

**From:** [Rose, David@Waterboards](mailto:Rose.David@Waterboards)  
**To:** [OAL.ElectronicSubmissions@OAL](mailto:OAL.ElectronicSubmissions@OAL)  
**Cc:** [Aue, Marianna@waterboards](mailto:Aue.Marianna@waterboards); [Beaudin, Lauren@Waterboards](mailto:Beaudin.Lauren@Waterboards); [Riddle, Diane@Waterboards](mailto:Riddle.Diane@Waterboards)  
**Subject:** Email 1 of 2 - State Water Board emergency regulation OAL submittal  
**Date:** Monday, September 12, 2022 12:19:13 PM  
**Attachments:** [Form 400 signed with Req Text \(4\).pdf](#)  
[Form 400 signed with Req Text \(5\).pdf](#)  
[Form 400 signed with Req Text \(6\).pdf](#)  
[Form 400 signed with Req Text \(7\).pdf](#)  
[Form 400 signed with Req Text \(1\).pdf](#)  
[Form 400 signed with Req Text \(2\).pdf](#)  
[Form 400 signed with Req Text \(3\).pdf](#)

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Please find the submittal for an emergency regulation adopted by the State Water Resources Control Board (State Water Board) on August 16, 2022. The State Water Board provided notice of the proposed emergency rulemaking to parties interested in regulations and drought information on August 5, 2022. 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, in two separate emails are enclosed the following eight (8) files:

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 file, the following:
  - a. A copy of State Water Board Resolution 2022-0030 adopting the regulation and the adopted regulation text, August 16, 2022.
  - b. A copy of the Notice of Proposed Emergency Rulemaking, dated August 5, 2022.
  - c. A copy of the finding of emergency, informative digest, and fiscal analysis.
  - d. A copy of Form 399.
  - e. A copy of the Fiscal Impact Statement, Attachment 1 to Form 399
  - f. A Statement Confirming Compliance with Notice Requirement.

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 1058.5 may remain in effect up to one year, and may be renewed if the State Water Board finds that drought conditions remain in effect.

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 items 2.b and 2.f 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.

David Rose, Attorney IV

Office of the Chief Counsel

State Water Resources Control Board

1001 I Street, 22nd Floor

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**Subject:** Email 2 of 2 - State Water Board emergency regulation OAL submittal  
**Date:** Monday, September 12, 2022 12:18:08 PM  
**Attachments:** [Portfolio OAL package - Mill and Deer Creeks Emergency Reg 2022.pdf](#)

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