

TITLES 13 AND 17: CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE REPEAL OF SECTIONS 2201 AND 2202, TITLE 13, CALIFORNIA CODE OF REGULATIONS, REPEAL OF SECTIONS 93301-93355 AND APPENDICES A TO E, TITLE 17, CALIFORNIA CODE OF REGULATIONS, AND ADDITION OF SECTION 93300.5, TITLE 17, CALIFORNIA CODE OF REGULATIONS

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the repeal of the above regulations in response to the Governor's Executive Order No. W-127-95.

DATE: May 30, 1996

TIME: 9:30 a.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., May 30, 1996, and may continue at 8:30 a.m., May 31, 1996. This item may not be considered until May 31, 1996. Please consult the agenda for the meeting, which will be available at least 10 days before May 30, 1996, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected:

I. Sections 2201 and 2202 of Title 13 of the California Code of Regulations (CCR) were identified as regulations that may be eliminated as part of the California Environmental Protection Agency's Regulatory Improvement Initiative, undertaken in response to the Governor's Executive Order No. W-127-95.

II. Sections 93301-93355 including Appendices A to E of Title 17 of the California Code of Regulations (CCR) were identified as regulations that may be repealed and replaced by a document that contains the current technical specifications and regulatory procedures and that is to be incorporated by reference into Title 17. The incorporated document will be titled "Emission Inventory Criteria and Guidelines Report." Incorporation by reference of the "Emission Inventory Criteria and Guidelines Report," published by the Air Resources Board

upon adoption of this regulation, will be specified in new Section 93300.5, which is proposed to be added to Title 17. The Title 17 sections affected here also appear in Title 26 at sections 17-93301 through 17-93355 and Appendices A-E. Repeal of Title 26 regulations is occurring concurrently and is not included in this action.

In addition to the sections identified above, the staff of the Air Resources Board (ARB) identified other regulations that could be eliminated or repealed, but that do not require the Board's action. Section 100, Title 1, California Code of Regulations, allows changes "without regulatory effect" to take place without complying with the rulemaking procedure set forth in the Administrative Procedure Act (Government Code sections 11340 et seq.). The Section 100 procedure has been used for the majority of the regulations identified for repeal by ARB staff. In addition to the regulations previously repealed under the Section 100 procedure, we are concurrently with this action making Section 100 amendments to two sections of Title 17 in order to conform section numbers to corresponding changes in that title. These are Hot Spots fee regulation sections 90701 and 90702 which refer to the Hot Spots Guidelines. All of the identified regulations have been reviewed by all ARB divisions and have also been the subject of public meetings and comments.

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, proposed regulatory text including the "Emission Inventory Criteria and Guidelines Report," and a summary of the environmental impacts of the proposal, if any. Copies of the Staff Report may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

Further inquiries regarding this matter should be directed to Victoria E. Davis, Staff Counsel, Office of Legal Affairs, 2020 L Street, Sacramento, California, 95814; (916) 322-2884.

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 Executive Officer has determined that the proposed action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to 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 will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

In accordance with Government Code section 11346.3 the Executive Officer has determined that the proposed action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed action can be found in the Staff Report.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation will not affect small business because the regulations do not impose any requirements on small businesses.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or businesses directly affected resulting from the proposed action.

Before taking final action on the proposed action, the Board must determine that no alternative considered by the agency 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 submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, April 24, 1996, 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 action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This action is proposed under the authority granted in Health and Safety Code sections 39000, 39002, 39600, 39601, 43000, 43011, 43014, 43603, 43833, 44340, 44341, and 44342. This action is proposed to implement, interpret and make specific Governor's Executive Order No. W- 127-95.

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 proposed action as originally presented, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed action with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the proposal as modified could result from the proposed

action; in such event the full 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 text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322- 2990.

CALIFORNIA AIR RESOURCES BOARD


James D. Boyd
Executive Officer

Date: April 2, 1996