

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

**NOTICE OF MODIFICATIONS TO
TEXT OF PROPOSED REGULATIONS
TITLE 22, CALIFORNIA CODE OF REGULATIONS
SECTION 12104 (RENUMBERED TO SECTION 12204)
January 27, 2003**

Notice is hereby given that the Office of Environmental Health Hazard Assessment (OEHHA) has revised the text of the proposed regulations regarding Title 22, California Code of Regulations, Section 12104 which was the subject of the Notice of Proposed Rulemaking (NPR) published on May 17, 2002. Since the issuance of the NPR, another OEHHA regulatory filing, which also included Section 12104, has been approved by the Office of Administrative Law, filed with the Secretary of State, and will become effective on February 6, 2003. In this intervening regulatory filing, Section 12104 has been renumbered to Section 12204 and several grammatical changes have been made. The regulatory text of this package reflects these recent amendments to the regulations.

This Notice of Modifications includes revisions of the proposed regulations amending the circumstances under which a safe use determination will not be issued and also addresses the limits of the reference to Evidence Code Section 1040 as it relates to "Official Information" for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). A public hearing was held on July 1, 2002.

This notice serves to commence a 15-day public comment period on the revised text. If you have any comments regarding the proposed changes, OEHHA will accept written comments between January 27, 2003 and February 11, 2003. In order to be considered, the comments must be received by OEHHA by 5:00 p.m. on **Monday, February 11, 2003**.

If you wish to submit formal comments on the revised text, you may submit your comments by mail, fax, courier or hand-delivery to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Mailing address: P.O. Box 4010
Sacramento, California 95812-4010
Street address: 1001 I Street, 19th Floor
Sacramento, California 95814
Fax No.: (916) 323-8803 Telephone: (916) 445-6900

Comments may also be transmitted via email addressed to: (coshita@oehha.ca.gov). A copy of the revised text is attached. Text that was not amended is shown in plain text. Amendments to the text that were the subject of the July 1, 2002 hearing are shown by

strikeout and underline. Amendments to the text that are the subject of this notice are shown by double underline. Inquiries concerning the action described in this notice may be directed to Cynthia Oshita, in writing at the address given above, or by telephone at (916) 445-6900.