

OFFICE OF THE SECRETARY
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

RECEIVED OFFICE OF THE SECRETARY
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Resolution 96-46

September 26, 1996

Agenda Item: 96-7-2

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board ("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, Section 39607(d) of the Health and Safety Code requires the Board to adopt test procedures to measure compliance with its nonvehicular, or stationary source, emission standards and those of the air pollution control and air quality management districts ("districts");

WHEREAS, the Board's staff has identified improved test methods for six existing stationary source test methods, Methods 5, 7, 100, 425, 429, and 431, and has identified one new test method, Method 436;

WHEREAS, the Board's staff has proposed amendments to Sections 94105, 94107, 94114, 94135, 94141, and 94143, and has proposed adoption of Section 94161 of Title 17, California Code of Regulations, which incorporate by reference the identified improved and new stationary source test methods, Methods 5, 7, 100, 425, 429, 431, and 436, respectively;

WHEREAS, the proposed amendments and adoption are reasonable and necessary to achieve and maintain applicable ambient air quality standards;

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

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

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state; and

WHEREAS, the Board finds that:

Amendment and adoption of the provisions of Title 17, California Code of Regulations, as set forth in Attachment 1 hereto, and the incorporation of the proposed new and amended test methods for stationary sources as set forth in Attachment 2 hereto, are necessary and appropriate to satisfy the requirements of Sections 39601 and 39607(d) of the Health and Safety Code; and

The actions approved herein will have no significant adverse environmental impacts, and will have no, or an insignificant, impact on California business enterprises; and

There is no alternative considered by the Board which would be more effective and less burdensome to public agencies, small businesses, or private persons or businesses, other than small businesses, than the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment of Title 17, California Code of Regulations, Sections 94105, 94107, 94114, 94135, 94141, and 94143 and the adoption of Title 17, California Code of Regulations, Section 94161, as set forth in Attachment 1 hereto, and the amendment and adoption of the incorporated test methods for stationary sources, Methods 5, 7, 100, 425, 429, 431, and 436, respectively, as set forth in Attachment 2, hereto.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to make minor modifications to the test methods for stationary sources, provided that the Executive Officer determines that such modifications are necessary. The Executive Officer shall make such modifications available to the public for a period of 15 days, as required by Government Code Section 11346.8, shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the modifications to the Board for further consideration if he determines this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 96-46, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board