

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-07-009

Relating to Public Hearing to Consider Adoption of Amendments to the Air Toxics
“Hot Spots” Fee Regulation

WHEREAS, on November 16, 2006, the Air Resources Board (ARB or Board) conducted a public hearing to consider proposed adoption of amendments to the Air Toxics “Hot Spots” fee regulation;

WHEREAS, following the public hearing on November 16, 2006, the Board adopted Resolution 06-40, in which the Board approved amendments to section 93300.5, title 17, California Code of Regulations (CCR), and the incorporated Emission Inventory Criteria and Guidelines Report, including appendices, set forth in Attachment A thereto, with the modifications set forth in Attachment B and the following additional modifications: (1) making it clear that a facility may if it wishes submit an updated health risk assessment, and (2) postponing applicability of the hot spots requirements, until after 2011, to a diesel backup generator at a hospital where the diesel backup generator is replaced, retrofitted, or removed from service concurrent with seismic upgrades which are required pursuant to the hospital seismic safety mandate section 90700 – 90705, and to the Tables in section 90705, as set forth in Attachment B thereto;

WHEREAS, in Resolution 06-40, the Board directed the Executive Officer to adopt amendments to section 93300.5, title 17, CCR, and the incorporated Emission Inventory Criteria and Guidelines Report, including appendices, after making the modified regulatory language and additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications and additional supporting documents and information as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, on March 20, 2007, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, one written comment was received during the 15-day public comment period and that comment has been considered; and

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 06-40 are incorporated by reference herein.

IT IS FURTHER ORDERED that amendments to section 93300.5, title 17, CCR, and the incorporated Emission Inventory Criteria and Guidelines Report is hereby adopted as set forth in Attachment 1 hereto.

Executed this _____ day of July, 2007, at Sacramento, California.

Tom Cackette
Acting Executive Officer

Attachment