



SUSANA MARTINEZ  
GOVERNOR

JON BARELA  
CABINET SECRETARY DESIGNATE

## SMALL-BUSINESS FRIENDLY TASK FORCE REPORT

APRIL 1, 2011

Over the past 90 days, the Small Business-Friendly Task Force began the process of looking into regulations and rules from state agencies and departments to determine how, without jeopardizing the environment, health, safety or welfare of New Mexicans, rescinding or revising a rule or regulation could better improve the environment for small businesses in the state. All state agencies and departments were asked to submit all pending regulations and those rules and regulations currently in place that could be identified as benefiting business if they were revised or rescinded. Over the course of 90 days, the task force met, reviewed the rules and regulations and members gave their input. The task force looked over regulations that affect all industries; from food service, construction, health care, energy production and agriculture. The members of the task force either own their own small business, represent an organization that serves on behalf of several thousand New Mexico small businesses or are part of a company that contracts with local small businesses. Collectively these members represent more than ten thousand small businesses around the state. Below are the recommendations of the Small Business-Friendly Task Force, recommendations that the task force believes will benefit New Mexico's small businesses so they are able to create jobs and keep New Mexico competitive.

**State rules and regulations should not be more stringent than federal standards.** The first motion of the Small Business Task Force was to propose that state rules and regulations across the board be no more stringent than federal requirements and to correct any rule or regulation that requires more regulation than federal standards.

**Revive the Small Business Regulatory Advisory Commission (SBRAC).** The legislation to begin the Small Business Regulatory Advisory Commission was carried by Speaker Ben Lujan in 2005 to review regulations and its impact on small businesses. It is an underutilized resource that has good language about reviewing regulations. The commission was also an idea put forth by the U.S. Chamber of Commerce and used by other states. In addition to reviewing regulations, businesses can report problematic regulations to the commission. The task force recommends reviewing current members of the SBRAC and their status. They also recommend having a full and fair review by economists from a neutral party such as Workforce Solutions to provide SBRAC with economic impact analysis of the regulations. This would allow for the use of investigatory dockets as part of the rule making process with the agencies.

The task force recommends that state agencies adhere to their statutory responsibility to send rules and regulations from their department to the Economic Development Department to be reviewed by SBRAC and continue the work of the Small Business-Friendly Task Force whose objective was to review regulations for up to 90 days from the signing of the executive order on January 1, 2011.

**Utilizing the Office of Business Advocacy.** The Office of Business of Advocacy opened its doors on January 10, 2011, as a direct initiative from Governor Susana Martinez and Secretary-Designate Jon Barela. EDD's Office of Business Advocacy would potentially establish a Web-based "whistleblower" complaint log and phone-based hotline for businesses to confidentially communicate their complaints about permits or regulations or to help business navigate through state government. Companies often do not want to be seen or labeled as "troublemakers" by making public complaints. If they have do have complaints about any state agency, this would ensure that companies would have confidentiality if they bring up problems with departmental practices or policies through the whistleblower program. The Office of Business Advocacy would administer this program and investigate complaints.

**Employees in agencies and the permitting and licensing process.** Beyond changing a rule or regulation is the enforcement and handling of regulations and rules, particularly with permitting, by mid-level employees. An overarching theme small businesses have observed is the difficulty working with mid-level managers at NMED and other departments who have an anti-business agenda despite changes in leadership at the exempt-employee level. The recommendation is to have businesses facing problems with agencies call the Office of Business Advocacy.

## **ENVIRONMENT**

**Become an observer in the Western Climate Initiative.** The task force recommends that New Mexico not withdraw completely from the Western Climate Initiative but that it moves to an observer status instead of being an active participant. They also suggest removing New Mexico from the Western Climate Initiative as a partner with California in Cap and Trade and to remove the New Mexico-only Cap and Tax. They believe that the green economy is important; therefore, the task force would like New Mexico to still be at the table. However, due to the lack of consensus from the scientific community on climate data, the task force recommends limiting state resources that are allocated to the WCI. They recommend New Mexico move to more of a "wait and watch" for the science status similar to states such as Utah, Washington and Oregon who are not part of the cap and trade program. The task force also proposes working with other western governors to delay the adoption of new air standards. Another recommendation is to review the three New Mexico members of the WCI and their responsibilities.

**Environment regulations.** Attached to this report are several regulations and rules that the task force recommends the Environmental Improvement Board, Oil Conservation Commission and Mining Commission review. In addition to the attached regulations from the NM Environment Department, the task force has identified the following rules as priorities.

### Oil Conservation Commission rules:

- 19.15.5 NMAC "Enforcement and Compliance". This rule will be reviewed as part of a review of oil and gas enforcement processes and policies to ensure that requirements are enforced fairly and reasonably.
- 19.15.17 NMAC "Pits, Closed Loop Systems, Below Grade Tanks, and Sumps". The department will review the changes made to this rule in recent years to determine if any of the additional requirements are creating costly burdens to the regulated community without significantly improving environmental protection.
- 19.15.36 NMAC "Surface Waste Management Facilities". Same review as 19.15.17.
- Allow Provisional Approval of Form C-104. EMNRD/OCD Form C-104 is required for new wells. Currently, wells cannot produce until the form is approved. This delay hurts well

profitability and job creation, and can permanently damage some types of wells. The task force recommends allowing new wells to produce pending approval of this form.

Mining Commission rules:

- 19.10.1 “General Provisions” and 19.10.3 NMAC “Minimal Impact Operations”. The Department will propose revisions to these rules and definitions that impact small mining operations to streamline the permitting process and insert deadlines for review.
- 19.10.12 NMAC “Financial Assurance Requirements”. The Department will propose rule revisions to reduce the time for release of financial assurance instruments at small mining operations that have completed most reclamation obligations. This may require a statutory change also.

Environmental Improvement Board:

- 20.2.3 NMAC “Ambient Air Standards”. Revise based on current scientific data if adequate funds are available to hire a toxicologist to do a health study of existing state standards
- 20.2.350 NMAC “Greenhouse Gas Cap-and-Trade Provisions”. Recommend to revise.
- 20.2.300 NMAC “Reporting of Greenhouse Gas Emissions”. Revise or if 20.2.350 NMAC is rescinded, rescind.
- 20.2.301 NMAC “Greenhouse Gas Reporting Verification Requirements”. Rescind only if 20.2.350 is not in place.
- 20.6.4.9 NMAC “Outstanding National Resource Waters”. Recommend to revise.
- 20.6.6 NMAC “WQCC Dairy Rules”. Not federally required therefore recommendation is to rescind.

**Environment permitting.** To address a large backlog and many complaints about environmental permitting, the environment subcommittee recommends working with NMED to develop a fast-track environmental permit process. The deputy secretary of NMED, has agreed to name a six member team from his department to begin work on a new procedure for businesses to receive an expedited application for the permit(s) they need. NMED has also agreed to develop a “Small Business Committee” that would work with EDD Office of Business Advocacy to solve problems with regulations or permitting. NMED is planning on conducting surveys to collect opinions and data from industry to improve customer service.

## **AGRICULTURE**

**19 NMAC 32.2 – Trapping & Furbearers.** This rule establishes methods, open seasons, and bag limits for the harvest of protected furbearers. Significantly different than any other hunting in New Mexico, the harvest of furbearers is generally conducted for personal income from the sale of pelts to the fur industry. The state’s economy has limited influence from small businesses that exist specifically to participate in this industry as well as indirect support to local economies by trappers using local businesses. Trapping has historically been influenced by market demand as opposed to any allowances

that rules afford. The only potential revision to current rule that could enhance the economic environment would be localized to the Gila and Apache national forest region of New Mexico, where there is a current ban on trapping on public lands while the department assesses the risks to Mexican gray wolves due to trapping. The future removal of this ban will be influenced by this assessment. Recommendation is to have the New Mexico State Game Commission review this rule.

## **CONSTRUCTION**

**Building Code/Energy Code.** The task force recommends that the building code be reverted to international code standards through the Construction Industry Commission (CIC). It would be beneficial to small businesses to roll back the code to meet but *not exceed* national standards which they now do under the new code. The code would have to go through review process to roll back to base international requirement which satisfies requirement for ARA money state receives. The CIC, after holding public hearings and receiving public comments, could then decide whether or not to roll back.

**License Consolidation.** The task force recommends that CIC reduce categories that contain licenses under a certain number by either consolidating those categories with other categories or review to determine if the category is even needed. For example- "striping" has its own category; does that need its own category or could it be combined?

Currently there are too many classifications and CIC could determine a better way to combine categories. Also, workers could be cross-trained so they are licensed to do different but related tasks at the same site. One inspector for all aspects of construction would be much more efficient than a separate inspector.

**Consolidation of Mechanical, Electrical and Plumbing Inspections.** Since there is a mechanism for dual inspection, there is a cross training process that can have multidiscipline inspectors so the state is not running through the same project five or six times. This won't work in every instance but could work in some smaller projects to have a multidiscipline inspector. Also recommend having a residential inspector career path that gives steps for an inspector to become a general inspector. One of the frustrations of those in the inspector field is that they often feel it is a dead end job; this way, they would have the option to move up and become a housing inspector. There are even frustrations with commercial inspection that there is no room to grow one's career. And with mechanical, gas as well as electrical; there be could be one person overseeing inspections. Recommendation for RLD to create a Housing Bureau.

**Continuing Education Requirements.** Get standardization from CIC on continuing education (CE) credits required. CEs are different for a carpenter, electrician and mechanical person. Currently it is too restrictive on who can provide CE credits, availability and number of classes and who can teach classes. For certain parts of the construction industry it is very restrictive. If a class fills up, there are no back up classes and someone could lose their license before the next class is available. The task force recommends allowing training that is done in-house as long as training matches the requirements.

**Photovoltaic System Installation Determination.** The past administration issued a mandate that every photovoltaic installer be a licensed journeyman; this mandate costs solar installers millions of dollars. Recommend that this mandate is rolled back if it has not already gone in front of CIC.

RLD is also looking to add a renewable energy seat in its department.

**Wind Turbine Guidelines.** Needs to be completely reviewed and rolled back to be more general and user friendly; it seems as if current guidelines were written for a specific project and not the entire wind turbine industry.

**Prevailing Wage.** The task force recommends going to a different categorization scale. The Public Works Minimum Wage Act, as modified by SB 33, does not specify specific categories of workers for the purpose of establishing prevailing wages. It does call for assigning to "classes of laborers and mechanics", the same wage rates and fringe benefit rates used in collective bargaining agreements that govern predominantly similar classes or classifications of laborers and mechanics for the locality of the public works project and the crafts involved. There is a fair amount of latitude in establishing the classes and classifications and localities. The pre-SB 33 regulations adopted under the act provided very specific and detailed breakdowns of crafts, but there doesn't seem to be anything about those classifications being set in stone. The new regulations implementing SB 33 could adopt quite different, but still rational, groupings, perhaps with a view to minimizing the cost to government of public works projects.

## **HEALTH AND HUMAN SERVICES**

**Developmental Disability Waiver.** Recommendation is to establish a task force comprised of a broad spectrum of stakeholders including Department of Health personnel, agency representatives, individuals served, and family members, to review the current rules to see what could be streamlined or eliminated of the 170 pages of regulations governing services provided by business in serving the 4,000 individuals on the Waiver.

1) Use this re-write opportunity to review all 170 pages of the current regulations governing agencies serving those individuals on the DD Waiver in an effort to streamline them, make them more understandable and less burdensome.

2) Make the draft of the re-write immediately available to the public and hold hearings on the proposed rule changes before they are sent to the U.S. Centers for Medicare & Medicaid Services, so there is still opportunity for input from those businesses and individuals who will be significantly affected by these changes for the next several years.

## **CHILD CARE**

A Child Care subcommittee task force was formed. Invitations to participate covered all corners of the state and all types of providers. In addition, key CYFD staff members were invited. Prior to formal meetings, an invitation to provide feedback was sent out to an electronic list of over 1,200 people. From there, the recurring suggestions were narrowed down. Two meetings were held to discuss the recurring suggestions.

Over 70 percent of New Mexico families need access to child care in order to work and go to school. Child care costs most families more than college, yet families with young children are the poorest members of our state.

Research shows that children learn the majority of what they will learn in a lifetime before the age of five, making the early years the foundation for future success. The challenge for this administration is to set regulation that allows centers to provide high quality care while remaining affordable and accessible to families, especially those who need access most.

The task force looked at some of the regulations and rules related to the child care industry, an industry that is vital to economic development in New Mexico and the development of New Mexico's most treasured resource - our children. Over the past decade the state has seen a huge increase in nationally accredited centers. In the past two years the reduction/elimination of quality initiatives, cuts to family eligibility, provider reimbursement rates, and an increase of unnecessary, illogical and burdensome regulations have begun a reversal of the progress the state has worked so hard to gain. Our best centers have begun limiting the number of low income children they will enroll. Centers are closing, or giving up accreditation, yet New Mexico remains one of the few states who pay family members to provide care. In addition licensed child care providers compete with non-licensed child care centers like Boys and Girls Clubs and YMCA. The task force is recommending some common sense changes to the licensing and regulatory process that will assure families have access to care during tough economic times. The following are the final recommendations.

**Revert to the 2001 Child Care Regulations.** The task force recommends reverting to the 2001 Child Care regulations while keeping Star Level 5 and all five levels of quality in place through "Aim High". All other quality standards would also remain in place as well as basic health and safety. Currently, Star levels are being affected by supplemental surveys that are not required by regulations. The task force also suggests with the exception of above reversion, keep the pay differential schedules for Star Levels as they are and restore Star Level I. (CYFD is aware of this request. They would like to know which regulations are in question. *This taskforce recommends that if individual regulations will be looked at, CYFD provide all new regulations since 2001 to this taskforce.*)

**The task force believes most of the regulations in question were implemented in 2001 or later. Examples are:**

- a. An adult has to always be present with the door open as children go to the bathroom.
- b. Hand sanitizer isn't allowed even though the CDC says it is better than hand washing.
- c. Kids can wear each other's dress-up clothes but may not have their coats touching when hanging in the cubby.
- d. Kids aren't allowed to stand in a line.
- e. TTAPs count blocks and dress up clothes.
- f. Parents must fill out daily permission slips for field trips (vs. approving a monthly schedule)
- g. Children must be in sight AND sound at all times.

**CYFD should not adopt the regulations of other agencies.** Centers are already being regulated by the Environment Department, the Fire Marshall, Health Department, etc. Therefore, since each agency is an expert in their field, it is not necessary for CYFD to adopt the regulation as well, i.e., in November 2010, the federal government passed a law regarding cribs. Compliance is required by Dec 2012, yet CYFD added the regulations to state law *prior* to the federal bill being passed, requiring state providers to comply within 6 months (Dec of 2010).

**Do not require a BA or MA for providers.** This currently is not a regulation but the task force believes it is more effective and efficient to be able to show rubrics of training logs and base qualifications on experience instead of a college degree. State and National research shows that AA teachers with specialized training are producing outcomes at least equal to those with BA degrees. To require more than what is necessary to send children to school ready placed a financial burden on families, the state, and centers.

**If a finding is not in regulation, it cannot be enforced. Self assessment tools cannot be used in a site visit.** Currently providers are being written up for things that are not in regulations. For example: ECERS/ITERS are simply self-assessment tools and should not be a standard evaluating tool used by a state entity. It is not meant to be a regulatory tool but centers now are being written up by TTAPs. Interpretations of ECERS/ITERS are subjective. **Use regulations only for licensing visits.**

Child care centers are getting docked for things like not enough triangle blocks, markers are beginning to wear, or written up for jackets touching hanging in the cubby. There is currently inequality in regulators around the state. Example: centers getting written up for things in Southern NM that people are not getting written up for in the Northern part of the state.

**Restore STAR Level I-** In 2010 CYFD eliminated STAR Level I. Community feedback at public meetings will show great resistance from providers, yet CYFD continued with this change. One major objection is the fact that the biggest provider of state subsidized care is registered providers. This is sometimes called relative care. Some describe the state as having six levels of care, not just the five STAR levels. Level "0" are the unlicensed providers who receive state funds for care in their home. STAR I is a level of care that is far regulated beyond registered homes and assures basic health and safety are met. Eliminating STAR I but keeping registered homes seems to be a contradiction of any intent to improve quality. Additionally, when the state mandated all licensed providers be level II or higher, the reimbursement rate the state pays to centers increased. Free market and competition should drive centers to voluntarily increase their STAR level.

## **SMALL BUSINESS PROCUREMENT**

**Define Small Business.** Legislation has a couple of different definitions for small business. Procurement code says less than \$1.5M over three years.

**State Vendor Registration.** There is no clean, consolidated list of small businesses (let alone validated). State Purchasing captures this information for its vendor registration. The current tally is 330 out of 2000 businesses registered, which will be very low for the state. Work with local Chambers of Commerce to facilitate education of vendor registration and the registration of small business as vendors.

**Small Business Procurement.** Currently there is no preference for small business in the procurement code. Procurement agents are limited in their ability to award to small businesses.

## Appendix One

### New Mexico Environment Department Regulations

| Division                     | Citation (NMAC) | Short Title  | Federally Required  | Potentially Affected Businesses or Industry Groups   | Recommendations  |
|------------------------------|-----------------|--|---|--|--|
| Air Quality Bureau           | 20.2.3          | Ambient Air Standards                              | Yes (SIP regulation)  | Aggregate industry, oil and gas, power plants, manufacturing   | Revise based on current scientific data if adequate funds are available to hire a toxicologist to do a health study of existing state standards                            |
| Air Quality Bureau           | 20.2.350        | Greenhouse Gas Cap-and-Trade Provisions            | No  | Large oil and gas (not well head sites or most compressors), power plants, larger manufacturing  | Revise   |
| Air Quality Bureau           | 20.2.300        | Reporting of Greenhouse Gas Emissions              | No  | Large oil and gas (not well head sites or most compressors), power plants, larger manufacturing  | Revise or , if 20.2.350 NMAC is rescinded , rescind  |
| Air Quality Bureau           | 20.2.301        | Greenhouse Gas Reporting Verification Requirements | No  | Large oil and gas (not well head sites or most compressors), power plants, larger manufacturing  | Rescind only if 20.2.350 is not in place   |
| Surface Water Quality Bureau | 20.6.4.9        | Outstanding National Resource Waters               |   |  | Revise   |
| Ground Water Quality Bureau  | 20.6.6          | WQCC Dairy Rules                                   | No  | Dairies  | Rescind  |
| Hazardous Waste Bureau       | 20.4.1          | Hazardous Waste Management                         | <ul style="list-style-type: none"> <li>• Yes, to maintain primacy</li> <li>• Federal rules adopted by reference</li> <li>• EPA would implement regs of NM rescinded them</li> <li>• Exception Public – participation</li> </ul> | <ul style="list-style-type: none"> <li>• Facilities that generate, transport, treat store or dispose of HW</li> <li>• Extremely varied (paint shops; jewelry makers; refineries; national labs; military bases; auto mechanics)</li> </ul> | <ul style="list-style-type: none"> <li>• Revise to make permitting, hearing, and public participation requirements in line with the minimum required by the EPA</li> </ul> |



|                              |                                     |   |  |   |  |
|------------------------------|-------------------------------------|---|--|---|--|
| Ground Water Quality Bureau  | 20.6.2.3105.B                       | Water Quality Control Commission Discharge Permit Sewerage System Exemption | No   | <ul style="list-style-type: none"> <li>Facilities that generate small volumes of sewerage effluent wastes</li> <li>Extremely varied (schools, developers, housing, subdivisions, mobile home parks, RV parks, commercial businesses)</li> </ul> | Revise WQCC rule to increase small volume sewerage system effluent permitting exemption to discharges of less than 5,000 gallons per day |
| Liquid Waste Program         | 20.7.3.904                          | Requirements for Certification  | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners  | Repeal rule and rewrite with stakeholder input   |
| Surface Water Quality Bureau | 20.6.4                              | Surface Water Quality Standards   | Yes, EPA would promulgate if NM failed to do so  | Facilities that discharge or potentially discharge water contaminants to surface waters of the state  | Revise   |
| Surface Water Quality Bureau | 20.6.2.2000                         | Surface water protection  | No, state does not have primacy for federal Clean Water Act Program                    | Facilities that discharge water contaminants to surface waters of the state but are not permitted by the US EPA or US Army Corps of Engineers   | Revise   |
| Surface Water Quality Bureau | 20.4.2                              | Utility Operator Certification  | Yes, program is required for state to receive federal drinking water set-aside funding | Municipal and other public water supply systems/public wastewater facilities  | Revise   |
| Liquid Waste Program         | 20.7.3.301                          | Lot size requirements   | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners  | Revise   |
| Liquid Waste Program         | 20.7.3.302.1<br>303<br>605<br>703.F | Clearance Requirements  | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners  | Revise   |
| Liquid Waste Program         | 20.7.3.A                            | Scope   | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems,   | Revise   |

|                      |                        |   |    |  |             |
|----------------------|------------------------|---|----|--|-------------|
| Liquid Waste Program | 20.7.3.201             | Design Flow                                     | No | homeowners<br>Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners | Revise      |
| Liquid Waste Program | 20.7.3.703.j.2 and k.1 | Disposal Field Design                           | No | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners               | Repeal Rule |
| Liquid Waste Program | 20.7.3.401             | Permitting                                      | No | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners               | Revise      |
| Liquid Waste Program | 20.7.11.12             | Payment of Fees                                 | No | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners               | Revise      |
| Liquid Waste Program | 20.7.3.601-605         | Design of Advanced Wastewater Treatment Systems | No | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners               | Revise      |
| Liquid Waste Program | 20.7.3.601.B           | Design of Advanced Wastewater Treatment Systems | No | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners               | Revise      |
| Liquid Waste Program | 20.7.3.903             | Maintenance Service Providers                   | No | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners               | Revise      |

|                               |            |   |  |   |  |
|-------------------------------|------------|---|--|---|--|
| Liquid Waste Program          | 20.7.3.901 | Monitoring  | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners  | Revise   |
| Liquid Waste Program          | 20.7.3.802 | Privies   | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners  | Repeal   |
| Liquid Waste Program          | 20.7.3.401 | Permitting  | No   | Onsite wastewater system, contractors, home builders, realtors, businesses that utilize onsite waste water systems, homeowners  | Rescind  |
| Petroleum Storage Tank Bureau | 20.5.4.35  | PST Regs: Deadlines for Closings or Upgrading AST's | <ul style="list-style-type: none"> <li>• No</li> <li>• Federal SPCC program in Dallas is more limited and not enforced much in NM</li> </ul> | Retail oil gasoline industry<br>Oil and lubrication facilities, railroads, warehouse, and fleet maintenance facilities, government and law enforcement facilities, construction companies | Delay upgrade deadline for 2 years, as per proposed rule revisions |
| Petroleum Storage Tank Bureau | 20.5.17.20 | PST Regs: Means Test to Determine Deductible        | No   | Retail oil gasoline industry<br>Oil and lubrication facilities, railroads, warehouse, and fleet maintenance facilities, government and law enforcement facilities, construction companies | Revise   |
| Petroleum Storage Tank Bureau | 20.5.20.15 | PST Regs: Preference for the Instate Business       | No   | Remediation contractors, owners/operators of storage tanks that have a release  | Revise   |

|                               |           |   |  |  |   |
|-------------------------------|-----------|---|--|--|---|
| Petroleum Storage Tank Bureau | 20.5.4.15 | PST Regs: Standards for AST Secondary Containment | No   | Retail oil gasoline industry<br>Oil and lubrication facilities, railroads, warehouse, and fleet maintenance facilities, government and law enforcement facilities, construction companies                            |   |
| Petroleum Storage Tank Bureau | 20.5.4.38 | PST Regs: Alternate Methods                       | No   | Retail oil gasoline industry<br>Oil and lubrication facilities, railroads, warehouse, and fleet maintenance facilities, government and law enforcement facilities, construction companies, certified tank installers | Proceed with proposed rule revision to expand showing of alternate method |
| Petroleum Storage Tank Bureau | 20.5.18.8 | PST Regs: Operator Training                       | Yes, operator training is required by the 2005 Federal Energy Policy Act | Retail oil gasoline industry<br>Oil and lubrication facilities, railroads, warehouse, and fleet maintenance facilities, government and law enforcement facilities, construction companies                            | Proceed with proposed revision to clarify rule of owners/operators        |
| Petroleum Storage Tank Bureau | 20.5.14.2 | PST Regs: Tank Installer Certification            | No   | Retail oil gasoline industry<br>Oil and lubrication facilities, railroads, warehouse, and fleet maintenance facilities, government and law enforcement facilities, construction companies, certified tank installers | Proceed with proposed revision to clarify rule of owners/operators        |
| Air Quality Bureau            | 20.2.20   | Lime manufacturing plants                         | Yes (SIP regulation)   | Lime manufacturing plants  | Rescind   |
| Air Quality Bureau            | 20.2.36   | Petroleum refinery sulfur                         | No   | Refineries   | Rescind   |
| Air Quality Bureau            | 20.2.37   | Petroleum Processing facilities                   | No   | Refineries and natural gas processing plants   | Rescind   |
| Air Quality Bureau            | 20.2.38   | Hydrocarbon storage facilities                    | No   | Oil and gas industry   | Revise or Rescind   |

|                          |               |  |                      |  |   |
|--------------------------|---------------|--|----------------------|--|---|
| Air Quality Bureau       | 20.2.72       | Construction permits   | Yes (SIP regulation) | Oil and gas, manufacturing, power plants, aggregate industry   | Rescind   |
| Air Quality Bureau       | 20.2.11       | Asphalt process equipment                                    | Yes (SIP regulation) | Asphalt plants   | Rescind   |
| Air Quality Bureau       | 20.2.12       | Cement Kilns   | Yes (SIP regulation) | Cement Kilns   | Rescind   |
| Food Program             | 7.6.2.8k(1-2) | Food service and food processing regulations permit feeds    | No                   | All businesses and/or individual groups that serve food to the general public and pay a permit fee                               | revise  |
| Food Program             | 7.6.2.14.E(1) | Bottled water processing monitoring requirements             | No                   | All businesses or individuals that process and package bottled water products  | Revise  |
| Food Program             | 7.6.2.16      | Home-based food  | No                   | All businesses and/or individuals that prepare and sell non-hazardous foods to the public from their homes                       | Revise  |
| Hazardous Waste Bureau   | 20.4.5        | Clandestine Drug Lab Clean up                                | No                   | Property owners, Real Estate Agents, Lenders   | Rescind   |
| Pool Program             |               | Lifeguard Requirements                                       | No                   |  |   |
| Pool Program             |               | ORP Requirements   | No                   |  |   |
| Pool Program             |               | PE signature and stamp for minor modifications               | No                   | Permitted pool owners, engineers   | Add provision in the rules for minor modifications not needing a P.E. signature |
| Radiation Control Bureau | 20.3.6.606.f  | 20.3.6 x-ray in the healing arts                             | No                   | Dental, veterinary, medical and offices, universities and government agencies  | Revise  |
| Radiation Control Bureau | 20.3.8.802A   | Radiation Safety Requirements for Analytical X-Ray Equipment | No                   | Industrial, salvage yards, semiconductor manufactures (Intel), testing service business and universities and government agencies | Revise  |