



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: September 10, 2018, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Steve Knudson, John Kessler, Matt Langham and via phone were Ashley Berliner and Jen Mojo

Members Absent: Clare O'Shaughnessy, Dirk Anderson, and Diane Bothfeld

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the August 13, 2018 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-5 to follow.
 1. Amendments to Subchapter XI, Low Emission Vehicle Program, Vermont Air Pollution Control Regulations, Agency of Natural Resources, page 2
 2. Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services, Department of Health, page 3
 3. Regulations for the Designation and Operation of Home Health Agencies, Agency of Human Services, Department of Disabilities, Aging & Independent Living, page 4
 4. Wastewater and Potable Water Supply Rules; Indirect Discharge Rules; and Water Supply Rule; Agency of Natural Resources, page 5
- Next scheduled meeting is October 8, 2018 at 2:00 p.m.
- 3:38 p.m. meeting adjourned.

**Proposed Rule: Amendments to Subchapter XI, Low Emission Vehicle Program, Vermont Air Pollution Control Regulations, Agency of Natural Resources,
Presented by: Megan O'Toole and Deirdra Ritzer**

Motion made to accept the rule by John Kessler, seconded by Steve Knudson, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Rule Filing, page 3, #10: Add reference to Section 177.
2. Proposed Rule Filing, page 3, #11: Add auto dealers if appropriate.
3. Proposed Rule Filing, page 5, #16: Add 'Low Emission Vehicle (LEV)'.
4. Adopting Page, page 1, #5: Add SOS Log # and title. Correct the date.
5. Economic Impact Analysis, page 1, #3, last line: Add 'not' between 'does' and 'change'.
6. Environmental Impact Analysis, page 2, #7: Delete the word 'negative' in the last line. Generally define what the effects are.
7. Public Input, page 1, #5: Include trade groups such as Auto Alliance if appropriate.
8. Scientific Information and Incorporation by Reference, page 2, #5: Add a phone number.

DRAFT

**Proposed Rule: Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services,
Department of Health
Presented by: Shayla Livingston**

Motion made to accept the rule by Steve Knudson, seconded by John Kessler, and passed unanimously except for Ashley Berliner who abstained, with the following recommendations:

1. Proposed Rule Filing, page 3, #9: Correct misspelled words in lines one and two (permenant and requiremnts).
2. Economic Impact Analysis, page 1, #3: Remove the 'to' in the last line and throughout the rule between 'Narcan rescue' and 'kit'.
3. Economic Impact Analysis, page 2, #5: Correct 'antagonist' to 'antagonist'.
4. Economic Impact Analysis, page 2, #9: Elaborate on the outcome of the meeting.
5. Public Input, page 1, #3: Include upcoming public hearing information.
6. Environmental Impact Analysis, page 2, #9: Explain why there's no impact.
7. Public Input Statement, page 2, #7: Change 'emendations' to 'recommendations'.

DRAFT

Proposed Rule: Regulations for the Designation and Operation of Home Health Agencies, Agency of Human Services, Department of Disabilities, Aging & Independent Living

Presented by: Stuart Schurr

Motion made to accept the rule by Matt Langham, seconded by John Kessler, and passed unanimously except for Ashley Berliner who abstained, with the following recommendations:

1. Economic Impact Analysis, page 2, #3: Rework the last sentence for clear understanding, and correct the spelling 'curent'.
2. Public Input, page 1, #3: Delete what's included, include upcoming hearing and state that copies will be provided to interested parties.

DRAFT

**Proposed Rules: Wastewater and Potable Water Supply Rules; Indirect Discharge Rules; and Water Supply Rule; Agency of Natural Resources
Presented by: Ernest Christianson and Diane Sherman**

Motion made to accept the rules by Steve Knudson, seconded by Matt Langham, and passed unanimously except for Jen Mojo who abstained, with the following recommendations on the Wastewater and Potable Water Supply Rules:

1. Proposed Rule Coversheet, page 3, #12: Include an estimate of the cost of water quality sampling and testing.
2. Economic Impact Analysis, page 2, #3: Reword. Include that there's currently an established fee with the Department of Health. If there is a basis for the prediction, please include. If appropriate, provide types of compliance costs and provide an estimate of sampling costs.
3. Environmental Impact Analysis, page 1, #4: Reword the second sentence as 'soil treatment of wastewater' is difficult to understand as written.
4. Incorporation by Reference, page 2, #5: Include a phone number.

DRAFT