

REQUEST FOR EARLY EFFECTIVE DATE

The Air Resources Board ("ARB" or the "Board") requests that the amendment of sections 70600 and 70601 of Title 17, California Code of Regulations, become effective upon filing with the Secretary of State. Good cause for this request exists.

The Board is required by the Health and Safety Code (HSC) to establish mitigation requirements, commensurate with the level of transport impacts, for upwind areas identified as contributing to downwind violations of the ozone standard (section 39610(b)), and to review its analysis relative to transport every three years (section 39610(d)).

The regulations the Board adopted in 1990 pursuant to this mandate required districts in five upwind areas to adopt a permitting program for new or modified stationary sources that would result in no net increase in permitted emissions of ozone precursors. This was consistent with the statutory requirements applicable to those areas at the time.

In 1991, the Act was amended to provide permitting relief for small facilities in all but the most polluted areas (AB 2783, Sher; Chapter 945, Statutes of 1992). The revised Act allows most areas to permit small stationary sources without mitigating their air quality impacts.

The amendments in this submission eliminate the no-net-increase provisions from the transport mitigation regulations, thereby incorporating the permit relief provided by AB 2783 into the Board's transport mitigation regulations. The amended regulations will allow air pollution control districts (districts) in four air basins to issue permits to small facilities without requiring the operator to obtain offsetting emission reductions or using emissions in a community emissions "bank". Three districts (the San Joaquin Valley Unified, Placer, and Yolo-Solano districts) have already noticed for adoption rules that would provide this permit relief to small sources.

The parties directly affected are nine air pollution control and air quality management districts located in the four air basins affected by the amendments to these regulations, and the small facilities in these districts that are subject to new source permitting requirements. An early effective date will not have an adverse effect on the ability of districts to comply with the regulations. On the contrary, these districts have anticipated the proposed amendments to the extent that some are already taking steps to revise their permitting rules accordingly. An early effective date would allow these districts to proceed while limiting the interval of time in which their rules are not in conformance with the Board's regulations. The facilities would likewise benefit from the expedited approval of this permitting relief.

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Diane Moritz Glazer
Staff Counsel