

State of California
AIR RESOURCES BOARD

Resolution 96-35

June 14, 1996

Agenda Item No.: 96-5-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB/Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Board has been given the authority under Health and Safety Code section 39620(a) to implement a program to assist districts to improve efficiencies in the issuance of permits;

WHEREAS, the Board has been given the authority under Health and Safety Code section 39620(b) to: develop and implement, in coordination with districts, a program to precertify simple, commonly used equipment and processes as being in compliance with applicable air quality rules and regulations; develop criteria and guidelines for precertification; charge a reasonable fee for precertification; provide preliminary engineering evaluations of equipment and processes; and provide recommendations for operating conditions without affecting existing authority of a district regarding permitting and compliance requirements;

WHEREAS, local districts and industry identified statewide precertification as a key program for streamlining the air permitting process during the CAPCOA/ARB public workshop on Permit Streamlining in 1993, during surveys, public consultation meetings and workshops conducted in 1995, and during a regulatory workshop held in February, 1996;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state and finds that:

The proposed regulation and criteria will not affect the creation or elimination of jobs within the State of California, the creation of new business or the elimination of existing businesses within California, or the ability of California businesses to compete with businesses in other states;

The proposed regulation and criteria will have a minor or positive impact on small California businesses due to streamlining of the permitting processes, by reducing duplicative testing to verify the performance of equipment, and by reducing the amount of time needed to conduct engineering evaluations at each district, which should result in increased efficiencies and cost savings in the issuance of permits;

The proposed regulation and criteria will not create costs or savings to any state or local agency; and

The proposed regulations and criteria will not have a significant adverse economic impact on the affected equipment or process manufacturers, on other businesses, or on private persons;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

The proposed regulation and criteria for Equipment and Process Precertification will fulfill the requirements of section 39620(b) of the Health and Safety Code;

The proposed regulation and criteria approved herein will not have any significant adverse effect on the environment; and

The proposed regulation and criteria approved herein will be more effective and less burdensome to affected parties than other alternatives considered by the agency.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts section 91400, Title 17, California Code of Regulations, as set forth in Attachment A hereto, and the Criteria for Equipment and Process Precertification incorporated therein, as set forth in Exhibit B hereto.

I hereby certify that the above is a true and correct copy of Resolution 96-35, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA

ATTACHMENT A

1. Adopt new section 91400, Title 17, California Code of Regulations, to read as follows:

(Note: The entire text of section 91400 set forth below is new language proposed to be added to the California Code of Regulations.)

91400. Equipment and Process Precertification

The Executive Officer may precertify simple, commonly used equipment and processes in accordance with the Air Resources Board's "Criteria for Equipment and Process Precertification" which is incorporated by reference herein. The "Criteria for Equipment and Process Precertification" is available upon request from the Air Resources Board's Business Assistance Center, 2020 L Street, Sacramento, California, 95814, telephone 1-800-ARB-HLP2. The Air Resources Board may also be contacted via its Internet home page at: <http://www.arb.ca.gov>. (Date of adoption: June 14, 1996.)

NOTE: Authority cited: sections 39600, 39601, and 39620, Health and Safety Code. Reference: sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 39620, 41511, 42322, and 57001, Health and Safety Code.