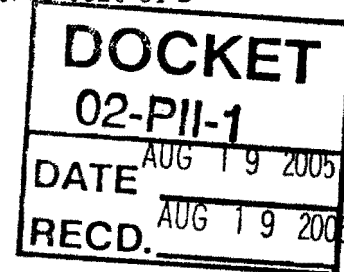


**STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW**

AGENCY: STATE ENERGY	)	DECISION OF DISAPPROVAL OF
RESOURCES CONSERVATION AND	)	REGULATORY ACTION
DEVELOPMENT COMMISSION	)	
	)	(Government Code section 11349.3)
ACTION: Adopt sections 1363.1, 1363.2	)	
1365.1, 1365.2, 1368.1, and Appendix C;	)	OAL file No. 05-0620-01 S
Amend sections 1361, 1362, 1364, 1366,	)	
1367, 1369, 1370, 1371, Appendix A, and	)	
Appendix B; Repeal sections 1363, 1365,	)	
1368 and 1368.5 of title 20 of the	)	
California Code of Regulations	)	



**BACKGROUND**

The State Energy Resources Conservation and Development Commission ("Commission") proposed updating the regulations that define terms and specify the information that entities subject to the continuing monthly and new weekly, monthly and annual reporting requirements of the Petroleum Industry Information Reporting Act must report to the state. On June 20, 2005, these changes were submitted by the Commission to OAL for review and on August 1, 2005, OAL disapproved the proposed changes. This Decision of Disapproval explains the reasons for OAL's action.

**DECISION**

OAL disapproved the Commission's proposed action for its failure to meet the clarity and reference standards set forth in Government Code section 11349.1; failure to meet the requirements applicable to the incorporation of outside materials into a regulation by reference; defects related to the notice of rulemaking; the omission of some necessary documents; and several defects in the included documents.

**DISCUSSION**

**1) CLARITY**

Three of the proposed regulations do not meet the clarity standard set forth in Government Code section 11349. The standard is designed to assure that regulations can be easily understood by the directly affected public.

**A) Emergency Reporting**

Proposed section 1365.2 provides as follows: