



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

TITLE 22

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Department Reference Number: R-2005-14

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC), pursuant to the authority vested in it by section 87306 of the Government Code, proposes to amend its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

DTSC proposes to amend its conflict of interest code to accomplish two goals: (1) to remove employee classifications formerly included in category 1, where inclusion of these classifications has resulted in disclosure by employees that is stricter than what is mandated by the Political Reform Act; and (2) to reduce the number of duplicative listings of employee civil services classifications by consolidating them by classification into one heading followed by the wording "all levels." The employee classifications proposed for removal from category 1 currently do not influence the making, or participate in the making of, decisions which may foreseeably have a material financial effect on any financial interest other than those listed in category 2. The proposed amendment also includes minor corrections to classification titles, minor corrections of two typos, and alphabetizing the list.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established commencing on June 10, 2005, and closing on July 25, 2005. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on July 25, 2005 in the **Byron Sher Auditorium**, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on July 25, 2005 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 "I" Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

Availability of Documents

DTSC has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the notice, proposed amendments, and the written explanation of the reasons are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Mr. Mark Abrams, as specified below. Those documents, as well as the information on which the amendments are based, are also available from Mr. Abrams at the address listed below.

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Determinations

DTSC has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 175 00) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, DTSC must determine that no alternative considered by the department would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

Inquiries and Communications

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Mr. James McRitchie, Chief, Office of Environmental Analysis, Regulations and Audits at (916) 327-8642 or, if unavailable, Ms. Nicole Sotak, Chief, Environmental Analysis and Regulations Section at (916) 327-4508. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please sign up on the DTSC listserv site at <http://www.calepa.ca.gov/Listservs/DTSC/> or e-mail: regs@dtsc.ca.gov. Make sure you reference rulemaking R-2005-14 in the email.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Mr. Mark Abrams, Regulations Coordinator
Environmental Analysis and Regulations Section
Department of Toxic Substances Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov
Fax Number: (916) 323-3215

Mr. Abrams's phone number is (916) 322-2833. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

Dated: _____

James McRitchie, Chief
Office of Environmental Analysis,
Regulations and Audits