

REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(d), the Air Resources Board (ARB) requests that new section 93113 of title 17, California Code of Regulations (CCR), comprising Articles 1, 2, and 3 of Subchapter 2, and the documents incorporated by reference therein, become effective upon filing with the Secretary of State. Good cause for this request exists.

Residential waste burning is the practice of outdoor burning of household wastes associated with one- and two-unit family homes. These household wastes include materials such as garbage, paper, cardboard, plastics, cloth, and processed wood. Typically, 55-gallon metal drums known as burn barrels are used for this burning. Residential waste burning generates a number of toxic air contaminants, including polychlorinated dibenzo-p-dioxins and dibenzofurans (collectively referred to as dioxins), benzene, 1,3-butadiene, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls. These toxic air contaminants may result in substantial health impacts including cancer and immune system damage. The Office of Environmental Health Hazard Assessment has identified dioxins and PAHs as two of the initial five toxic air contaminants that may cause infants and children to be especially susceptible to illness.

The ATCM prohibits the outdoor burning of residential waste materials other than natural vegetation, as well as the use of burn barrels. The ATCM also requires any residential burning to take place only on permissive burn days and requires the use of an ignition device approved by the air pollution control officer. Finally, the ATCM provides for exemptions for the burning of paper and cardboard and the use of burn barrels in very low population density areas. The ATCM is the culmination of a year of working group meetings and workshops throughout the State. Affected stakeholders include private individuals, local and regional air districts, local and State fire agencies, federal land managers, and State and local waste management agencies. They all participated actively in the development of the ATCM. Many of the stakeholders continue to participate in a working group with the Air Resources Board (ARB) on public education and outreach.

The ARB is currently developing materials for the public outreach period, which begins January 1, 2003, while air districts are reviewing the need for exemptions in order to meet an August 1, 2003 deadline for submission of Requests for Exemption. An early effective date will facilitate and lend certainty to the development, adoption, and submittal of the air district programs, as well as ARB's public outreach efforts. The ARB intends to notify affected parties promptly of the date on which the ATCM is submitted to the Office of Administrative Law and again when the ATCM becomes effective. None of the parties affected by the ATCM will be disadvantaged by the requested early effective date.

Date:

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