

**NOTICE OF SECOND MODIFICATIONS TO TEXT OF PROPOSED CHANGES
IN THE REGULATIONS PERTAINING TO
VOLATILE ORGANIC COMPOUNDS IN THE
SAN JOAQUIN VALLEY OZONE NONATTAINMENT AREA**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the Department of Pesticide Regulation (DPR) is providing notice of changes made to the proposed text of sections 6452.2(a) and 6884 of Title 3, CCR. Additional changes are being proposed for reasons stated below. The public comment period on the originally proposed regulatory action closed on June 7, 2012. The last 15-day comment period closed on December 7, 2012. The Director finds that the modifications are sufficiently related to the original text of the proposed action. The second modified text is being made available to the public for 15 days, during which written comments on the modifications will be received as provided in Government Code section 11346.8(c).

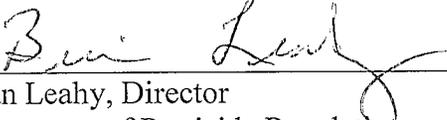
- Amend section 6452.2(a) to reflect the correct section reference based on the proposed changes.
- Revise subsection 6884(d) to allow the Director to propose interim removal of an active ingredient or crop provided the removal will not affect the ability to maintain the pesticide VOC emissions under 17.2 tons per day (tpd) [95 percent of 18.1 tpd] in San Joaquin Valley ozone nonattainment area. Exceeding the 17.2 tpd would trigger the prohibitions and restrictions of section 6884. Using the Annual VOC Emission Inventory Report process proposed in subsection (e), the Director would publish his decision for the interim removal of an active ingredient or crop in the draft emissions report which is subject to a 45-day public comment period prior to implementation. This allows the interim removal to go into effect and be evaluated before the removal becomes permanent through state and federal rulemaking. Proposed subsection (d)(1) and (2) provides criteria for the Director to base his decision for removal of an active ingredient or a crop. Proposed subsection (d)(3) requires that the Director base his decision to add an interim exception on a determination that adding the exception will not affect the ability to maintain the pesticide VOC emissions under 17.2 tpd rather than the 18.1 tpd benchmark.
- Reorder proposed subsection (f) to (e) and revise to allow for the interim removal of an active ingredient or crop, or addition of an exception to remain in effect up to three years unless implemented through California and federal regulations. The removal or addition must be evaluated each year in the Annual VOC Emissions Inventory Report. This will provide the Director with flexibility to withdraw the interim removal or addition should there be a change in use and emissions. Also, require the report to include calculations used to determine that the VOC emission level of 17.2 tpd would not be exceeded with the removal or addition, as well as description of factors that have caused a decrease in use and emissions, and are likely to persist.

DPR will accept written comments relevant to the modifications between February 25, 2013, and 5:00 p.m. on March 12, 2013. Written comments relevant to the modifications may be sent via e-mail <dpr12001@cdpr.ca.gov>; or may be directed to Ms. Linda Irokawa-Otani, Regulations Coordinator, Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1452.

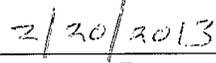
Current wording of the regulation is shown in normal type. Originally proposed additions are shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New wording added by the first modifications is shown in **bold and double underline**. Wording deleted in the first modified text is shown by ~~italics and strikeout~~. Wording added in the latest modified text is shown by **bold, double underline, and italics**. Wording deleted in the latest modified text is shown by ~~bold, italics, and strikeout~~.

All written comments received by 5:00 p.m. on March 12, 2013, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the second modifications of the text.

This Notice of Second Modifications to Text of Proposed Changes and the text of second modified regulations are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.



Brian Leahy, Director
Department of Pesticide Regulation



Date