

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**AMENDMENTS TO THE AIR TOXICS "HOT SPOTS" FEE REGULATION FOR
FISCAL YEAR 2000-2001.**

Public Hearing Date: October 26, 2000
Public Availability Date: February 23, 2001
Deadline for Public Comment: March 12, 2001

At a public hearing held on October 26, 2000, the Air Resources Board (the Board or ARB) approved the amendments to the Air Toxics "Hot Spots" Fee Regulation (Fee Regulation), sections 90700 through 90705, title 17, California Code of Regulations (CCR).

As required by Health and Safety Code section 44380, the Fee Regulation is designed to recover the anticipated costs of the ARB and the Office of Environmental Health Hazard Assessment to implement the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Act) (Health and Safety Code sections 44300-44394) for the 2000-2001 fiscal year. The Fee Regulation also establishes fee schedules for some air pollution control and air quality management districts (districts).

The Fee Regulation establishes each air district's portion of the State's cost and fee schedules for six air districts. Each of the remaining 29 air districts is required to adopt a fee rule that provides for the recovery of its portion of the State's cost as well as the district's cost.

The proposed regulatory action presented to the ARB at the October 26, 2000 public hearing is described in detail in the Initial Statement of Reasons for Proposed Rulemaking: Proposed Amendments to the Air Toxics "Hot Spots" Fee Regulation for Fiscal Year 2000-2001 (Staff Report), released on September 8, 2000.

At the hearing, the staff presented, and the Board approved, modifications to the originally proposed amendments in the Staff Report. These modifications were made due to further clarification of data submitted by the districts. As a result, the Fee Regulation will recover \$1,082,000 in State costs to implement the Program in fiscal year 2000-2001. Approximately forty percent of the budget supports ARB activities and sixty percent supports activities of the Office of Environmental Health Hazard Assessment.

Enclosure 1 to this notice is a copy of Board Resolution 00-36 approving the above-described regulatory action. Enclosure 2 to this notice is a copy of the modified regulatory text.

The proposed modifications set forth at the October 26, 2000, public hearing and additional modifications proposed to reflect corrections to the underlying data supporting the original proposal are indicated with a double underline to indicate a proposed addition to the proposal originally contained in the Staff Report; ~~double-strikeout~~ indicates a proposed deletion to the initial proposal. Text annotated in either manner represents the modified regulatory language available for public comment.

The proposed Fee Regulation in the Staff Report, made available with the Notice of Public Hearing, indicated proposed additions with a single underline and deletions with ~~strikeout~~.

The material described above and all other documentation relied upon in this regulatory action are available for public inspection at the offices of the Air Resources Board, 1001 "I" Street, Sacramento, California, 95814, during regular business hours of 8 am to 5 pm, Monday through Friday; the agency contact persons are Mr. Randy Pasek, Chief, Emission Inventory Branch, at (916) 323-8398 and Mr. Dale Shimp at (916) 324-7156. Enclosure 1, Board Resolution 00-36, and Enclosure 2, modified regulatory text, are also available on the ARB's Internet site for this rulemaking located at: <http://www.arb.ca.gov/regact/hotspots/00-01/00-01.htm>.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt amendments to sections 90700 through 90705, title 17, CCR, after making the modified regulatory language available to the public for comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written and e-mail comments on the proposed modifications shown in Enclosure 2 must be received no later than the deadline for public comment **March 12, 2001**, in order to be considered by the Executive Officer prior to final action. Written comments must be addressed to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, or sent by facsimile to the Clerk of the Board at (916) 322-3928. E-mail comments must be addressed to hs0001@listserv.arb.ca.gov. Only comments related to the above-described proposed modifications to the regulatory language, shown in double-underline or ~~double-strikeout~~ will be considered by the Executive Officer.

Attachments