

TITLES 17 AND 26. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A REGULATION
DESIGNATING FEDERAL HAZARDOUS AIR POLLUTANTS AS TOXIC AIR CONTAMINANTS

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the adoption of a regulation designating federal hazardous air pollutants (HAPs) as toxic air contaminants (TACs) for purposes of California law.

DATE: April 8, 1993

TIME: 9:30 a.m.

PLACE: Embassy Suites Hotel
Queen of the Lake Ballroom
4130 Lake Tahoe Blvd.
South Lake Tahoe, California

This item will be considered at a one-day meeting of the Board which will commence at 9:30 a.m., April 8, 1993, at the time and place stated above.

INFORMATIVE DIGEST OF PROPOSED ACTION

Section Affected:

Proposed adoption of a new section 93001, Titles 17 and 26, California Code of Regulations (referred to hereinafter as "CCR"): "Federal Hazardous Air Pollutants Designated as Toxic Air Contaminants."

Assembly Bill 2728 (Tanner, Chapter 1161, stats. of 1992) changed the state's identification process for identifying substances as TACs. Specifically, AB 2728 requires the Board to designate, by regulation, as a TAC, any substance that is listed as a HAP pursuant to subsection (b) of Section 112 of the federal Clean Air Act (CAA), Title 42 United States Code Section 7412 (b). AB 2728 further provides that a regulation which designates a HAP as a TAC shall be deemed a regulation mandated by federal law and is not subject to Section 11346.7 of the Government Code, Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, or Article 3 (commencing with Section 39660) of Chapter 3.5 of Part 2 of Division 26 of the Health and Safety Code.

This regulation will not affect the Board's program for the identification of non-HAPs. Non-HAPs will continue to be evaluated by the requirements of Article 3 (commencing with Section 39660) of the Health and Safety Code. It should be noted that several of the compounds or substances on this list have already been identified as TACs under Health and Safety Code Article 3 (commencing with Section 39660).

In accordance with the provisions of AB 2728, the staff is proposing that the Board adopt Section 93001 of Titles 17 and 26, California Code of Regulations, to include the substances listed as federal HAPs in subsection (b) of Section 112 of the federal CAA as TACs for purposes of California law.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of environmental impacts of the proposal, if any.

Copies of the Staff Report, which contains the full text of the proposed regulation, may be obtained at the Board's Public Information Office, 2020 L Street, Sacramento, CA, 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to Dr. Joan Denton, Substance Evaluation Section, Toxic Air Contaminant Identification Branch, Stationary Source Division, 2020 L Street, Sacramento, CA 95814. Dr. Denton can be reached by phone at (916) 322-8278.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed action are presented below.

The Board's Executive Officer has determined that the proposed action will not create costs or savings, as defined in Government Code Section 11346.5, to any state agency or in federal funding to the state, costs or mandate to any school district whether or not reimbursable by the state under Part 7 (commencing with Section 17500) Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies. The Executive Officer has also determined that the proposed action does not impose a mandate on local school districts.

The Executive Officer finds that the identification of HAPs as TACs will not require any private person or business, including any small business, to incur any cost in reasonable compliance with the proposed action. If and when the need and appropriate degree of control for HAPs designated as TACs are considered by the Board, all costs of compliance with such controls will be described and considered. The Executive Officer has determined that the proposed action will not have a significant adverse impact on business.

The Board must determine that no alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter, orally or in writing. To be considered by the Board, written comments must be addressed to and received by the Board Secretary, P.O. Box 2815, Sacramento, CA 95814, or 2020 L Street, 5th Floor, Sacramento, CA 95814, no later than 12:00 noon, April 7, 1993, or received by the Board Secretary at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff, in advance of the hearing, any suggestions for modification of the proposed regulations.

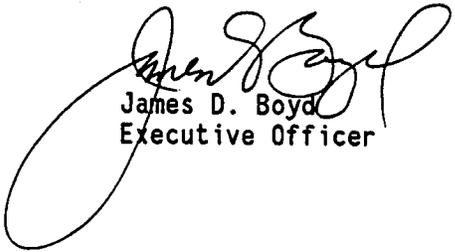
STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory amendment is proposed under the authority granted in Sections 39657, 39600, 39601, and 39662 of the Health and Safety Code. The regulation is proposed to implement, interpret, or make specific Sections 39650, 39655, 39656, 39657, 39658, 39659, 39660, 39661 and 39662 of the Health and Safety Code.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340), of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Air Resources Board Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD



James D. Boyd
Executive Officer

Date: February 9, 1993