

## REQUEST FOR EARLY EFFECTIVE DATE

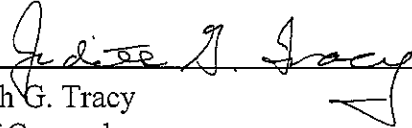
Pursuant to Government Code section 11346.2(d), the Air Resources Board (ARB) requests that the amendment of section 93300.5, Title 17, California Code of Regulations and incorporation by reference therein of the current version of the Emission Inventory Criteria and Guidelines Report (Regulation) become effective upon filing with the Secretary of State. Good cause for this request exists. An early effective date is necessary to effectively administer and implement the Air Toxics Hot Spots Program.

Part 6 of Division 26 of the Health and Safety Code, commencing with section 44300 (the Hot Spots Act) mandates that facilities which manage certain toxic substances and emit certain air pollutants periodically assess and report their emissions of toxic air pollutants to local air pollution control districts (districts). The districts and the State determine the risks these toxic emissions pose to surrounding populations. Facilities whose emissions pose a significant risk are required to notify affected populations. The Hot Spots Program is funded by fees assessed upon the facilities required to conduct Hot Spots assessments, reports, and notification. Most of these fees are collected via the separate Hot Spots Fee Regulation.

Facilities subject to the Hot Spots Act must update their emission inventory information every four years according to procedures established by ARB. Recently enacted legislation (AB 564, Stats. 1996, ch. 602) amended the Hot Spots Act to exempt specified facilities posing low risk from further compliance and to streamline requirements for remaining facilities. These changes are reflected in the Regulation and must be available to both affected facilities and districts as early as possible to ensure that the Hot Spots Act is implemented in a timely manner. The Board requests an early effective date in order that affected facilities may be informed of their proper reporting requirements or exemptions. Because many affected facilities also pay fees to recover program costs, as specified in Health and Safety Code section 44380, an early effective date is also requested to ensure that affected facilities will be assessed proper fees. The objective of the Hot Spots program is to gather information regarding any dangers to the public health threatened by the emission of substances known to be toxic. A delay in gathering this information could represent a danger to public health.

The parties directly affected by these regulations are the 34 air pollution control and air quality management districts and facilities subject to the Hot Spots Act. An early effective date will not have an adverse impact on the ability of the districts to comply with the regulations. To the contrary, an early effective date will facilitate district and State program activities so that they can comply with the Act's statutory deadlines by ensuring that facilities are properly designated as to update reporting requirements. Districts have been consulted in the development of these regulations and they have been active participants in the rulemaking process. The ARB will notify the districts of the effective date of the regulations as soon as it is known.

Date: May 14, 1997

  
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Judith G. Tracy  
Staff Counsel