

State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

Resolution 98-38

August 27, 1998

Agenda Item: 98-9-3

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board ("Board") to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, Section 39607(d) of the Health and Safety Code requires the Board to adopt test procedures to measure compliance with its nonvehicular, or stationary source, emission standards and those of the air pollution control and air quality management districts ("districts");

WHEREAS, the Board's staff has identified improved test methods for twenty existing stationary source test methods, Methods 1, 2, 2A, 3, 4, 5A, 5E, 6, 8, 10, 11, 12, 13A, 13B, 15, 16, 16A, 17, 20 and 21;

WHEREAS, the Board's staff has proposed amendments to Sections 94101, 94102, 94117, 94103, 94104, 94118, 94119, 94106, 94108, 94109, 94110, 94120, 94121, 94122, 94111, 94112, 94137, 94113, 94123, and 94124 of Title 17, California Code of Regulations, which incorporate by reference the identified improved stationary source test methods, Methods 1, 2, 2A, 3, 4, 5A, 5E, 6, 8, 10, 11, 12, 13A, 13B, 15, 16, 16A, 17, 20 and 21, respectively;

WHEREAS, the proposed amendments and adoption are reasonable and necessary to achieve and maintain applicable ambient air quality standards;

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 which would substantially reduce or avoid such impacts;

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);

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state; and

WHEREAS, the Board finds that:

Amendment and adoption of the provisions of Title 17, California Code of Regulations, as set forth in Attachment 1 hereto, and the incorporation of the proposed new and amended test methods for stationary sources as set forth in Attachment 2 hereto, are necessary and appropriate to satisfy the requirements of Sections 39601 and 39607(d) of the Health and Safety Code; and

The actions approved herein will have no significant adverse environmental impacts, and will have no, or an insignificant, impact of California business enterprises; and

There is no alternative considered by the Board which would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment of Title 17, California Code of Regulations, Sections 94101, 94102, 94117, 94103, 94104, 94118, 94119, 94106, 94108, 94109, 94110, 94120, 94121, 94122, 94111, 94112, 94137, 94113, 94123, and 94124, as set forth in Attachment 1 hereto, and the amendment and adoption of the incorporated test methods for stationary sources, Methods 1, 2, 2A, 3, 4, 5A, 5E, 6, 8, 10, 11, 12, 13A, 13B, 15, 16, 16A, 17, 20 and 21, respectively, as noticed on July 10, 1998, with the modifications directed in Attachment 2.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments with the modifications to the test methods for stationary sources, as directed in Attachment 2, after making them available to the public for a period of 15 days, as required by Government Code Section 11346.8, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received or for consistency with the modifications directed in Attachment 2, and shall present the modifications to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 98-38, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board

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August 27, 1996

Identification of Attachments to the Resolution

Attachment 1: Amendments to Title 17, California Code of Regulations, Sections 94101, 94102, 94117, 94103, 94104, 94118, 94119, 94106, 94108, 94109, 94110, 94120, 94121, 94122, 94111, 94112, 94137, 94113, 94123, and 94124, as approved by the Board.

Attachment 2: Modifications, as directed by the Board, to Test Methods 1, 2, 2A, 3, 4, 5A, 5E, 6, 8, 10, 11, 12, 13A, 13B, 15, 16, 16A, 17, 20 and 21, as noticed on July 10, 1998.