



300 Capitol Mall, Suite 1250, Sacramento, CA 95814
Phone: (916) 323-6225 | Fax: (916) 323-6826



February 4, 2020

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

FEB 05 2020

1:45 PM

To: Secretary of State, State of California
Ruth Lafler, Thomson Reuters

From: Amy Gowan, Attorney
(916) 323-7465
Amy.Gowan@oal.ca.gov

Please note corrected

Re: Erratum Notice
OAL File No. ~~2020-1210-01S~~

File number

Department of Food and Agriculture
Filed January 23, 2020

Thank

To Whom It May Concern:

The text filed on January 23, 2020, in the above referenced matter contains an error. The filed text did not include language recently adopted in section 4001 in a separate matter, OAL File No. 2019-1101-01S, and therefore did not accurately reflect the existing text in the California Code of Regulations.

Attached is a copy of the applicable Form 400 and corrected page of the regulation text. Please ensure that the corrected regulation text and this communication are retained with the original, endorsed Form 400 text in your records for the above referenced file number.

Please contact me directly if you have any questions.

Thank You,

Amy Gowan

Encl: Endorsed Form 400
Corrected Text
Department of Food and Agriculture Correction Request

State of California



Office of Administrative Law

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To: Secretary of State, State of California
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Re: Erratum Notice
OAL File No. 2020-1210-01S
Department of Food and Agriculture
Filed January 23, 2020

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In the office of the Secretary of State
of the State of California

FEB 04 2020

2:59 PM

To Whom It May Concern:

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Corrected Text
Department of Food and Agriculture Correction Request

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2019-0521-01	2019-1210-015	

ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California:

JAN 23 2020
 3:00 PM

For use by Office of Administrative Law (OAL) only	
RECEIVED DATE MAY 21 '19	PUBLICATION DATE MAY 31 '19
Office of Administrative Law	
NOTICE	REGULATIONS

2019 DEC 10 A 8:49
 OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Hydrogen Gas-Measuring Devices (3.39)	TITLE(S) 4	FIRST SECTION AFFECTED 4002.9	2. REQUESTED PUBLICATION DATE May 31, 2019
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Samuel Ferris	TELEPHONE NUMBER (916) 229-3000	FAX NUMBER (Optional) (916) 229-3055
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input checked="" type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2019-22-2	PUBLICATION DATE 5/31/2019

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) HYDROGEN GAS-MEASURING DEVICE	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 4001 AND 4002.9
TITLE(S) 4	REPEAL

3. TYPE OF FILING

<input checked="" 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 §§1349.3, 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 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)

OCTOBER 14-30, 2019

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 Samuel Ferris	TELEPHONE NUMBER (916) 229-3000	FAX NUMBER (Optional) (916) 229-3055	E-MAIL ADDRESS (Optional) sam.ferris@cdfa.ca.gov
---	---	--	--

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 <i>Kevin Masuhara</i>	DATE 12/6/19
TYPED NAME AND TITLE OF SIGNATORY KEVIN MASUHARA, DEPUTY SECRETARY	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 23 2020

Office of Administrative Law

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Hydrogen Gas-Measuring Devices (3.39.)

CCR Title 4, §§ 4001 edits

FINAL TEXT OF THE REGULATION

Proposed additions to original text are single underlined,
and proposed deletions are ~~single-strikethrough~~.

§ 4001. Exceptions.

The following regulations in Handbook 44 are not adopted or incorporated by reference:

1.10. General Code.

G-S.1.2. Remanufactured Devices and Remanufactured Main Elements.

G-T.1. Acceptance Tolerances.

(b) equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time;

(c) equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service;

(d) equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul;

2.20. Scales.

S.1.8.4. Customer's Indications.

N.3. Minimum Test Weights and Test Loads*.

UR.2.6.1 Vehicle Scales.

UR.3.7. Minimum Load on a Vehicle Scale.

3.30. Liquid-Measuring Devices.

N.4.1.1. Wholesale Devices Equipped With Automatic Temperature Compensating Systems.

3.31. Vehicle-Tank Meters.

UR.2.2. Ticket Printer; Customer Ticket.

3.32. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices.

S.2.6. Automatic Temperature Compensation.

N.4.1.1. Automatic Temperature Compensation.

UR.2.3. Vapor Return Line.

3.33. Hydrocarbon Gas Vapor-Measuring Devices.

S.4.3. Temperature Compensation.

3.37. Mass Flow Meters.

S.1.3.1.1. Compressed Natural Gas Used as an Engine Fuel.

S.1.3.1.2. Liquefied Natural Gas Used as an Engine Fuel.

S.5.2. Marking of Equivalent Conversion Factors for Compressed Natural Gas.

S.5.3. Marking of Equivalent Conversion Factor for Liquefied Natural Gas.

UR.3.1.1. Marking of Equivalent Conversion Factors for Compressed Natural Gas.

UR.3.1.2. Marking of Equivalent Conversion Factor for Liquefied Natural Gas.

3.39. Hydrogen Gas-Measuring Devices.

Section 3.39 Hydrogen Gas-Measuring Devices - Tentative Code

A.2. Exceptions

(c). Devices used for dispensing a hydrogen gas with a hydrogen fuel index lower than 99.97 % and concentrations of specified impurities that exceed level limits.

A.4. Type Evaluation.

~~N.3. Test Drafts.~~

~~N.4.1. Master Meter (Transfer) Standard Test.~~

~~N.4.2. Gravimetric Tests.~~

~~N.4.3. PVT Pressure Volume Temperature Test.~~

~~N.6.1.1. Repeatability Tests.~~

T.2. Tolerances.

Table T.2.

~~T.3. Repeatability.~~

3.40. Electric Vehicle Fueling Systems - Tentative Code.

A.4. Type Evaluation.

S.1.3.2. EVSE Value of Smallest Unit.

S.2.4.1. Unit Price.

S.2.4.2. Equipment Capacity and Type of Voltage.

S.2.7. Indication of Delivery.

S.3.5. Temperature Range for System Components.

S.5.2. EVSE Identification and Marking Requirements.

N.2. Starting Load Test.

T.2. Load Test Tolerances.

T.2.1. EVSE Load Test Tolerances.

Appendix D. Definitions for:

Diesel Gallon Equivalent (DGE).

Electricity as Vehicle Fuel.

Gasoline Gallon Equivalent (GGE).

Remanufactured Device.

Repaired Device.

Remanufactured Element.

Repaired Element.

Note: Authority cited: Sections 12027 and 12107, Business and Professions Code.

Reference: Section 12107, Business and Professions Code.