

State of California  
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Notice of Public Hearing to Consider the Adoption of Regulations  
Pursant to the Atmospheric Acidity Protection Act Fees

Agenda Item No.: 91-3-7

Public Hearing Date: April 11, 1991

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: Pat Hutchens  
Board Secretary

Date: July 29, 1991

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RESOURCES AGENCY OF CALIFORNIA

State of California  
AIR RESOURCES BOARD

Resolution 91-10

April 11, 1991

Agenda Item No.: 91-3-7

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "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, in the Atmospheric Acidity Protection Act of 1988 (Stats. 1988, ch. 1518, Health and Safety Code Sections 39900-39911), the Legislature declared that the deposition of atmospheric acidity resulting from other than natural sources is occurring in various regions in California, and that the continued deposition of this acidity, alone or in combination with other man-made pollutants and naturally occurring phenomena, could have potentially significant adverse effects on public health, the environment and the economy;

WHEREAS, in Section 39904 of the Health and Safety Code, the Legislature directed the Board to adopt and implement the Atmospheric Acidity Protection Act program to determine the nature and extent of potential damage to public health and the State's ecosystems which may be expected to result from atmospheric acidity, and to develop measures which may be needed for the protection of public health and sensitive ecosystems within the state;

WHEREAS, Section 39906 of the the Health and Safety Code authorizes the Board to require local air pollution control districts and air quality management districts ("districts") to impose additional permit and variance fees on nonvehicular sources which emit 500 tons per year or more of sulfur oxides or nitrogen oxides to recover the costs of acid deposition research and monitoring program which is required to provide districts and the Board with the necessary basis for evaluating the public health and environmental impact of the emissions of acid deposition precursors from large nonvehicular sources and for determining the feasibility and cost of control measures and air quality management strategies to mitigate the efforts of those emissions;

WHEREAS, the Air Resources Board staff, in consultation with representatives of the local districts and affected industry, has developed the proposed fee regulations for fiscal year 1991-92;

WHEREAS, in accordance with Health and Safety Code Section 39909, the proposed fee regulations have been designed to provide the Board net revenues in fiscal year 1991-92 in an amount which is the lesser of one million five hundred thousand dollars (\$1,500,000) or the amount appropriated from state funds for acid deposition research and monitoring program by the Legislature;

WHEREAS, the proposed fee regulations specify by district the amount to be transmitted to the Board for deposit in the Air Pollution Control Fund in fiscal year 1991-92 and authorize each district to assess additional fees to recover the administrative costs of collecting the fees;

WHEREAS, the proposed emissions fee regulations are based on the most current annual emissions data available from the districts, which are for the calendar year 1989;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds to be collected pursuant to the proposed fee regulations are needed to implement the acid deposition research and monitoring program established pursuant to the Atmospheric Acidity Protection Act;

The proposed regulations include a 10 percent adjustment factor to assure the collection of net revenues in fiscal year 1991-92 in an amount which is the lesser of one million five hundred thousand dollars (\$1,500,000) or the amount appropriated from state funds for acid deposition research and monitoring program by the Legislature;

The proposed regulations provide that any excess fees collected shall be considered when setting fees in future years;

The proposed regulations are based on the most recent data available for annual emissions of sulfur oxides or nitrogen oxides from permitted sources emitting 500 tons or more of either pollutant;

The proposed fee regulations will not have a significant adverse economic impact on affected sources of sulfur oxides or nitrogen oxides, on other businesses or private persons affected, or on the districts, which are authorized to recover their administrative costs of collecting the fees; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Air Resources Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 90620, 90621, 90621.2, 90622, and 90623, Title 17, California Code of Regulations, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt Sections 90620, 90621, 90621.2, 90622, 90623, Title 17, California Code of Regulations, after making them available to the public for a period of 15

days, provided that the Executive Officer shall consider such written comments 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.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the atmospheric acidity research and monitoring program in 1992, and to reconsider at that time the renewal and modification, as necessary, of the fee program in order to reflect changes in program needs and capabilities, base-year emissions, and such other factors as may influence atmospheric acidity research and monitoring program and funding requirements.

I hereby certify that the above is a true and correct copy of Resolution 91-10, as adopted by the Air Resources Board.

*Patricia Hutchins for*  

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Judith M. Lounsbury, Board Secretary