

State of California
AIR RESOURCES BOARD

Resolution 81-61

September 24, 1981

Agenda Item No.: 81-19-2

WHEREAS, Health and Safety Code Section 39601 requires the Air Resources Board to adopt rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the state board;

WHEREAS, the Board has adopted rules and regulations governing procedures for the conduct of its public business in Title 17, California Administrative Code, Sections 60000-60023 and 93000-93003;

WHEREAS, Government Code Section 11349.7 of the Administrative Procedure Act enacted by AB 1111 and AB 939 (Stats. 1979, Chapter 567 and 1203, respectively) requires the ARB to review all regulations administered by it for compliance with the statutory criteria of necessity, clarity, consistency, authority, and reference in accordance with a schedule approved by the Office of Administrative Law on February 11, 1981;

WHEREAS, public comments on the ARB's procedural regulations were solicited by public notice dated February 9, 1981;

WHEREAS, in consideration of these public comments and based on the staff's analysis of the regulations, staff has proposed specific changes to these regulations designed to reduce significantly the total volume of the regulations, enhance public participation, eliminate unnecessary repetition of statutory provisions and other excess verbiage, add references to appropriate statutes, and simplify or clarify language in those regulations proposed for retention;


WHEREAS, a public hearing has been held on September 24, 1981, on the proposed amendments, pursuant to public notice dated July 31, 1981;

WHEREAS, the Board finds that the amendments proposed by staff comply with the letter and the spirit of the review process set forth in the Administrative Procedure Act and conform to the five statutory criteria; and

WHEREAS, the Board further finds that no significant environmental issues have been raised with regard to these regulations and that all opposing considerations have been adequately responded to.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts, repeals, and amends the regulations contained in Title 17, California Administrative Code, Part III, Chapter 1, Subchapters 1 and 7, as set forth in Attachment A.

I certify that the above is a true and correct copy of Resolution 81-61, as adopted by the Air Resources Board.


Sally Rump, Board Secretary

ATTACHMENT A

SUBCHAPTER 1. ADMINISTRATIVE PROCEDURES

Article 1. Board Meetings and Executive-Officer Hearings

60000. Purpose. The regulations set forth in this subchapter shall supplement provisions in the Mulford-Carrell Air Resources Act (Division 26 of the Health and Safety Code), the Administrative Procedure Act, and the California Environmental Quality Act with regard to meetings and hearings of the state board and the executive officer.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code

Reference: Sections 39000, et seq., Health and Safety Code;
Sections 11340, et seq., Government Code; and
Section 21080.5, Public Resources Code.

600001. Regular Scheduling of Meetings. ~~The chairperson or the Executive Officer of the state board shall schedule and the state board shall hold regular meetings at least twice a month. The chairperson~~ Meetings shall be scheduled by the chairperson or the executive officer of the state board, who may for good cause with appropriate notice change the starting time of any meeting proceeding or reschedule, cancel, or continue the meeting proceeding.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 39513, 39515, 39516, and 39600, Health and Safety Code; Section 11129, Government Code.

60001. -- Notice. -- (a) -- Notice of regular meetings of the state board shall be sent by first-class mail, dispatched not later than seven days preceding such meeting, and shall contain an agenda or description of all items to be considered at that meeting.

(b) -- Notice of regular meetings of the state board shall be mailed to all state board members, to all parties to proceedings on the agenda, to interested federal, state and local agencies, and to persons who request such notice in writing. -- For public information purposes, the agenda shall be provided to newspapers of general circulation.

(c) -- When a public hearing is required, pursuant to the requirements of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code, for the adoption, amendment, or repeal of any rule, regulation, order, or standard of general application in order to implement, interpret, or make specific the law enforced or administered by the state board or the Executive Officer, notice shall be given in accordance with the requirements of said Chapter 3.5. -- Notice shall also be given to all state and local governmental agencies having jurisdiction by law with respect to a proposed activity of the state board.

(d) -- Before taking any action pursuant to Health and Safety Code Sections 41503 to 41505, inclusive, or Health and Safety Code Section 41650, notice shall be given as provided in Health and Safety Code Section 41502, and to all state board members, members of the public requesting such notice in writing, and all state and local governmental agencies having jurisdiction by law with respect to the proposed action.

60002. -- Special Meetings. -- The chairperson or the Executive Officer may schedule and the state board may hold a special meeting; provided that the notice for such special meeting specifies in detail the date, location, and subject matter of such special meeting. -- Notice of such special meeting shall be given in the same manner as provided in Section 60001.

60002. Notice. In addition to providing notice of state board meetings and hearings as required by statute, notice shall be mailed to state and local government agencies having jurisdiction by law with respect to a proposed activity of the state board and to persons who request such notice in writing. For informational purposes, notice may be provided to newspapers of general circulation, to all persons believed to be interested in the proceeding, and to the State Clearinghouse for circulation to public agencies.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Sections 39002, 41502 and 41650, Health and Safety Code;
Sections 11125 and 111346.5, Government Code.

Article 2. -- Emergency Meetings

~~60009. -- Government Code Section 11125. -- In accordance with Government Code Section 11125, this article establishes the procedures and requirements for emergency meetings of the state board, for which seven days advance agenda notice cannot be given. -- Where such notice can be given, it shall be done in compliance with the requirements established in Government Code Section 11125 and other applicable provisions of the law.~~

~~60010. -- Unforeseen Emergency Conditions. -- For the purposes of Section 11125 of the Government Code, an unforeseen emergency which shall justify the holding of a public meeting with less than seven days notice shall include the following situations: -- (1) -- evidence of the existence of a concentration of air contaminants in any place in the state that is presenting an imminent and substantial endangerment to the health of persons and with respect to which the district or districts affected are not taking reasonable action to abate the concentration of air contaminants; -- (2) -- issuance of a court order or passage of an urgency statute or resolution by the state Legislature or federal government requiring immediate action by the state board in order to preserve the public health,~~

safety, or general welfare; and (3) any other circumstances affecting air quality such that the state board reasonably believes that it is necessary to take immediate action in order to preserve the public health, safety, or general welfare.

60011.--Notification.--The state board shall make a reasonable effort to give notice in writing or orally to all persons who may be directly affected by the state board's proposed action in order that such persons may be present during the emergency meeting.--Actions taken pursuant to Sections 41503-41505 of the Health and Safety Code shall be preceded by at least 24 hours written or oral notice to the basinwide air pollution control council, if any, and to the affected districts.--The notice shall include a statement of facts which prevented the Board from giving the usual advance notice as required.

60012.--Procedures.--Any emergency meeting held pursuant to this article shall be conducted according to the procedures in Article 1 governing regular meetings of the state board.

60013.--Confirmation of Emergency Action.--Where the state board takes action under emergency conditions, and such action is subject to Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2, of the Government Code, the state board or the Executive Officer shall confirm such action within 120 days in accordance with the provisions of Government Code Section 11346.1 if it is determined that the action should have legal effect for more than 120 days.

~~the South Coast Air Quality Management District, or the Bay Area Air Pollution Control District.~~

~~93002.---Unforeseen-Emergency-Conditions.---For-the-purpose-of-Section-11125-of-the-Government-Code,-an-unforeseen-emergency-which-shall-justify-the-holding-of-a-public-meeting-with-less-than-one-week's-notice-shall-include-the-following-situations:--(a)-evidence-of-the-existence-of-a-concentration-of-air-contaminants-in-any-place-in-the-state-that-is-presenting-an-imminent-and-substantial-endangerment-to-the-health-of-persons,-and-with-respect-to-which-the-district-or-districts-affected-are-not-taking-reasonable-action-to-abate-the-concentration-of-air-contaminants;- (b)-issuance-of-a-court-order-or-passage-of-an-urgency-statute-or-resolution-by-the-state-legislature-or-the-federal-government-requiring-immediate-action-by-the-State-Board-in-order-to-preserve-the-public-health,-safety,-and-general-welfare;- and-(c)-any-other-set-of-circumstances-affecting-air-quality-such-that-the-State-Board-reasonably-believes-that-it-is-necessary-to-take-immediate-action-in-order-to-preserve-the-public-health,-safety,-and-general-welfare.~~

~~93003.---Notification.---The-State-Board-shall-make-a-reasonable-effort-to-give-notice-in-writing-or-orally-to-all-persons-that-may-be-directly-affected-by-the-State-Board's-proposed-action-in-order-that-such-persons-may-be-present-during-the-emergency-meeting.~~

~~SUBCHAPTER 7.--- EMERGENCY MEETINGS~~

~~Article 1.--- General Provisions~~

~~93000.--- Government Code Section 11125.--- Section 11125 of the Government Code (amended Stats., 1973, Ch. 1126; Stats., 1975, Ch. 708) provides as follows:~~

~~"11125.---(a)---The state agency shall prepare an agenda for and provide notice of its meetings to any person who requests such notice in writing. Notice shall be given at least one week in advance of and shall include the agenda for the meeting, provided that emergency meetings may be held with less than one week's notice when such meetings are necessary to discuss unforeseen emergency conditions, as defined by published rule of the agency adopted pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of this part.---The agenda need not include a list of any witnesses expected to appear at the meeting.~~

~~"(b)---Notice shall include the items of business to be transacted, and no item shall be added to the agenda subsequent to the provisions of such notice, absent unforeseen emergency conditions, as provided in subdivision (a).~~

~~"(c)---A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of the agency, or only for a specific meeting or meetings.---In addition, at the agency's discretion, a person may request, and may be provided, notice of only those agency meetings at which a particular subject or subjects specified in the request will be discussed.---A request for notice of more than one meeting of an agency shall be subject to the provisions of Section 14911."~~

~~93001.--- Definitions.---As used in this subchapter:---(a)---"air contaminant" means pollutants discharged into the air from any source which may create a danger to public health; (b)---"State Board" means the California Air Resources Board; and (c)---"District" means each county air pollution control district, regional air pollution control district, unified air pollution control district~~

60003. Quorum. The presence of a majority of the total appointed members of the state board shall constitute a quorum, and formal decisions shall be by vote of a majority of the quorum. No action formal decision on any item shall be taken made in the absence of a quorum. ~~except that a lesser number of members may continue a meeting from time to time until a quorum is present, and may receive information or status reports on non-action items. Except as otherwise provided in Division 26 of the Health and Safety Code or in these regulations, actions of the state board shall be by vote of a majority of the quorum.~~

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: FTC v. Flothill Products, 389 U.S. 179, 183 (1967);
Vita-Pharmaceuticals v. Board of Pharmacy, 110 C.A.2d 826
(1952); Robert's Rules of Order.

~~60004. Testimony and Record of Proceedings. (a) It is the board's policy to encourage and allow interested persons to present oral as well as written testimony at public hearings and meetings held by the board or the Executive Officer. Oral testimony shall be permitted if, no later than 15 days prior to the hearing, an interested person or duly authorized representative submits in writing to the board secretary a request to present oral testimony. Except for hearings held pursuant to Section 41650 of the Health and Safety Code, where no such request is received, the state board or the Executive Officer, as the case may be, shall have discretion to limit interested persons to the presentation of written testimony only. The chairperson, or the Executive Officer, may impose reasonable limitations on the scope, duration, and manner of presentation of oral testimony. To the extent practicable, such limitations shall be set forth in the hearing notice.~~

(b)--The state board may specify the date by which comments submitted in writing must be received for them to be considered, provided that, except for emergency hearings, the deadline for filing written comments shall be at least 45 days from the date of publication of the staff report. Any deadline for receipt of written comments shall be contained in the hearing notice. The state board shall accept for consideration written comments submitted after the deadline specified in the hearing notice but by the hearing date on a detailed factual showing that the comments could not have been provided to the state board by the deadline by reason of factors beyond the control of the person submitting the comments, and that the comments were submitted as expeditiously as reasonably practicable following the deadline.

(c)--At any public hearing held pursuant to Health and Safety Code Section 41650, regarding state board review of nonattainment area plans, representatives from districts included within the nonattainment area and the designated air quality planning agency shall have the right to question and solicit testimony from qualified representatives of the state board staff on the matter being considered. The state board may, by affirmative vote of four members, place reasonable limits on such right. With regard to any Executive Officer hearing held under Section 41650, the state board may impose such limits as part of its delegation to the Executive Officer.

(d)--The proceedings shall be recorded electronically, or by other appropriate means. At the request of the state board, the Executive Officer, or any interested person, the hearing shall be recorded by a certified court reporter and the cost thereof borne by the person making the request.

60008-3--Rulemaking File--For every rulemaking for which a public hearing is required pursuant to Chapter 3:5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code, the secretary of the state board shall maintain a file as required by Government Code Section 11347.3:

60004. Record of Proceedings. (a) Board proceedings shall be recorded electronically, or by other appropriate means. The recording or transcript shall be made available to the public for review at the state board's main office. At the request of the state board, the executive officer, or any interested person, the proceedings shall be recorded by a certified court reporter and the cost thereof borne by the person making the request. Upon a showing of need, economic hardship, and the public interest to be served, any person may request, and the state board or executive officer may grant, a transcript of specified proceedings at state board expense.

(b) For every rulemaking proceeding, the secretary of the state board shall maintain a file as required by Government Code Section 11347.3.

Note: Authority cited: Section 39601, Health and Safety Code.
Reference: Section 39600, Health and Safety Code; Sections 6250 et seq., and 11347.3, Government Code.

~~60008.2. Statement of Reasons for Proposed Rulemaking. (a) Where a public hearing is required pursuant to Chapter 3.5 (commencing with Section 11340) Part 1, Division 3, Title 2 of the Government Code, the statement required by Government Code Section 11346.7 shall be prepared by the staff of the state board prior to the time the notice referred to in Section 60001(c) is published and made available to the public. The notice shall inform the reader that such statement has been prepared.~~

~~(b) Prior to final adoption of a regulation, the statement shall be updated pursuant to Government Code Section 11346.7.~~

60005. -- Staff Reports. -- (a) -- Where a public hearing by the state board is required by law, or when the Executive Officer proposes to take action following a public hearing or public comment period, a staff report, together with the proposed rule, regulation, order, or standard, shall be prepared and published by the staff of the state board. -- Where a public hearing is required pursuant to the requirements of Chapter 3.5 (commencing with Section 11340), Part 1 Division 3, Title 2 of the Government Code, the staff report shall be published at least 45 days before the date of the public hearing. -- For all other public hearings, the staff reports shall be published at least 30 days before the date of the public hearing. -- Notwithstanding the foregoing provisions, if the state board proposes to take emergency action after public hearing, including but not limited to action pursuant to Government Code Section 11346.1(b) and the emergency provisions of Health and Safety Code Section 41502, the staff report shall be published as early as reasonably practicable prior to the public hearing. Staff reports shall be distributed to all governmental agencies having jurisdiction by law with respect to the proposed activity and to persons who have requested such reports.

(b) -- Except for documents determined to be a trade secret pursuant to Sections 91000 et seq., of Title 17, California Administrative Code, or documents otherwise exempt from disclosure pursuant to the Public Records Act (Gov. Code Secs. 6250 et seq.), copies of documents reviewed in connection with the consideration of issues discussed in staff reports, and written comments received from interested persons, shall be made available for inspection and copying upon request.

(c) -- It is the policy of the state board to provide a reasonable opportunity for interested persons to review and comment upon staff reports prepared on items for which a public hearing is required. -- The notice required by Section 60001 shall therefore describe the manner in which a staff report may be obtained for review and comment, and general subject matter addressed in the staff report and the specific staff person to whom the request for a copy and any comment shall be addressed.

(d) -- It is the policy of the state board to prepare staff reports in a manner consistent with the environmental protection purposes of the state board's regulatory program and with the goals and policies of the California Environmental Quality Act (CEQA -- Public Resources Code Sections 21000 et seq.). -- Therefore, all staff reports shall contain a description of the proposed action and in a separate section, an assessment of anticipated significant long or short-term adverse environmental impacts associated with the proposed action and a succinct analysis of those impacts. -- The adverse impacts to be considered are direct and indirect effects on land, air, water, and minerals (including energy supply or use, flora, fauna, noise, and objects of historic or aesthetic significance). -- The analysis shall address possible mitigation measures and alternatives to the proposed action and any irreversible environmental changes or growth-inducing impacts.

(e) -- The Executive Officer shall prescribe guidelines for reimbursement of the state board's cost of compliance with subsection (a), for the format of staff reports, and such other related requirements as the Executive Officer deems appropriate.

60005. Staff Reports. (a) Where a public hearing is required by law or where the action contemplated may have a significant effect on the environment, a staff report, together with the proposed rule, regulation, order, standard or plan shall be prepared and published by the staff of the state board. For rulemaking proceedings governed by the Administrative Procedure Act, the staff report shall be published at least 45 days before the date of the public hearing. For all other such proceedings, the staff report shall be published as early as reasonably practicable prior to the proceeding. Staff reports shall be available for public review and comment and shall be distributed to all governmental agencies having jurisdiction by law over the proposed activity and to persons who have requested such reports.

(b) It is the policy of the state board to prepare staff reports in a manner consistent with the environmental protection purposes of the state board's regulatory program and with the goals and policies of the California Environmental Quality Act (CEQA; Public Resources Code Sections 21000 et seq.). All staff reports shall contain a description of the proposed action, an assessment of anticipated significant long or short term adverse and beneficial environmental impacts associated with the proposed action and a succinct analysis of those impacts. The analysis shall address feasible mitigation measures and feasible alternatives to the proposed action which would substantially reduce any significant adverse impact identified.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Section 21080.5, Public Resources Code.

~~60006. Environmental Alternatives. Any action for which a public hearing by the state board is required by law, or for which an Executive Officer public hearing or comment period is likewise required, and for which significant adverse environmental effects have been identified during the hearing, shall not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the action may have on the environment. For purposes of this subsection, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and consistent with the state board's legislatively mandated responsibilities and duties.~~

Adopt:

60006. Environmental Alternatives. Any action or proposal for which significant adverse environmental impacts have been identified during the review process shall not be approved or adopted as proposed if there are feasible mitigation measures or feasible alternatives available which would substantially reduce such adverse impact. For purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors, and consistent with the state board's legislatively mandated responsibilities and duties.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Section 21080.5, Public Resources Code.

60007.---State Board Response to Environmental Assessment.---(a)---If comments are received at a state board public hearing or by written communication prior to such hearing relating to significant environmental issues raised by the proposed board action, the staff of the state board shall summarize and respond to the comments at the public hearing of the state board, either orally or in a supplemental written report.---Final action on any proposal for which significant adverse environmental effects have been identified shall include a written response to significant environmental points raised during the hearing, either in a formal resolution of the state board or other written statement adopted by the state board.---The written response must be approved by the state board before final action is taken, or the state board may delegate to the Executive Officer the responsibility for approving the written response, and for taking action consistent therewith.

(b)---Notice of the decision of the state board on any action required to be taken at a public hearing and involving the adoption, amendment or repeal of a rule, regulation, order or standard, shall be filed with Secretary of the Resources Agency, to be posted for public inspection for a period of 30 days.

60008.---Executive Officer Response to Environmental Assessment.---(a)---If comments relating to significant environmental issues raised by the proposed action are received at Executive Officer public hearing or during a comment period pending rule-making action by the Executive Officer, the staff of the state board shall prepare, and the Executive Officer shall approve and issue, a written response to the comments before final action is taken.

(b)---Notice of the decision of the Executive Officer on any action involving the adoption, amendment or repeal of a rule, regulation, order or standard shall be filed with the Secretary of the Resources Agency, to be posted for public inspection for a period of 30 days.

60007. Response to Environmental Assessment (a) If comments are received during the evaluation process which raise significant environmental issues associated with the proposed action, the staff shall summarize and respond to the comments either orally or in a supplemental written report. Prior to taking final action on any proposal for which significant environmental issues have been raised, the decision maker shall approve a written response to each such issue.

(b) Notice of the final action and the written response to significant environmental issues raised shall be filed with the Secretary of the Resources Agency for public inspection.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Section 21080.5, Public Resources Code.

~~60008. Local District-Enforcement-and Amendment of Regulations~~
Adopted by State Board. (a) ~~Any program or portion thereof or rule or regulation which the state board adopts for a district, pursuant to Health and Safety Code Section 40451 or 41504, shall be enforced by the district as long as such program or rule or regulation remains in effect.~~ For one year after the state board's adoption for a district of any program or portion thereof or rule, or regulation, any amendment by a district pursuant to its own regulations, of such program or portion thereof or rule, or regulation, shall not be effective for any purpose unless and until the state board finds that such amendment will not interfere with the district's ability to achieve and maintain the state's ambient air quality standards. The state board may at any time, by resolution adopted either on its own motion or at the request of an affected district, exempt from the provisions of this section any program or portion thereof or rule, or regulation adopted by it for a local district.

(b) Upon amendment by a district, within the one-year period provided in paragraph (a), of a program or portion thereof or rule, or regulation, adopted for it by the state board, the district shall file such amendment with the General Counsel of the state board, accompanied by a request for review pursuant to this section. Within thirt (30) days of such filing, the board's executive officer shall review the amendment for the purpose of making the state board finding set forth in paragraph (a). In the event the executive officer finds that the amendments do not satisfy the requirements of paragraph (a), the executive officer shall notify the district in writing of such finding and set forth the specific reasons therefor. Unless the executive officer so notifies the district within the thirty-day period specified herein, the state board shall be deemed to have made the finding set forth in paragraph (a) of this section.

(c) The determination of the executive officer pursuant to paragraph (b) of this section shall be reviewable by the state board pursuant to Health and Safety Code Section 39515(e) and the procedures set forth in Sections 60020-60023 of Title 17 of the California Administrative Code.

Note: Authority cited: Sections 39600, 39601 and 41504, Health and Safety Code.

Reference: Sections 39002, 39500, 39600 and 41500, Health and Safety Code.

~~60020.--Petition-for-Board-Review-of-Executive-Officer-Actions;~~

~~Time-for-Filing--(a)--Any-affected-member-of-the-public,-affected-air-pollution control-district,-or-designated-air-quality-planning-agency-may-petition-the state-board-to-review-any-action-taken-by-the-executive-officer-relating-to-any-of-the-following:~~

~~{1)--action-taken-pursuant-to-Section-40451-(review-of-action-or-failure to-act-by-the-SCAQMD-Board)-, Section-40465-(review-of-the-SCAQMD-air-quality plan);-Section-41503-(establishment-of-a-basinwide-air-pollution-control-plan),~~

~~Section 41594 (establishment of a program, rules, or regulations for a district), and Section 41505 (assumption of the enforcement powers of a district);~~

~~(2) orders issued pursuant to Section 41507 (review of a basinwide control plan for revision to achieve and maintain NAAQS), Section 41602 (review of a basinwide control plan for revision to achieve and maintain state standards); and Section 41603 (revision of a district program to implement the basinwide control plan); and~~

~~(3) action taken pursuant to Sections 41650, 41651, and 41652 (review and revision of nonattainment area plans to assure compliance with the requirements of the Clean Air Act).~~

~~(b) Any such petition must be received by the state board, or, if mailed, postmarked no later than thirty (30) days from the date of the action sought to be reviewed.~~

~~(c) Any air pollution control district, air quality planning agency or member of the public shall, upon the filing with the board secretary of a written request for notice of a specific executive officer action, be mailed notice of such action at the time it is taken.~~

Article 2. State Board Review of Executive Officer Actions

60020. Petition. (a) A petition to the state board for review of action taken by the executive officer relating to the matters set forth in Health and Safety Code Section 39515(c) must be received by the state board or postmarked no later than thirty (30) days from the date of the action sought to be reviewed.

(b) Any air pollution control district, air quality planning agency, or member of the public shall, upon written request to the Board Secretary, be mailed notice of such executive officer action at the time it is taken.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.

Reference: Section 39515, Health and Safety Code.

60021. Scheduling of Board Review; Procedure for Stay. (a) Upon receipt of a petition for review of an Executive Officer action, the matter shall be placed on the agenda of the next regularly scheduled board meeting to take place at least ten (10) days following receipt of the petition, a notice shall be promptly mailed to the petitioner and to all parties who participated in any Executive Officer hearing on the action being reviewed.

(b) The Executive Officer action shall remain in full force and effect pending state board review unless petition for review demonstrates to the satisfaction of the Executive Officer that a stay of the action is needed to prevent irreparable injury to the public or an affected member thereof. If, in its initial consideration of a petition for review, the board does not take final action on the petition, or at any other time, the board may, at the request of the petitioner or on its own motion, grant a stay of the Executive Officer action pending final board action.

(c) The board or the Executive Officer shall have the power, on a showing of good cause by the petitioner, to continue the hearing on the petition to the next regularly scheduled board meeting following the meeting at which the petition is originally scheduled for hearing.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Section 39515, Health and Safety Code.

60022. Record Before the State Board. (a) The state board shall review the executive officer action based upon (1) the record on which the executive officer action was based; and (2) the contents of the petition(s) requesting state board review. Additionally, where the state board determines that additional evidence is necessary to its review of the action of the executive officer, it may consider such new evidence, provided that all interested persons who participated in any proceeding before the executive officer are given at least fifteen (15) days to respond to any evidence accepted by the board. Any

person desiring the board to consider new evidence shall submit such evidence in writing no later than three (3) days prior to the hearing. Where the executive officer acted pursuant to a hearing, only persons who participated in the hearing may submit new evidence to the board.

(b) At the hearing at which the board considers the petition, the petitioner shall be afforded the opportunity to comment in support of the petition.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Section 39515, Health and Safety Code.

60023. State Board Action on Review. Upon completing its review of the executive officer action, the state board may:

- (1) affirm the action of the executive officer; or
- (2) set aside or modify the action of the executive officer; or
- (3) direct the executive officer to take appropriate action as directed by the state board.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code.
Reference: Section 39515, Health and Safety Code.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Adoption, Repeal, and Amendment of Regulations Governing Air Resources Board Administrative Procedures Contained in Title 17, California Administrative Code, Sections 60000-60023 and 93000-93003.

Agenda Item No: 81-19-2

Public Hearing Date: September 24, 1981

Response Date: September 24, 1981

Issuing Authority: Air Resources Board

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

Response: N/A

CERTIFIED:

Sally Rump
Board Secretary

Date:

10/2/81

RECEIVED BY
Office of the Secretary

OCT 07 1981

Resources Agency of California

Memorandum

To : Huey D. Johnson
Secretary
Resources Agency

Date : April 6, 1981

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

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.

Sally Rump
Sally Rump
BOARD SECRETARY

RECEIVED BY
Office of the Secretary

OCT 07 1981

Resources Agency of California

Attachments
Resolution 81-46
Resolution 81-59

