

## REQUEST FOR EARLY EFFECTIVE DATE

The Air Resources Board ("ARB" or the "Board") requests that the adoption of section 90621.4 and the amendment of section 90622, Title 17, California Code of Regulations, become effective on July 1, 1993, or if approved later than July 1, 1993, upon filing with the Secretary of State. Good cause for this request exists.

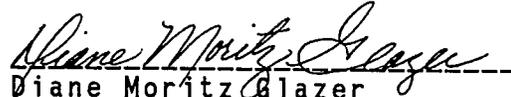
Pursuant to the Atmospheric Acidity Protection Act of 1988 ("Act"), Chapter 6 (commencing with section 39900) of Part 2 of Division 26 of the Health and Safety Code, the Board is directed to adopt and implement the Atmospheric Acidity Protection Program (AAPP), to determine the nature and extent of potential damage to public health and the state's ecosystems which may be expected to result from atmospheric acidity, and to develop measures which may be needed for the protection of public health and sensitive ecosystems within the state. To enable the Board to carry out these activities, the Act authorized the Board to require the local air pollution and air quality management districts ("districts"), beginning July 1, 1988, to impose additional variance and permit fees on nonvehicular sources within their jurisdiction which emit 500 tons or more per year of either sulfur oxides or nitrogen oxides. Because the statute has authorized the collection of the fee to correspond with the beginning of date for a fiscal year and has referenced the fiscal year as the period for collection and because the Board has attempted to coordinate the collection of the AAPP fees with the fees for nonvehicular sources under Health and Safety Code section 39612, the Board has approved fees for each fiscal year since July 1, 1989.

The regulations in this submission, adopted pursuant to sections 39906 through 39909, establish the fees for fiscal year 1993-1994. This information, if available as early as possible, will allow districts to incorporate these fees in the district permit fee structure. The Board requests an early effective date in order to provide districts with information regarding the fees as early as possible in the 1993-1994 fiscal year.

The parties directly affected by these regulations are the 34 air pollution control and air quality management districts. An early effective date will not have an adverse impact on the ability of the districts to comply with the regulations. To the contrary, an early effective date will facilitate district permit fee development activities. Additionally the districts have some 180 days (approximately six months) to comply with the regulations. ~~The Districts have been consulted in the development of these regulations and they have been active~~

participants in the rulemaking process. The ARB will notify the districts of the effective date of the regulations as soon as it is known.

Date: May 27, 1993

  
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