

State of California
AIR RESOURCES BOARD

Resolution 84-4

February 24, 1984

Agenda Item No. 84-4-3

WHEREAS, Health and Safety Code Section 39601 authorizes the Air Resources Board (the "Board") to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Health and Safety Code Section 39801 requires the Board to administer, pursuant to Chapter 5 (commencing with Section 39800), Part 2, Division 26 of the Health and Safety Code, the air pollution control subvention program with such funds as may be appropriated for the purposes of said chapter, and Health and Safety Code Sections 39800-39811 establish the framework and requirements of the subvention program;

WHEREAS, the Board has adopted regulations for administering the subvention program in Sections 90050-90500, Title 17, California Administrative Code;

WHEREAS, Section 39806 provides that money shall be subvened under the subvention program to districts engaged in the reduction of air contaminants pursuant to the basinwide air pollution control plan and related implementation programs, and that any findings of the Board that a district is not so engaged in the reduction of air contaminants shall be based on criteria established by the Board jointly with the districts;

WHEREAS, Section 90115, Title 17, California Administrative Code, establishes evaluation criteria for determining whether a district is engaged in the reduction of air contaminants pursuant to the basinwide air pollution control plan and related implementation programs;

WHEREAS, Section 90115, Title 17, California Administrative Code, further provides that following cooperation between Board and district staffs in proposing recommendations, the Board shall annually consider in the first quarter of the calendar year revisions to the evaluation criteria;

WHEREAS, the Board staff has proposed amendments to Section 90115, Title 17, California Administrative Code, which would delete the requirement for an annual hearing to consider revisions to the evaluation criteria and would instead require a public hearing to consider revisions to evaluation criteria when a basin control council or a district which includes an entire air basin requests revisions, or when such revisions are considered appropriate by the Board or the Executive Officer;

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;

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); and

WHEREAS, the Board finds that:

The evaluation criteria are sufficiently refined that the requirement for an annual public hearing to consider revisions to the evaluation criteria is no longer necessary;

The amendment to Section 90115, Title 17, California Administrative Code, set forth in Attachment A, contains an appropriate procedure to assure that needed revisions to the evaluation criteria will be considered and acted upon by the Board, while providing flexibility in scheduling hearings; and

The amendment set forth in Attachment A would have no significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to Section 90115, Title 17, California Administrative Code, set forth in Attachment A hereto.

I certify that the above is a true and correct copy of Resolution 84-4, as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

Amend Section 90115, Title 17, California Administrative Code, to read as follows:

90115. Evaluation Criteria. The ARB state board staff shall develop in cooperation with the districts and the Board state board shall adopt evaluation criteria for each category established in Section 90120 which are appropriate to determine, in accordance with Section 39806 of the Health and Safety Code, whether districts are engaged in the reduction of air contaminants pursuant to the basinwide air pollution control plan and related implementation programs. ~~Following cooperation between ARB and district staff in proposing recommendations, the Board shall hold a public hearing annually in the first quarter of the calendar year to consider revisions to the evaluation criteria.~~ The evaluation criteria are set forth in the Air Resources Board's "Evaluation Criteria for Air Pollution Control Districts Participating in the Subvention Program," adopted on April 23, 1981, and amended May 27, 1983. Revisions to the evaluation criteria shall be considered by the state board when the state board or the executive officer determines that revisions are appropriate, or when an air basin control council or a district which includes an entire air basin makes a request for revisions to the state board. When such a request is made by a basin control council or district, the state board shall hold a public hearing not later than April of the next calendar year to consider the proposed revisions to the evaluation criteria.


NOTE: Authority cited: Sections 39600, 39601 and 39801, Health and Safety Code. Reference: Sections 39801 and 39806, Health and Safety Code.

Memorandum

To : Gordon Van Vleck
Secretary
Resources Agency

Date : April 5, 1984

Subject: Filing of Notice of
Decisions of the Air
Resources Board


Harold Holmes
Board Secretary

From : **Air Resources Board**

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.

ATTACHMENTS

- 84-2
- 84-3
- 84-4
- 84-5
- 84-6

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to Title 17, California
Administrative Code, Section 90115, Regarding Procedures for
Revising the Subvention Program Evaluation

Agenda Item No.: 84-4-3

Public Hearing Date: February 24, 1984

Response Date: February 24, 1984

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental
issues pertaining to this item. The staff report identified no
adverse environmental effects.

Response: N/A

CERTIFIED:

David Helms
Board Secretary

Date:

5/3/84