

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
2018 RULEMAKING CALENDAR

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2017

Subject: R-2018-01 Determining the Initial Penalty for Each Violation		CCR Title & Sections Affected: Title 22 Division 4.5 Chapter 22, Article 3, Section 66272.62		Statute(s) Being Implemented: Assembly Bill 245 (Quirk, Chapter 499, Statutes of 2017), Health and Safety Code Sections 25187 and 25189.2	
Responsible Agency Unit: Hazardous Waste Management Program, Enforcement and Emergency Response Division	Contact Person & Phone Number: Keith Kihara & Shawn Cox (916) 322-8521	Projected Dates:			
		Notice Published: 12/15/2018	Public Hearing: 02/01/2019	Adoption by your agency: 05/01/2019	To OAL for review: 05/31/2019
Report on the status of all uncompleted rulemaking described on previous calendars: N/A – This is a new rulemaking file.					

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2016-03 Criteria for the Issuance of Hazardous Waste Facility Permit Decisions.		CCR Title & Sections Affected: California Code of Regulations, Title 22, Division 4.5, Chapters 10, 14, 15, 20, and 21, sections 66260.10, 66264.16, 66264.101, 66264.143 through 66264.147, 66264.151, 66265.16, 66265.143 through 66265.147, 66270.14, and 66271.50 through 66271.58.		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, Sections: 25150, 25159, 25200.21, 58004, and 58012	
Responsible Agency Unit: Hazardous Waste Management Program, Permitting Division	Contact Person & Phone Number: Evelia Rodriguez (916) 327-6104	Projected Dates:			
		Notice Published: 9/22/2017	Public Hearing: 11/06/2017	Adoption by your agency: 02/28/2018	To OAL for review: 03/28/2018
Report on the status of all uncompleted rulemaking described on previous calendars: The Department of Toxic Substances Control (DTSC) is finalizing the proposed regulation text and preparing for the submittal of the final package to Office of Administrative Law.					

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2017-01 Criteria for the Issuance of a Hazardous Waste Facility Permit Decisions - Cumulative Impacts.		CCR Title & Sections Affected: California Code of Regulations, Title 22, Division 4.5, Chapters 20, and 21, sections 66270.14 and 66271.		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, Sections: 25150, 25159, 25200.21, 58004, and 58012	
Responsible Agency Unit: Hazardous Waste Management Program, Permitting Division	Contact Person & Phone Number: Evelia Rodriguez (916) 327-6104	Projected Dates:			
		Notice Published: 04/2019	Public Hearing: 05/2019	Adoption by your agency: 10/2019	To OAL for review: 01/01/2020
Report on the status of all uncompleted rulemaking described on previous calendars: DTSC started outreach in 2017 with two symposia and will continue with extensive stakeholder engagement during 2018.					

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2017-04 Photovoltaic (PV) Modules – Universal Waste Management		CCR Title & Sections Affected: California Code of Regulations, title 22, division 4.5, chapter 23, sections: 66260.10, 66261.9, 66273.1, 66273.7.1, 66273.9, 66273.31, 66273.32, 66273.33.5, 66273.34, 66273.36, 66273.39, 66273.51, 66273.70, 66273.73, 66273.74, 66273.75, 66273.76, 66273.77		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, Article 17, Section 25259	
Responsible Agency Unit: Hazardous Waste Management Program, Policy and Program Support Division	Contact Person & Phone Number: Neena Sahasrabudhe (916) 324-8660	Projected Dates:			
		Notice Published: 04/27/2018	Public Hearing: 06/11/2018	Adoption by your agency: 09/03/2018	To OAL for review: 10/04/2018
<p>Report on the status of all uncompleted rulemaking described on previous calendars:</p> <p>This rulemaking is being proposed based on authority granted under Health and Safety Code, Division 20, Chapter 6.5, Article 17, Section 25259 (Monning, SB 489, Ch. 419, Stats. 2015).</p> <p>The Department of Toxic Substances Control (DTSC) held an informal workshop in 2016. Based on the public input received in 2016, DTSC modified the draft language and held another informal workshop with stakeholders in August of 2017. DTSC is finalizing the proposed regulation text and is preparing the Notice of Proposed Rulemaking.</p>					

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2011-03 Cathode Ray Tube (CRT) and CRT Glass Disposition Options Finalization of Emergency Regulations: OAL Reference Number: 2014-0905-03 EE OAL Approval Date: 09/12/16 Secretary of State Filing Date: 09/12/16 Effective Date: 09/12/16 Expiration Date: 09/12/18		CCR Title & Sections Affected: California Code of Regulations, title 22, division 4.5, chapter 23, sections: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, Sections: 25141.5, 25143.2, 25150, 25159.5, 25173, 25201, 25205.7, 25214.9	
Responsible Agency Unit: Hazardous Waste Management Program, Policy and Program Support Division	Contact Person & Phone Number: Teresa Rizzardo (916) 323-3624	Projected Dates:			
		Notice Published: 04/06/2018	Public Hearing: 05/21/2018	Adoption by your agency: 08/01/2018	To OAL for review: 09/03/2018
Report on the status of all uncompleted rulemaking described on previous calendars: The Department of Toxic Substances Control's (DTSC) previous attempts to finalize these previously listed emergency regulations were not successful because available recycling options did not require California businesses to use the options that DTSC had adopted.					

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2017-05 Conditional Exclusion for Chemically Treated Metal Shredder Residue		CCR Title & Sections Affected: California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.4		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, Section 25150			
Responsible Agency Unit:	Contact Person & Phone Number:		Projected Dates:				
Hazardous Waste Management Program, Policy and Program Support Division	Edward Benelli (916) 324-6564		Notice Published: 04/27/2018	Public Hearing: 06/11/2018	Adoption by your agency: 08/28/2018	To OAL for review: 09/29/2018	
Report on the status of all uncompleted rulemaking described on previous calendars: NA							

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2018-03 Import/Export Rule Revisions (Revision Checklist 236) 81 FR 85696-85729, 82 FR 41015-41016		CCR Title & Sections Affected: California Code of Regulations, title 22, division 4.5, chapters 10 - 15, 23, 45, sections: 66260.1, 66260.11, 66261.4, 66261.6, 66262.1, 66262.12, 66262.41, 66262.5, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.6, 66262.8, 66262.81, 66262.82, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89, 66263.1, 66263.2, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.4, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, Sections: 25141, 25150, 58012	
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:			
Hazardous Waste Management Program, Policy and Program Support Division	John Muegge (916) 322-0471	Notice Published: NA	Public Hearing: NA	Adoption by your agency: 04/02/18	To OAL for review: 04/02/18
Report on the status of all uncompleted rulemaking described on previous calendars:					
Based on interactions with U.S. Environmental Protection Agency, some of the previously adopted rules need to be modified for the Department of Toxic Substances Control (DTSC) to maintain authorization to implement the federal program and to attain authorization to implement the federal universal waste rule. DTSC intends to adopt these as non-substantive regulations (Section 100) based on the authority it falls under.					

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2018-04 Generator Improvement Rule Adoption		CCR Title & Sections Affected: California Code of Regulations, title 22, division 4.5, sections: 66260.10, 66262.15, 66262.16, 66262.17, 66262.34, 66262.250, 66262.251, 66262.252, 66262.253, 66262.254, 66262.255, 66262.256, 66262.260, 66262.261, 66262.262, 66262.263, 66262.264, 66262.265, 66265.30, 66265.31, 66265.32, 66265.33, 66265.34, 66265.35, 66265.37, 66265.50, 66265.51, 66265.52, 66265.53, 66265.54, 66265.55, 66265.56, 66265.111, 66265.114, 66265.171, 66265.172, 66265.173, 66265.177, 66265.1102		Statute(s) Being Implemented: Health and Safety Code, Division 20, Chapter 6.5, section 25159.1	
Responsible Agency Unit: Hazardous Waste Management Program, Policy and Program Support Division	Contact Person & Phone Number: David Miller (916) 322-2712	Projected Dates:			
		Notice Published: NA	Public Hearing: NA	Adoption by your agency: 04/02/2018	To OAL for review: 04/02/2018
Report on the status of all uncompleted rulemaking described on previous calendars: NA					

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2016-04 Safer Consumer Products: Listing Spray Polyurethane Foam Systems Containing Methylene Diphenyl Diisocyanates as a Priority Product		CCR Title & Sections Affected: Title 22 Division 4.5 Chapter 55, Section: Article 11, Section 69511.2		Statute(s) Being Implemented: Health and Safety Code Sections 25252 and 25253			
Responsible Agency Unit: Safer Consumer Products and Workplaces Program	Contact Person & Phone Number: Nancy Ostrom (916) 445-3077	Projected Dates:					
		Notice Published: 03/24/2017	Public Hearing: 05/16/2017	Adoption by your agency: 1/31/18	To OAL for review: 03/05/2018		
Report on the status of all uncompleted rulemaking described on previous calendars: This new rulemaking proposes to adopt spray polyurethane foam systems containing methylene diphenyl diisocyanates as a Priority Product. This is the second of three product-chemical combinations that were included in DTSC's Initial Priority Products List for regulation under the Safer Consumer Products program. The rules governing the identification and adoption of Priority Products were adopted in 2013 (R-2011-02) implementing the Safer Consumer Products regulations. DTSC has completed the public comment period and public hearing, is finalizing the proposed regulation text and preparing the final rulemaking package for submittal to Office of Administrative Law.							

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2016-05 Safer Consumer Products: Listing Paint Strippers or Varnish Strippers Containing Methylene Chloride as a Priority Product		CCR Title & Sections Affected: Title 22 Division 4.5 Chapter 55, Section: Article 11, Section 69511.3		Statute(s) Being Implemented: Health and Safety Code Sections 25252 and 25253			
Responsible Agency Unit: Safer Consumer Products and Workplaces Program	Contact Person & Phone Number: Nancy Ostrom (916) 445-3077	Projected Dates:					
		Notice Published: 11/17/2017	Public Hearing: 01/08/2018	Adoption by your agency: 05/18/2018	To OAL for review: 06/18/2018		
Report on the status of all uncompleted rulemaking described on previous calendars: This new rulemaking proposes to adopt paint strippers or varnish strippers containing methylene chloride as a Priority Product. This is the third of three product-chemical combinations that were included in DTSC's Initial Priority Products List for regulation under the Safer Consumer Products program. The rules governing the identification and adoption of Priority Products were adopted in 2013 (R-2011-02) implementing the Safer Consumer Products regulations. DTSC has begun the public comment period and is preparing for the public hearing.							

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Subject: R-2016-08 Toxicity Criteria for Human Health Risk-Based Screening Levels, Action Levels, and Remediation Goals		CCR Title & Sections Affected: California Code of Regulations, Title 22, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste, Chapter 51.3, Article 1, Sections 69000.1-69000.3		Statute(s) Being Implemented: Health and Safety Code Sections 25150, 25159, 25159.5, 25351.5, 25395.64, 25395.71, 25395.92, 58004, and 58012			
Responsible Agency Unit: Brownfields Environmental Restoration Program / Legacy Landfills	Contact Person & Phone Number: Kevin Depies (916) 255-6547	Projected Dates:				To OAL for review: 05/14/2018	
		Notice Published: 08/04/2017	Public Hearing: 09/20/2017	Adoption by your agency: 04/10/2018			
Report on the status of all uncompleted rulemaking described on previous calendars: During the public comment period, DTSC received a significant number of comments from multiple interested stakeholders. Based on those comments, DTSC is evaluating possible revisions to its proposed regulations. Any substantive changes that DTSC makes to the proposed regulatory text will be made available for review and comment during another public comment period.							

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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: R-2017-02 Federal Post Closure Rule Regulations Addition of Enforceable Agreements and Flexibility for Closure and Post Closure Requirements		CCR Title & Sections Affected: California Code of Regulations, Title 22 Social Security (22 CCR), Division 4.5. Environmental Health Standards for the Management of Hazardous Waste, Sections 66264.90, 66264.110, 66264.112, 66264.118, 66265.90, 66265.110, 66265.112, 66264.118, 66265.121, 66270.1, 66270.14, and 66270.28.		Statute(s) Being Implemented: Health and Safety Code Sections 25150, 25159, 25159.5, 25245, 25247 and 58012, including modifications to Section 25247 made by Senate Bill No. 1325 (De Leon), approved by Governor on September 26, 2016.	
Responsible Agency Unit: Brownfields Environmental Restoration Program / Legacy Landfills	Contact Person & Phone Number: Peter Bailey (916) 255-6552	Projected Dates:			
		Notice Published: 10/13/2017	Public Hearing: 12/01/2017	Adoption by your agency: 04/10/2018	To OAL for review: 05/14/2018
Report on the status of all uncompleted rulemaking described on previous calendars: During the public comment period, DTSC received a significant number of comments from multiple interested stakeholders. Based on those comments, DTSC is evaluating possible revisions to its proposed regulations. Any substantive changes that DTSC makes to the proposed regulatory text will be made available for review and comment during another public comment period.					