STATE OF CALIFORNIA
Air Resources Board

Resolution 86-70

July 24, 1986

Agenda Item No.: 86-8-3

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in the Kapiloff Acid Deposition Act (Stats. 1982, Ch 1473; Health and Safety Code Sections 39900-39915), the Legislature declared that acid deposition from anthropogenic sources in California may have significant adverse effects on the environment, on the economy and the public health and directed the Board to design and implement a comprehensive research and monitoring program with regard to acid deposition;

WHEREAS, Section 39910 of the Health and Safety Code authorizes the Board to require districts to impose additional permit and variance fees on nonvehicular sources within their jurisdictions to supplement funds which may be appropriated by the Legislature for acid deposition monitoring and research;

WHEREAS, acid deposition research and monitoring program objectives and priorities have been established and reported to the Governor and the Legislature in December 1983, December 1984 and December 1985 in accordance with the Kapiloff Acid Deposition Act;

WHEREAS, in approving the reports to the Governor and the Legislature, the Scientific Advisory Committee on Acid Deposition, appointed pursuant to Section 39905, specified that full implementation of the Board's research and monitoring program will require the maximum level of funding provided for under the Kapiloff Acid Deposition Act;

WHEREAS, the Board has adopted Resolution 85-62, dated July 25, 1985, the provisions of which are incorporated by reference herein, in which it approved a fee program for fiscal year 1985-86 and stated its intention to consider in 1986 the renewal and modification of the fee program;

WHEREAS, the Air Resources Board staff, in consultation with representatives of local air pollution control districts, has developed a proposed fee program for fiscal year 1986-87;

WHEREAS, in accordance with Health and Safety Code Section 39914, the proposed fee program has been designed to provide to the Air Pollution Control Fund net revenues in fiscal year 1986-87 in an amount which is the least of two million dollars ($2,000,000), or the amount based on the rate of twenty-five one

hundredths of one cent ($.0025) per pound of sulfur or nitrogen oxides emitted from major sources, or the amount appropriated from state funds for acid deposition research and monitoring by the Legislature;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

> The funds to be collected pursuant to the proposed fee program are needed to implement the acid deposition research and monitoring program established pursuant to the Kapiloff Acid Deposition Act;
>
> The proposed regulations are based on the most current data available for annual emissions of sulfur or nitrogen oxides from sources emitting 1,000 tons or more per year of either pollutant; and
>
> The economic impact of the fee program on the affected sources of sulfur or nitrogen oxides will not be significant; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Air Resources Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 90612-90615, Title 17, California Administrative Code, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the regulations set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as he deems appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the adopted regulations when they have taken effect to the specified districts for appropriate action, and to the Department of Finance, the Legislative Analyst and the State Controller, for information and for appropriate action.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the acid deposition research and monitoring program in 1987, and to reconsider at that time the renewal and modification, as necessary, of the fee program in order to reflect changes in program needs and capabilities, base-year emissions, and such other factors as may influence acid deposition research and funding requirements.

I hereby certify that the above is a true and correct copy of Resolution 86-70, as adopted by the Air Resources Board.

Harold Holmes, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Sections 90612-90615, Title 17, California Administrative Code, Regarding the Acid Deposition Fee Program

Agenda Item No.: 86-8-3

Public Hearing Date: July 24, 1986

Response Date: August 25, 1986

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Harold Walmsley
Board Secretary

Date: September 26, 1986

State of California

MEMORANDUM

To : Gordon Van Vleck
Secretary
Resources Agency

Date : January 13, 1988

Subject : Filing of Notice of Decisions of the Air Resources Board

Cary Allison
Board Secretary
From : **Air Resources Board**

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

ATTACHMENTS
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