

## REQUEST FOR EARLY EFFECTIVE DATE

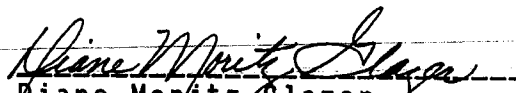
The Air Resources Board ("ARB" or the "Board") requests that the adoption of section 90900.4 and the amendment of section 90803, Title 17, California Code of Regulations, become effective on July 1, 1993, or if approved later than July 1, 1993, upon filing with the Secretary of State. Good cause for this request exists.

Pursuant to Chapter 3 (commencing with section 39600) of Part 2 of Division 26 of the Health and Safety Code, the Board is directed to do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, it by the division and by any other provision of law. Section 39612 of the Health and Safety Code authorized the Board to offset the increased costs of additional state programs related to nonvehicular sources, beginning July 1, 1989, by requiring local air pollution control and air quality management districts ("districts") to collect additional permit fees from nonvehicular sources within their jurisdiction which emit 500 tons or more per year of any nonattainment pollutant or its precursors. 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, the Board has approved fees for each fiscal year since July 1, 1989.

The regulations in this submission, adopted pursuant to section 39612, 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

  
Diane Moritz Glazer  
Staff Counsel