

REQUEST FOR EARLY EFFECTIVE DATE

The Air Resources Board ("ARB" or the "Board") requests that the amendment of sections 60201, 60202, 60204, and 60206, Title 17, California Code of Regulations (CCR), become effective on July 1, 1995, or if approved earlier than July 1, 1995, upon filing with the Secretary of State. Good cause for this request exists.

Pursuant to section 39607(e) of the Health and Safety Code (HSC), the Board is required to establish and periodically review the criteria for designating areas as nonattainment or attainment for the state ambient air quality standards. HSC section 39408 requires the Board to use the designation criteria to designate areas of California as nonattainment or attainment with respect to the state standards. HSC section 39408 further requires the Board to review the area designations each year and update the designations as new information becomes available. Areas that cannot be designated as nonattainment or attainment are designated as unclassified. The area designations are made on a pollutant-by-pollutant basis for all pollutants listed in 17 CCR section 70200.

The pollutants listed in 17 CCR section 70200 also form the basis for the imposition of the California Clean Air Act Nonvehicular Source Fees (CCAA Fees) pursuant to HSC section 39612 and its implementing regulations, 17 CCR sections 90800-90803. The fees are imposed on sources which emit 500 tons or more per year of the pollutants if the sources are located in areas designated as nonattainment based on the designations in effect as of July 1 of the fiscal year for which the fees are being collected.

Approval of this area designations rulemaking no later than July 1, will permit the CCAA Fees to be based on the area designations contained in this rulemaking. While the designations will not have a direct impact on any parties, since the area designations are changed from nonattainment to attainment or to nonattainment-transitional for various pollutants in this rulemaking, the designations contained herein may indirectly result in some facilities becoming exempt from the CCAA fees. The Board requests an early effective date in order to allow the attainment designations to be effective at the earliest legally permitted date.

1. See 17 CCR sections 90800(a), 90800.1(a), 90800.2(a), 90800.3(a), 90800.4(a), 90800.5(a), and 90801(b).