringent in 2013, 2017, and 2020. The owners/operators of these fleets will have flexibility in determining how the fleet emission standards are to be satisfied. Options that are available to satisfy this standard include replacing engines, using add-on control devices, switching to alternative fuels or alternative diesel fuels, and receiving credit for electrification. By 2020, the proposed ATCM would require diesel-fueled portable engines to either:

- 1) be certified to Tier 4 emission standards for newly manufactured off-road engines; or
- 2) be equipped with a diesel PM control technology that has been verified by the ARB under its Verification Procedure for diesel PM control technologies (title 13, CCR sections 2700-2710) to reduce diesel PM emissions by 85 percent (Level-3 Verification), or equipped with a combination of verified control technologies that cumulatively achieve 85 percent diesel PM reduction.

Fleet Requirements

In addition to the requirements outlined above, portable engines will be subject to the following fleet weighted standards starting in 2013 and becoming progressively more stringent in 2017 and 2020. Fleet weighted diesel PM standards are proposed for engines less than 175 horsepower (hp), engines between 175 hp and 749 hp, and engines greater than or equal to 750 hp.

Fleet Standard Compliance Date	Diesel PM Standard (g/bhp-hr) for Engines <175 hp	Diesel PM Standard (g/bhp-hr) for Engines 175 hp to 749 hp	Diesel PM Standard (g/bhp-hr) for Engines ≥ 750 hp
1/1/13	0.3	0.15	0.25
1/1/17	0.18	0.08	0.08
1/1/20	0.04	0.02	0.02

Owners of portable engine fleets will determine compliance with the proposed fleet standard by

comparing the fleet's actual weighted diesel PM emission rate with the fleet emission standard.

Engines that are used exclusively in emergency applications or meet the requirements for low-use engines must be certified to U.S. EPA/ARB off-road engine standards by 2010 but are not subject to the fleet emission standards in 2013 or 2017. These engines would be required by January 1, 2020, to be certified to Tier 4 engines standards, or be equipped with a Level-3 diesel PM control technology, or a combination of verified control technologies to achieve a 85 percent diesel PM reduction.

Incentives

The proposed ATCM provides several incentives to encourage repowering or replacement of older engines with new, lower-emitting engines as part of the fleet reduction approach. Credits are being proposed for satisfying a fleet standard for adding alternative-fueled engines to the fleet, replacing diesel-fueled engines with electrification, and early replacement of older engines with Tier 4 engines.

Recordkeeping and Reporting Requirements

Specific recordkeeping requirements address only those engines in a fleet whose use is based on hourly limitations, fleets taking advantage of the electrification incentive, and engines equipped with Selective Catalytic Reduction (SCR). All fleet owners will have to submit a status report to the ARB by March 1, 2011, that includes the fleet's average diesel PM emission rate for the 2010 calendar year, information identifying each engine in the fleet, and each engine's emission rate. In addition, fleet owners must submit signed statements of compliance and corroborating data indicating that they are meeting the fleet standards by March 1 of each applicable year (i.e., 2013, 2017, 2020).

Exemptions

Engines that would be exempt from the proposed ATCM include: engines less than or equal to 50 hp, engines used to propel mobile equipment or motor vehicle; portable equipment that is owned by the United States Department of Defense and used in combat, combat support, tactical or relief operations, or training for such operations (military tactical support equipment); and portable engines used at San Clemente or San Nicolas Island.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared an ISOR for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal, if any. The ISOR is entitled, "Staff Report: Initial Statement of Reasons for the Proposed

Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Greater Than 50 Horsepower."

Copies of the ISOR and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing, which will begin on February 26, 2004.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, Mike Waugh, Manager of the Program Assistance Section, at (916) 445-6018, or by email at mwaugh@arb.ca.gov, or Grant Chin, Staff Air Pollution Specialist, at (916) 327-5602, or by email at gchin@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, and Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

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

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

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

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the proposed regulations will possibly impose a mandate on local agencies. The Executive Officer has further determined pursuant to Government Code

section 11346.5(a)(6) that the proposed regulations will result in some additional costs to the Air Resources Board and other state agencies. In addition, the Executive Officer has also determined pursuant to Government Code section 11346.5(a)(6) that the proposed regulatory action will possibly create a cost to local agencies that are required to be reimbursed under Part 7 (commencing with section 17500) of division 4 of the Government Code or other nondiscretionary costs or savings imposed on local agencies. The Executive Officer further determines that the proposed regulations will result in some additional cost to federal agencies in the state.

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

The Executive Officer has determined that the total lifetime cost of the proposed ATCM to affected businesses will vary between \$290 and \$340 million, in 2002 expenditure equivalent dollars. This value represents the total cost of the regulation if all money required to comply with the proposed ATCM were spent today. On an annual basis, the cost will vary between \$2 to \$29 million per year, averaging \$12 million per year. The total cost to a typical business (a fleet of fifteen engines), including capital and ongoing costs, is estimated to be between \$226,000 and \$238,000, in 2002 expenditure equivalent dollars. Annual costs would vary between \$1,500 and \$17,000 per year, with an average cost of \$8,200 per year.

The Executive Officer has determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will have some impact on small businesses. The ARB staff believes that approximately 10 percent of portable engines are owned by small businesses. The ARB staff estimates that the total cost, including capital and ongoing costs, to a typical small business (a fleet of five or less engines) to be between \$30,000 and \$38,000, in 2002 expenditure equivalent dollars. Annual costs would vary between \$400 and \$5,200 per year, with an average cost of \$2,000 per year.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the proposed regulatory action may lead to creation or elimination of some businesses, the creation of new businesses or elimination of existing businesses within the State of California, or the

expansion of businesses currently doing business within the State of California. Due to the long lead-time for compliance, we believe that most businesses will be able to absorb the compliance costs. However, it is possible that a small number of businesses (those with marginal profitability) may experience financial difficulty in complying with the regulation. Businesses that may be created in the short term include those that package engines and install engines. In the long term, engine manufacturers and businesses that sell and maintain diesel emission control systems are likely to see an increase in business due to early engine replacement and other options available to meet the proposed diesel PM standard requirements. In addition, the cost of complying with the proposed ATCM may encourage some fleet owners to replace engines with rented engines, which could lead to an increase of engine rental businesses.

The Executive Officer has determined the total capital outlay for complying with the proposed ATCM for local agencies will be between \$102 million and \$147 million, in 2002 expenditure equivalent dollars. Annual outlay will vary between \$2 million and \$13 million. The initial outlay will not be necessary until fiscal year 2008–2009. These costs are not reimbursable state mandated costs pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code because most, if not all, of these agencies are authorized to collect fees to recoup their costs under section 17500 et seq. of the Government Code, and the ATCM applies to all entities that own or operate portable engines and, therefore does not impose unique requirements on local government agencies.

The Executive Officer has also determined that the total cost for complying with the proposed ATCM for State agencies will be between \$7 million and \$11 million, in 2002 expenditure equivalent dollars. Annual outlay will vary between \$0.1 million and \$1 million. Initial outlay will not be necessary until fiscal year 2008–2009. Given the current fiscal and economic conditions, the Executive Officer cannot determine with certainty whether State agencies will be able to absorb these additional costs within current or future budgets, but it is anticipated that the agencies will be able to absorb annualized costs of this magnitude, given the extended period allowed for compliance.

The Executive Officer has also determined that the total cost for complying with the proposed ATCM for federal agencies will be between \$2.0 million and \$2.9 million, in 2002 expenditure equivalent dollars. Annual outlay will vary between \$30,000 and \$250,000. Initial outlay will not be necessary until fiscal year 2008–2009.

The Executive Officer has determined that individual local air districts may incur some permitting and enforcement costs as a result of implementing the proposed ATCM. However, the costs incurred by the air districts should be recovered through permit fees or fees imposed under the Statewide Portable Equipment Registration Program.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

In accordance with H&SC section 43013(c), the Executive Officer has determined that the standards and other requirements in the proposed ATCM are necessary, cost-effective, and technologically feasible for agricultural operations (i.e., farm equipment).

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

Consideration of Alternatives

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, February 25, 2004**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: porteng@listserv.arb.ca.gov, and received at the ARB **no later than 12:00 noon, February 25, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, February 25, 2004**.

The Board requests but does not require 30 copies of any written submission. Also the ARB requests that written, facsimile, and e-mail statements be filed at

least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in Health and Safety Code sections 39600, 39601, 39650, 39658, 39659, 39665, 39666, 41511, 41752, 43013, and 43018. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 39002, 39650, 39658, 39659, 39665, 39666, 40000, 41511, 41752, 43013, and 43018.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**HOUSEHOLD HAZARDOUS WASTE UNIT
REGULATORY AND PROGRAM
DEVELOPMENT DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On December 19, 2003, the Regulatory and Program Development Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to Orange County to conduct residential

household hazardous waste collections. Authority for this action is contained in Health and Safety Code (HSC), section 25143. This variance authorizes Orange County and their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are to be delivered to an authorized HHW collection facility. No business or agricultural wastes are to be collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and Title 22, California Code of Regulations, Division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Cheryl Closson at the Department of Toxic Substances Control, Household Hazardous Waste Unit, at (916) 324-6564.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**NOTICE OF CONSENT DECREE
MOBILE SMELTING SITE
MOJAVE, CALIFORNIA**

The Department of Toxic Substances Control (“DTSC”), pursuant to the authority vested in DTSC under California Health and Safety Code sections 25360 and 58009, proposes to finalize a Consent Decree regarding the Mobile Smelting Site located at United Street and Reed Road in Mojave, California (“Site”) with the Great American Insurance Company.

On January 13, 1997, DTSC filed a complaint in United States District Court, Eastern District of California, Docket No. CV-F-97 5016 OWW LJO, against a number of defendants under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601 et seq. and the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901 et seq. DTSC subsequently filed a First and Second Amended Complaint. The Consent Decree is intended to obtain settlement, as specified in the Consent Decree, with the Great American Insurance Company on DTSC’s complaint, which includes response costs incurred and to be incurred by DTSC at or in connection with the Site. The Consent Decree provides for contribution protection to the defendant to the fullest extent provided by law.

DTSC will consider public comments on the Consent Decree which are received by DTSC within thirty (30) days of the date of this notice. DTSC may withhold finalization of the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate.

The Consent Decree and additional background information relating to the Site are available for public inspection at the Department of Toxic Substances Control, 1515 Tollhouse Rd., Clovis, California 93611. A copy of the Consent Decree may also be obtained by contacting the DTSC representative listed below:

Ruben Medina, Project Manager
Site Mitigation Cleanup Operations
Department of Toxic Substances Control
1515 Tollhouse Rd.
Clovis, California 93611
Phone: (559) 297-3901
Facsimile: (559) 297-3931

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**
Construction and Demolition and Inert Debris
Disposal

This action adopts a regulatory program and standards for the disposal of construction and demolition waste and inert debris (“CDI”) and the permitting of CDI waste disposal facilities.

Title 14, 27
California Code of Regulations
ADOPT: 17387, 17387.1, 17387.5, 17388, 17388.1,
17388.2, 17388.3, 17388.4, 17388.5, 17389, 17390,
18223.6 AMEND: 24565, 21570
Filed 12/26/03
Effective 02/24/04
Agency Contact:
Michael Bledsoe (916) 341-6058

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Communications Curriculum Requirements-CPT

This regulatory action adds the minimum standards for communications training.

Title 11
 California Code of Regulations
 AMEND: 1005
 Filed 12/30/03
 Effective 01/29/04
 Agency Contact: Leah Cherry (916) 227-3891

DEPARTMENT OF CONSUMER AFFAIRS
 Conflict of Interest Code

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

Title 16
 California Code of Regulations
 AMEND: 3830
 Filed 12/29/03
 Effective 12/29/03
 Agency Contact:
 Albert Balingit (916) 445-5126

DEPARTMENT OF CORRECTIONS
 Statewide Vendor Packages Program

This emergency action establishes a Statewide Vendor Package Program for purchasing and packaging inmate personal property packages. This action is adopted pursuant to certification of operational necessity under Penal Code section 5058.3.

Title 15
 California Code of Regulations
 AMEND: 3044, 3092, 3138, 3190
 Filed 12/30/03
 Effective 01/01/04
 Agency Contact:
 Ann Cunningham (916) 322-9690

DEPARTMENT OF FOOD AND AGRICULTURE
 Mexican Fruit Fly Interior Quarantine

The regulatory action is the Certificate of Compliance for the emergency regulatory action that repealed a specified portion of Los Angeles County from being in the Mexican Fruit Fly Interior Quarantine area. (Prior OAL File 03-0722-04E; Department of Food and Agriculture File PH0335.)

Title 3
 California Code of Regulations
 AMEND: 3417(b)
 Filed 12/26/03
 Effective 12/26/03
 Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
 Workers' Compensation Rates

This action calls for the filing of updates to the Workers Compensation Uniform Statistical Reporting Plan of 1995, as amended, and the Workers Compensation Experience Rating Plan of 1995, as amended.

Title 10
 California Code of Regulations
 AMEND: 2318.6, 2353.1
 Filed 12/31/03
 Effective 07/01/03
 Agency Contact: Larry C. White (415) 538-4423

DEPARTMENT OF INSURANCE
 Workers' Compensation Rates

This action updates the Workers Compensation Uniform Statistical Reporting Plan of 1995, as amended, the Workers Compensation Experience Rating Plan of 1995, as amended, and the Workers Compensation Miscellaneous Regulation for the Recording and Reporting of Data, with amendments effective January 1, 2004.

Title 10
 California Code of Regulations
 AMEND: 2318.6, 2353.1, 2354
 Filed 12/31/03
 Effective 01/01/04
 Agency Contact: Larry C. White (415) 538-4423

DEPARTMENT OF PARKS AND RECREATION
 OHMVR Grant & Cooperative Agreement
 Program Regulations

This certificate of compliance makes permanent the prior emergency regulations (prior emergency OAL file nos. 03-0328-03ER; 03-0804-04 ER) that amended the Department's regulations dealing with Off-highway Motor Vehicle Recreation (OHMVR) grants and cooperative agreements.

Title 14
 California Code of Regulations
 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.21, 4970.21, 4970.22, 4970.23, 4970.2
 Filed 12/31/03
 Effective 12/31/03
 Agency Contact: Barry Jones

DEPARTMENT OF SOCIAL SERVICES
 Interim Closure or Removal Pending Arrest
 Investigation

This Certificate of Compliance adopts procedures for the interim closure of or removal from a licensed child care facility of a licensee pending an investigation of a licensee's arrest.

Title 22, MPP
 California Code of Regulations
 AMEND: 101170, 102370
 Filed 12/30/03

Effective 12/30/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Educational Awards/Scholarships and Eligible
Teens' Exemption

In this emergency regulatory action, the Department of Social Services amends California Work Opportunity and Responsibility to Kids (CalWORKs) regulations to reflect changes contained in Senate Bill 1264, Chapter 439, Statutes of 2002 relating to educational awards and scholarships and relating to an eligible teens' exemption.

Title MPP

California Code of Regulations

AMEND: 42-712, 42-719, 44-111

Filed 12/29/03

Effective 01/01/04

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Motor Vehicle Regulations: CalWORKs and
Food Stamp Programs

Assembly Bill 231 (Chapter 743, Statutes of 2003) becomes effective January 1, 2004. AB 231 adopts Welfare and Institutions Code section 18901.9 which requires that the vehicle resource rules governing the Food Stamp Program be aligned with an alternative program. This emergency regulatory action aligns these rules with those of the CalWORKs Child Care Program and, consequently, vehicles are exempt from being counted as resources when determining food stamp eligibility. Existing law requires CalWORKs to use the Food Stamp Program vehicle evaluation rules when determining CalWORKs eligibility. AB 231 eliminates this requirement and amends Welfare and Institutions Code section 11155 to establish the treatment of motor vehicles when determining CalWORKs eligibility. This emergency regulatory action makes changes to the regulations governing CalWORKs to reflect this change in the law.

Title MPP

California Code of Regulations

AMEND: 42-207, 42-215, 63-501, 63-1101

Filed 12/31/03

Effective 01/01/04

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Residential Care Facilities for the Elderly,
Health Related Conditions

This action amends the lists of prohibited and restricted health conditions allowable in a residential care facility for the elderly, lessening some restrictions

and requirements for obtaining DHS approval before accepting or retaining a resident with specified health conditions.

Title 22, MPP

California Code of Regulations

ADOPT: 87701.2 AMEND: 87101, 87218, 87561, 87575.1, 87577, 87578, 87691, 87701, 87701.1, 87701.2, 87702, 87702.1, 87703, 87704, 87705, 87707, 87708, 87709, 87710, 8711, 87713

Filed 12/29/03

Effective 01/01/04

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DIVISION OF WORKERS COMPENSATION
Payment of Medical Provider and Medical-Legal
Lien Filing Fee

This regulation implements Labor Code section 4903.05, effective 1/1/04, which provides for the collection of a filing fee of \$100. from medical providers and medical-legal lien claimants upon the filing of an initial medical or medical-legal lien in each case.

Title 8

California Code of Regulations

ADOPT: 10250

Filed 12/31/03

Effective 01/01/04

Agency Contact: James Robbins (415) 703-4600

EMPLOYMENT DEVELOPMENT DEPARTMENT
Unemployment Insurance Identity Verification

Recent instances of compromised employer records containing employee information have created the potential for large scale unemployment insurance fraud in California. Current regulatory language limits instances in which the Department can require a claimant to provide additional information needed to establish his/her identity. This filing is a certificate of compliance for an emergency regulatory action which added identification procedures and authorized the Department to act on credible information from a variety of sources to investigate potential fraud and stop benefit payments to individuals who are not the true owner of the identity.

Title 22

California Code of Regulations

ADOPT: 1326-3 AMEND: 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6

Filed 12/24/03

Effective 12/24/03

Agency Contact: Laura Colozzi (916) 654-7712

FISH AND GAME COMMISSION

**Bay Delta Sport Fishing Enhancement Stamp
Geographic Range**

Senate Bill 692 (ch. 796, stats. 2003) effective January 1, 2004 amends section 7360 of the Fish and Game Code to require a Bay-Delta Sport Fishing Enhancement Stamp for sport fishing the tidal water of the San Francisco Bay Delta and the Sacramento and San Joaquin rivers, including major tributaries, below the most downstream dam. This emergency regulatory action is necessary to clarify the geographic boundaries.

Title 14

California Code of Regulations

ADOPT: 1.18

Filed 12/30/03

Effective 01/01/04

Agency Contact: Robert Treanor

FISH AND GAME COMMISSION

Putah Creek Closure

In this emergency regulatory action, the Fish and Game Commission amends a special fishing regulation to provide that a specified area of Putah Creek (in Solano and Yolo Counties) is closed to all fishing.

Title 14

California Code of Regulations

AMEND: 7.50(b)(147)

Filed 12/26/03

Effective 12/26/03

Agency Contact: Robert Treanor

**MANAGED RISK MEDICAL INSURANCE
BOARD**

Healthy Families Program—Trailer Bill Regulations

This certificate of compliance makes permanent the prior emergency regulatory action dealing with pre-enrollment procedures for the Healthy Families Program which provides health services to uninsured, low-income children.

Title 10

California Code of Regulations

ADOPT: 2699.6612, 2699.6827 AMEND:
2699.6500, 2699.6600, 2699.6607, 2699.6611,
2699.6705, 2699.6715, 2699.6717, 2699.6725,
2699.6813, 2699.6815, 2699.6819

Filed 12/30/03

Effective 12/30/03

Agency Contact:

Donald G. Minnich (916) 327-7978

NEW MOTOR VEHICLE BOARD

**Nonsubstantive Changes Consistent With
Statutory Changes**

This action without regulatory effect changes references to “secretary” and “hearing officer” to “Executive Director” and “administrative law judge”

respectively in compliance with Chapter 451, Statutes of 2003 (AB 1718). It also makes amendments to include new recreational vehicle dealers within the Board’s jurisdiction in compliance with Chapter 703, Statutes of 2003 (SB 248).

Title 13

California Code of Regulations

AMEND: 550, 551.1, 551.2, 551.11, 551.12,
551.13, 551.14, 551.15, 551.16, 551.17, 552,
553.40, 555, 555.1, 556, 557, 558, 560, 561, 562,
565, 566, 570, 571, 572, 573, 574, 575, 577, 584,
585, 586, 587, 588, 589, 590, 592, 593, 593.1, 595,
598

Filed 12/31/03

Effective 01/01/04

Agency Contact:

Howard Weinberg (916) 445-2080

**STATE COUNCIL ON DEVELOPMENTAL
DISABILITIES**

Conflict of Interest Code

The State Council on Developmental Disabilities is repealing its conflict of interest codes found at Title 2, California Code of Regulations, Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, and 41013. The captioned repeals were approved by the Fair Political Practices Commission on November 13, 2003 (separate certificates signed by the Fair Political Practices Commission for each of the thirteen councils are attached to the regulatory repeal).

Title 2

California Code of Regulations

REPEAL: Division 8, Chapter 20, Sections 41001,
41002, 41003, 41004, 41005, 41006, 41007, 41008,
41009, 41010, 41011, 41012, 41013

Filed 12/29/03

Effective 01/28/04

Agency Contact:

Karim Alipour-Frad (916) 443-4957

SUPERINTENDENT OF PUBLIC INSTRUCTION

**Regional Market Rate—Child Care and
Development Programs**

This emergency regulatory action readopts the regional market rate for payments to child care providers. (Previous OAL file #03-0828-01E)

Title 5

California Code of Regulations

ADOPT: 18074, 18074.1, 18074.2, 18074.3, 18075,
18075.1, 18075.2, 18076, 18076.1, 18076.2
AMEND: 18413, 18428 REPEAL: 18021

Filed 12/29/03

Effective 12/29/03

Agency Contact: Debra Strain

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Incubator Grants

This action without regulatory effect repeals the Incubator Grants in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4550, 4551, 4552, 4553

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

California Emergency Grant Assistance Program

This action without regulatory effect repeals the California Emergency Grant Assistance Program in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4035, 4036, 4037, 4038

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Rural Economic Development Infrastructure Program

This action without regulatory effect repeals the Rural Economic Development Infrastructure Program in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 5300, 5310, 5311, 5312, 5313, 5314,

5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322,

5323, 5324, 5326, 5327, 5328, 5329, 5330, 5340,

5341, 5342, 5343

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Environmental Assessment

This action without regulatory effect repeals the Environmental Assessment in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4620

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Rural E. Commerce Grant Program

This action without regulatory effect repeals the Rural E-Commerce Grant Program in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4,

4081.5, 4081.6, 4081.7, 4081.8

Filed 12/26/03

Effective 01/25/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Dry Cleaning Plant Registration

This action without regulatory effect repeals the Dry Cleaning Plant Registration in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4300, 4301, 4302, 4303, 4305

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Rural Economic Development Grant Program

This action without regulatory effect repeals the Rural Economic Development Grant Program in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4025, 4026, 4027, 4028, 4029, 4030,

4031, 4032

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

California Export Finance Office/California World Trade Commission

This action without regulatory effect repeals the California Export Finance Office/California World Trade Commission in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10

California Code of Regulations

REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4,

4081.5, 4081.6, 4081.7, 4081.8

Filed 12/26/03

Effective 01/01/04

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

Job Creation Investment Fund Grant Program

This action without regulatory effect repeals the Job Creation Investment Fund Grant Program in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10
California Code of Regulations
REPEAL: 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207
Filed 12/26/03
Effective 01/01/04
Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

California Loan for Environmental Assistance

This action without regulatory effect repeals the California Loan for Environmental Assistance in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10
California Code of Regulations
REPEAL: 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619
Filed 12/26/03
Effective 01/01/04
Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

California Offset Program

This action without regulatory effect repeals the California Offset Program in accordance with AB 1757, Chapter 229, Statutes of 2003.

Title 10
California Code of Regulations
AMEND: 4070, 4071, 4072, 4073, 4074 REPEAL:
4070, 4071, 4072, 4073, 4074
Filed 12/26/03
Effective 01/01/04
Agency Contact: Terri Toohey (916) 324-3787

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN AUGUST 20, 2003 TO
DECEMBER 31, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the

Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

- 12/29/03 REPEAL: Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, 41013
- 12/22/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
- 12/19/03 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 185
- 12/01/03 ADOPT: Division 8, Chapter 106, Section 59500
- 12/01/03 ADOPT: 22100, 22110, 22120, 22130
- 11/20/03
- 11/10/03 ADOPT: 18728.5 AMEND: 18703.3
- 11/03/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
- 10/23/03
- 10/10/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145
- 10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
- 10/09/03 AMEND: 1859.77.2
- 10/09/03 AMEND: 1555
- 10/09/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
- 10/06/03 AMEND: 18320, 18321, 18361, 18370, 18419, 18420, 18703.1, 18747
- 10/02/03 ADOPT: 18709
- 10/01/03 ADOPT: 559.937.3
- 09/15/03 ADOPT: 18951
- 09/12/03 AMEND: 37000
- 08/29/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 2-Z

08/28/03
08/25/03 ADOPT: 1859.71.4, 1859.78.1 AMEND:
1859.2, 1859.73.2, 1859.79.2, 1859.82,
1859.83, 1859.125, 1859.125.1, 1859.145

Title 3

12/26/03 AMEND: 3417(b)
11/06/03 AMEND: 3700 (d)
11/06/03 AMEND: 2303, 2309, 2311
11/03/03 ADOPT: 6148, 6148.5, 6216, 6217
AMEND: 305, 6168, 6170, 6386, 6500,
6502, 6505, 6508, 6512
10/27/03 AMEND: 3417(b)
10/27/03 AMEND: 3423 (b)
10/20/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4,
755.5, 755.6, 756, 756.1, 756.2, 756.3,
757, 758, 758.1, 759 AMEND: 753.2
REPEAL: 757, 759, 759.1, 759.2, 759.3,
759.4, 795.5
10/14/03 AMEND: 3423(b)
10/06/03 AMEND: 1430.35, 1430.36
09/30/03 AMEND: 3651, 3655, 3658, 3662
09/29/03 AMEND: 3055.6(c)
09/25/03 AMEND: 3417
09/11/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
08/26/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3
08/26/03 AMEND: 1380.19 (b), (q), (r), (t),
1402.12, 1446.7, 1454.14, 1462.15
08/21/03 ADOPT: 820, 820.1, 820.2, 820.3, 820.4,
820.5, 820.6, 820.7, 820.8

Title 4

12/15/03 ADOPT: 12250 AMEND: 12101, 12122
11/06/03 ADOPT: 12200, 12201, 12202, 12203,
12204, 12205, 12206, 12207, 12208,
12209, 12210, 12211, 12212, 12213,
12214, 12220, 12221, 12222, 12223,
12224, 12225, 12226, 12227, 12228,
12229, 12230, 12231, 12232
10/30/03 ADOPT: 12270, 12271, 12272
10/14/03 ADOPT: 12371 AMEND: 12370
10/02/03 AMEND: 4001
09/23/03 ADOPT: 2100, 2101, 2102, 2103, 2104,
2105 AMEND: 1928
09/18/03 AMEND: 1979.1
09/16/03 AMEND: 1867
09/08/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12301, 12303
09/02/03 AMEND: 2000
08/25/03 ADOPT: 12250

Title 5

12/29/03 ADOPT: 18074, 18074.1, 18074.2,
18074.3, 18075, 18075.1, 18075.2,

18076, 18076.1, 18076.2 AMEND:
18413, 18428 REPEAL: 18021
12/01/03 AMEND: 30950, 30953, 30954, 30958,
30959
11/20/03 ADOPT: 600, 601, 602, 603, 604, 605,
606, 607, 608, 609, 610, 611
11/06/03 AMEND: 51025
11/06/03 ADOPT: 1068, 1069, 1070,, 1071,1072,
1073, 1074
11/05/03 AMEND: 53001, 53021
11/04/03 ADOPT: 15060, 15070, 15071
10/29/03 ADOPT: 13075
10/28/03 ADOPT: 11963, 11963.1, 11963.2,
11963.3, 11963.4, 11963.5, 11963.6
10/20/03 AMEND: 80020.1
09/23/03 ADOPT: 18270.5, 18280, 18281
AMEND: 18023, 18272, 18273, 18274,
18275, 18279
09/22/03 ADOPT: 40520, 40521, 40522, 40523
09/11/03 ADOPT: 76215 AMEND: 76000, 76010,
76120, 76130, 76200, 76210 REPEAL:
76100, 76110
09/04/03 ADOPT: 18074, 18074.1, 18074.2,
18074.3, 18075, 18075.1, 18075.2,
18076, 18076.1, 18076.2 AMEND:
18413, 18428 REPEAL: 18021
08/26/03 ADOPT: 11971, 11972, 11973, 11974,
11975, 11976, 11977, 11978, 11979,
11979.5

Title 8

12/31/03 ADOPT: 10250
12/22/03 AMEND: 341.17
12/18/03 ADOPT: 15611 AMEND: 15600, 15601,
15601.7, 15602, 15603, 15604, 15605,
15606, 15607, 15608 REPEAL: 15610
11/20/03
11/13/03 AMEND: 32120, 32125, 32135, 32603,
32605, 32620, 32635, 32798, 32980,
61000, 61090, 31240, 61380, 61420,
61480
11/12/03 ADOPT: 15220, 15220.1, 15220.2,
15220.3, 15200.4, 15220.5, 15220.6,
15220.7, 15220.8 AMEND: 15201,
15210, 15210.1, 15210.2, 15216, 15430
10/30/03 AMEND: 4968
10/30/03 ADOPT: 3663(g), 3663(h)
10/27/03 ADOPT: 5148
10/20/03 ADOPT: 5035(c) AMEND: 5035(b)
10/16/03 AMEND: 21200
10/09/03 ADOPT: 341.17
10/06/03 AMEND: 10104, 10107.1, 10111.2
08/26/03 AMEND: 3273
08/25/03 AMEND: 2561.31, 2561.32, 4885, 5022

Title 9

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

Title 10

12/31/03 AMEND: 2318.6, 2353.1
 12/31/03 AMEND: 2318.6, 2353.1, 2354
 12/30/03 ADOPT: 2699.6612, 2699.6827
 AMEND: 2699.6500, 2699.6600,
 2699.6607, 2699.6611, 2699.6705,
 2699.6715, 2699.6717, 2699.6725,
 2699.6813, 2699.6815, 2699.6819
 12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074
 REPEAL: 4070, 4071, 4072, 4073, 4074
 12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614,
 4615, 4616, 4617, 4618, 4619
 12/26/03 REPEAL: 4550, 4551, 4552, 4553
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204,
 6205, 6206, 6207
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/26/03 REPEAL: 4035, 4036, 4037, 4038
 12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029,
 4030, 4031, 4032
 12/26/03 REPEAL: 4620
 12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313,
 5314, 5315, 5316, 5317, 5318, 5319,
 5320, 5321, 5322, 5323, 5324, 5326,
 5327, 5328, 5329, 5330, 5340, 5341,
 5342, 5343
 12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305
 12/23/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
 2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
 2192.10, 2192.11, 2192.12
 12/22/03 AMEND: 2190.05, 2190.7
 12/15/03 ADOPT: 2591, 2591.1, 2591.2, 2591.3,
 2591.4
 11/18/03 ADOPT: 2361
 11/07/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3,
 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 10/31/03 AMEND: 260.102.14
 09/11/03 ADOPT: 250.70
 09/09/03 AMEND: 2498.6
 09/09/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
 2278.4, 2278.5
 09/05/03 ADOPT: 2791.3, 2792.33, 2810.3, 2836,
 2860 AMEND: 2731, 2790.5, 2791.8,
 2792.26, 2848, 2853, 2910, 2911, 2912,
 2930, 2950, 3000, 3006
 09/04/03 ADOPT: 2698.30, 2698.31, 2698.32,
 2698.33, 2698.34, 2698.35, 2698.36,
 2698.37, 2698.38, 2698.39, 2698.40,
 2698.41, 2698.42 REPEAL: 2698.40,
 2698.41, 2698.42, 2698.43, 2698.44,
 2698.45
 09/02/03 AMEND: 2498.6
 08/28/03 AMEND: 2498.6

08/26/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
 2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
 2192.10, 2192.11, 2192.12, 2192.13
 08/25/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
 2278.4, 2278.5
 08/21/03 ADOPT: 2187.4
 08/21/03 ADOPT: 2175.6, 2175.7, 2175.8, 2175.9,
 2178

Title 11

12/30/03 AMEND: 1005
 12/05/03 AMEND: 1002(a)(8)
 12/01/03 AMEND: 51.18
 11/13/03 AMEND: 1005
 11/12/03 ADOPT: 994, 994.1, 994.2, 994.3, 994.4,
 994.5, 994.6, 994.7, 994.8, 994.9, 994.10,
 994.11, 994.12, 994.13, 994.14, 994.15,
 994.16
 11/10/03 AMEND: 2010, 2030, 2060 REPEAL:
 2031, 2032, 2034, 2035, 2036
 10/07/03 AMEND: 1004, 1005
 10/01/03 ADOPT: 995
 09/29/03 ADOPT: 1081(a)(34)
 08/25/03 ADOPT: 977.52 AMEND: 977.20,
 977.43, 977.44, 977.45, 977.50, 977.51
 08/21/03 AMEND: 1005, 1080, 1081

Title 13

12/31/03 AMEND: 550, 551.1, 551.2, 551.11,
 551.12, 551.13, 551.14, 551.15, 551.16,
 551.17, 552, 553.40, 555, 555.1, 556,
 557, 558, 560, 561, 562, 565, 566, 570,
 571, 572, 573, 574, 575, 577, 584, 585,
 586, 587, 588, 589, 590, 592, 593, 593.1,
 595, 598
 12/23/03 ADOPT: 220.20 AMEND: 220.00,
 220.02, 220.04, 220.06, 220.08, 220.12,
 220.14, 220.16, 220.18, 221.00, 221.02,
 221.04, 221.06, 221.08, 221.10, 221.12,
 12/23/03 ADOPT: 225.48
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