



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

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P.O. Box 806
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Gray Davis
Governor

15-DAY PUBLIC NOTICE AND COMMENT PERIOD NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES

LAND USE COVENANTS

Department Reference Number: R-99-17
Office of Administrative Law Reference Number: Z-02-0604-02

Pursuant to Government Code section 11346.8, subdivision (c), notice is hereby given that the Department of Toxic Substances Control (DTSC) has revised the text of the proposed regulations, which would amend the California Code of Regulations, title 22, division 4.5, chapter 39 by adding a new section 67391.1. A written comment period has been established commencing on November 27, 2002, and closing on December 11, 2002.

DTSC mailed the original text and made it available for public review and comment on June 14, 2002. A public hearing was held on July 30, 2002 during which written and oral testimony was accepted. In addition, written comments were accepted during the 45-day public comment period that ended July 30, 2002. DTSC has now made [post-hearing changes to the proposed text](#).

DTSC considers these new changes to the rulemaking to be nonsubstantial changes, as defined by California Code of Regulations, title 1, section 40, and/or sufficiently related changes, as defined by California Code of Regulations, title 1, section 42. This notice includes all revisions made to the text since those indicated during the original public comment period. Notice is given that any interested persons may submit comments regarding these revisions and only these revisions of the text by e-mail to regs@dtsc.ca.gov or by mail to:

Ms. Joan Ferber
Department of Toxic Substances Control
Environmental Analysis and Regulations Section
PO Box 806
Sacramento, CA 95812-0806

Written comments submitted prior to 5:00 p.m. on December 11, 2002, will be considered.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.*

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A copy of the revised text is attached. The ~~bold/strike through~~ and the **bold/double underline** text represents the most current revisions to the text. The information that forms the basis for the revisions is available for public inspection between 8:00 a.m. and 5:00 p.m. at the Environmental Analysis and Regulations Section, located on the 22nd Floor at 1001 I Street, Sacramento, California. Requests and inquiries concerning this matter may be directed to Ms. Joan Ferber, Environmental Analysis and Regulations Sections, at the address indicated above or by telephone at (916) 322-6409.

Inquiries regarding technical aspects of the proposed alternative considered should be directed to Ms. Kathleen Hartshorne, of the Site Mitigation and Brownfields Reuse Program, DTSC, at (916) 323-3395, or to Ms. Cathleen Urbina, of the Site Mitigation and Brownfields Reuse Program, DTSC, at (916) 324-5790. However, such oral inquiries are not part of the rulemaking record.

Dated: 11/25/02

Original Signed by:
James McRitchie, Chief
Office of Environmental Analysis,
Regulations and Audits