



CALIFORNIA
AIR RESOURCES BOARD
Compliance Division

ADVISORY

(REGULATION CHANGES)

Number 60

December 3, 1990

AB 3124 - New Legislation Affecting Hearing Board Appointments and Interim Authorizations

Attached is copy of Assembly Bill (AB) 3124 which was signed into law June 18, 1990. AB 3124 amends Sections 40802 and 42351.5 of the California Health and Safety Code (HSC). AB 3124 becomes effective January 1, 1990 and will apply to interim authorizations and hearing board appointments which occur on or after that date. The following is a brief description of each section.

Section 40802 — If a district with a population less than 750,000 has difficulty filling a hearing board vacancy with a qualified member, the district may appoint any person to fill the vacancy.

Section 42351.5 — For districts with a population of less than 750,000, a single hearing board member may hear an application for an interim authorization. The only change in this section was the population number. The rest of the section remains unchanged.

We recommend that you review the specific language of the bill and inform your staff and hearing board members about the changes.

If you have any questions about these changes or need additional information, please call the Air Resources Board Compliance Division at (800)952-5588.

Enclosure

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Assembly Bill No. 3124

CHAPTER 150

An act to amend Sections 40802 and 42351.5 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 18, 1990. Filed with Secretary of State June 19, 1990.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3124, Harvey. Air pollution: districts: hearing boards.

Existing law relating to hearing boards appointed by air pollution control districts and air quality management districts in districts with a population of less than 500,000 allows the appointment of any person to fill a vacancy if a qualified person is unavailable, and allows a single member of the hearing board to hear applications for modification of a variance with a schedule of increments of progress.

This bill would apply those procedures to districts with a population of less than 750,000.

The people of the State of California do enact as follows:

SECTION 1. Section 40802 of the Health and Safety Code is amended to read:

40802. If the district board, in the case of a district with a population of less than 750,000, is unable to appoint a person with the qualifications specified in Section 40801 who is willing and able to serve, and for that reason a vacancy exists on the hearing board, the county district board may, in order to fill that vacancy, appoint any person to the hearing board.

SEC. 2. Section 42351.5 of the Health and Safety Code is amended to read:

42351.5. If a person granted a variance with a schedule of increments of progress files an application for modification of the schedule and is unable to notify the hearing board sufficiently in advance to allow the hearing board to schedule a public hearing on the application, the hearing board may grant no more than one interim authorization valid for not more than 30 days, to that person to continue operation pending the decision of the hearing board on the application. In districts with a population of less than 750,000, the chairman of the hearing board or any other member designated by the board may hear the application. If any member of the public contests such a decision made by a single member of the hearing board, the application shall be reheard by the full hearing board within 10 days of the decision. The interim authorization shall not be granted for a requested extension of a final compliance date or where the original variance expressly required advance application for the

modification of an increment of progress.

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