

# PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CONTROL MEASURE FOR PERCHLOROETHYLENE DRY CLEANING OPERATIONS AND ADOPTION OF REQUIREMENTS FOR MANUFACTURERS AND DISTRIBUTORS OF PERCHLOROETHYLENE

## Staff's Suggested Modifications to the Original Proposal

Shown below are the staff's suggested modifications to the originally proposed amendments and adoptions set forth in Appendix A to the Staff Report: Initial Statement of Reasons released December 8, 2006. Only those portions containing the suggested modifications are included. The suggested modifications are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. All proposed substantive modifications will be made available to the public for a fifteen-day comment period prior to final adoption.

The currently adopted regulations do not contain specific provisions related to enforcement. Commenters have raised a concern that the violation provisions might be read as limiting enforcement options available to ARB or the local air districts. Since the deletion of the provisions will not limit the enforceability of the regulations under state law and regulations, staff proposes the following modifications to the original proposal.

1. Delete the specific penalty provision in section 93109:

### ~~(m)~~ **Violations.**

~~Any violation of this section may carry civil or administrative penalties as specified in state law and regulation, including, but not limited to, a penalty of up to \$10,000 for each day in which the violation occurs under Health and Safety Code section 39674.~~

2. Delete the specific penalty provision in section 93109.1:

### ~~(c)~~ **Violations.**

~~Any violation of this section may carry civil or administrative penalties as specified in state law and regulation, including, but not limited to, a penalty of not more than \$35,000 under Health and Safety Code section 42402.4.~~

3. Delete the specific penalty provision in section 93109.2:

### ~~(d)~~ **Violations.**

~~Any violation of this section may carry civil or administrative penalties as specified in state law and regulation, including, but not limited to, a penalty of not more than \$35,000 under Health and Safety Code section 42402.4.~~