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**From:** Rose, David@Waterboards  
**Sent:** Friday, September 24, 2021 11:03 AM  
**To:** OAL ElectronicSubmissions@OAL  
**Cc:** Ekdahl, Erik@Waterboards; Riddle, Diane@Waterboards; Williamson, Nicole@Waterboards  
**Subject:** emergency regulation package submittal  
**Attachments:** Form 400 and Adopted Regulation Text - Copy (5).pdf; Form 400 and Adopted Regulation Text - Copy (6).pdf; Form 400 and Adopted Regulation Text - Copy (7).pdf; Form 400 and Adopted Regulation Text - Copy (1).pdf; Form 400 and Adopted Regulation Text - Copy (2).pdf; Form 400 and Adopted Regulation Text - Copy (3).pdf; Form 400 and Adopted Regulation Text - Copy (4).pdf; Mill and Deer Regulation All Files Combined.pdf

Please find enclosed the submittal for an emergency regulation adopted by the State Water Resources Control Board (State Water Board) on September 22, 2021. The State Water Board provided notice of the proposed emergency rulemaking to parties interested in regulations and drought information on September 16, 2021. This submittal includes the information required to be submitted pursuant to sections 6.5 and 50 of the Office of Administrative Law's (OAL) regulations.

Specifically, enclosed are the following eight (8) documents:

1. Seven (7) copies of Form 400, each with a copy of the adopted regulation with authorities and references included.
2. Combined into a single rulemaking document, the following:
  - a. A copy of State Water Board Resolution 2021-0038 adopting the regulation and the adopted regulation, dated September 22, 2021.
  - b. A copy of the Notice of Proposed Emergency Rulemaking, dated September 16, 2021, with attached draft regulation text.
  - c. A copy of the email transmitting the Notice of Proposed Emergency Rulemaking, dated September 16, 2021, to multiple email subscription lists including the list maintained by the State Water Board of every person who has filed a request for notice of regulatory action.
  - d. A copy of State Water Board staff presentation at the September 22, 2021 Board meeting.
  - e. A copy of the finding of emergency, informative digest, and fiscal analysis.
  - f. A copy of Form 399 and attached fiscal impact analysis.
- 3.

The regulation was adopted pursuant to Water Code section 1058.5, which authorizes the State Water Board to adopt emergency regulations to prevent the waste or unreasonable use of water, to promote water recycling or conservation, or to require curtailments when water is not available under the diverter's priority of right in response to drought conditions as defined in that section. In this case, section 1058.5 applies because Governor Gavin Newsom issued a proclamation of a state of emergency based on drought conditions on May 10, 2021. Section 1058.5, subdivision (b) provides that, notwithstanding Government Code sections 11346.1 and 11349.6, the State Water Board's finding of emergency in connection with the adoption of a

regulation under section 1058.5 is not subject to review by OAL. In addition, section 1058.5, subdivision (c) provides that regulations adopted under section 1058 may remain in effect up to one year, and may be renewed if the State Water Board finds that drought conditions remain in effect.

On September 1, 2021, the State Water Board released a preliminary draft of the emergency regulation for public review and comment. State Water Board staff provided information concerning the proposed regulation and solicited written comments on the proposed regulation by 12:00 noon on September 8, 2021. Staff did not propose any additional changes in light of the preliminary comments. The Board received and considered additional comments up to and through its September 22 adoption meeting. The Board adopted the proposed regulation without any additional changes.

#### STATEMENT CONFIRMING COMPLIANCE WITH NOTICE REQUIREMENT

(Cal. Code Regs., tit. 1 § 50, subd. (b)(3)(A))

The State Water Board sent notice of the proposed emergency action to every person who has filed a request for notice of regulatory action at least five working days before submitting the emergency regulation to the Office of Administrative Law in accordance with the requirements of Government Code section 11346.1, subdivision (a)(2). See item 4 listed above.

If you have any questions regarding this submittal, please contact me by email at [david.rose@waterboards.ca.gov](mailto:david.rose@waterboards.ca.gov). Confirmation of OAL's receipt of this submittal would be appreciated.

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For tips on what you can do to save water, visit <http://saveourwater.com>