

**State of California
Office of Administrative Law**

In re:
California Water Commission

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:
Amend sections: 6010
Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2020-0821-04

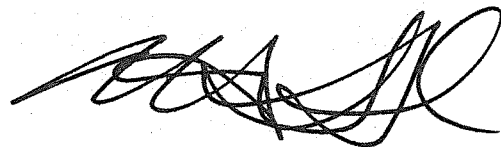
OAL Matter Type: Emergency (E)

This emergency action adds provisions to section 6010 of Title 23 of the California Code of Regulations to provide for an additional funding opportunity for applicants to the Water Storage Investment Program to obtain funding for the completion of environmental documentation and for obtaining necessary permits for the project. The additional funding opportunity is for applicants that did not apply for or did not receive an award of funding for these purposes as part of their application to the program.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/31/2020 and pursuant to Executive Orders N-40-20 and N-66-20 will expire on 6/30/2021 and not 3/1/2021. The Certificate of Compliance for this action is due no later than 6/29/2021.

Date: August 31, 2020



FOR:

Dale P. Mentink
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Paula Landis, Executive Officer
Copy: Holly Geneva Stout

EMERGENCY

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2020-0821-04E
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For use by Office of Administrative Law (OAL) only

2020 AUG 21 P 4:41
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
In the office of the Secretary of State
of the State of California
AUG 31 2020
1:37pm

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
California Water Commission

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Special Application for Early Funding	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) n/a
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 6010
TITLE(S) 23	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Holly Geneva Stout	TELEPHONE NUMBER (916) 651-9566	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) holly.stout@water.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Joseph R. Yun	DATE 8/19/2020
TYPED NAME AND TITLE OF SIGNATORY Joseph R. Yun, Executive officer	

per agency request 8/31/2020 (TH)

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
AUG 31 2020
Office of Administrative Law

NOTE: All additions to text are indicated in underline, all deletions are indicated in ~~strikeout~~.

CALIFORNIA CODE OF REGULATIONS

TITLE 23. WATERS

DIVISION 7. CALIFORNIA WATER COMMISSION

CHAPTER 1. WATER STORAGE INVESTMENT PROGRAM

Section 6010. Funding for Environmental Documentation and Permits.

[Subsections (a) – (e) are unchanged.]

(f) The Commission will make one additional funding opportunity available pursuant to this section for applicants to the Water Storage Investment Program that received a Maximum Conditional Eligibility Determination pursuant to section 6011 and either did not apply for or did not receive an award of funding pursuant to this section. Applicants that request funding pursuant to this section meeting these criteria must:

- (1) Notify the Commission staff of the applicant's intent to request funding for environmental documentation and permits at least 15 days in advance of the next regularly scheduled Commission meeting;
- (2) Present the request at a regularly scheduled meeting of the Commission explaining the need and scope of the request, including the amount requested as a portion of the Maximum Conditional Eligibility Determination; and
- (3) Provide any materials that will be used at the Commission meeting to the Commission staff at least ten (10) days before the regular scheduled Commission meeting.

(g) If an applicant notifies the Commission pursuant to section 6010(f)(1), Commission staff shall provide an update on the specific project to the Commission at the scheduled Commission meeting before the applicant presents its request. The update shall include a status of the project and an overview of the quarterly reports received to date.

(h) The Commission will determine whether to award funding pursuant to section 6010(f) based on its discretion, the same as that exercised when decisions were made under this section during the initial evaluation of the applications, and based on the information contained in the reports submitted by the applicants as required by section 6013(d). The Commission may not delay a decision to a future meeting unless the meeting does not occur due to events of *force majeure* or lack of a quorum.

Note: Authority cited: Sections 79705, 79711, 79750, 79751, 79752, 79753, 79754, 79755, and 79757, Water Code. Reference: Sections 79705, 79711, 79751, 79755, 79757, 10733.2 and 10753.7, Water Code.