

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-03-068

Amendments to the California Clean Air Act Nonvehicular Source Fee Regulations

WHEREAS, on July 24, 2003, the Air Resources Board (the Board or ARB) conducted a public hearing to consider amendments to the California Clean Air Act Nonvehicular Source Fee Regulations (regulatory amendments), as set forth in the Initial Statement of Reasons released to the public on June 6, 2003;

WHEREAS, following the public hearing on July 24, 2003, the Board adopted Resolution 03-20, in which the Board initiated steps toward the final adoption of proposed new sections 90800.75, 90800.9 and 90804, and proposed amendments to sections 90800.8, 90801, 90802, and 90803, title 17, California Code of Regulations (CCR), as set forth in Attachment A to Resolution 03-20, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 03-20 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachment A to Resolution 03-20, with the modifications set forth in Attachment B (as further modified by the Board) and such other conforming modifications as may be appropriate; to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days; to consider such written comments as may be submitted during this period; and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, the text of the regulatory amendments reflecting the Board-approved modifications, with the changes to the originally proposed text clearly indicated, was made available for a supplemental comment period starting November 12, 2003, and ending December 2, 2003, in accordance with the provisions of section 44, title 1, CCR;

WHEREAS, a number of written comments were received during the supplemental comment period and those comments, as well as the comments received during the initial 45-day comment period, have been considered by the Executive Officer;

WHEREAS, the responses to comments on environmental issues associated with the proposed action, which are contained in the Final Statement of Reasons for this regulatory action, have been approved by the Executive Officer as provided in section 6007, title 17, CCR;

WHEREAS, Attachment 1 hereto contains the regulatory text of new sections 90800.75, 90800.9 and 90804, and amendments to sections 90800.8, 90801, 90802, and 90803, title 17, CCR, reflecting the modified regulatory text made available for the supplemental comment period.

WHEREAS, the Executive Officer finds that:

The regulatory amendments are authorized by law.

The cost of the regulatory amendments is justified by the benefit to human health, public safety, public welfare, or the environment.

The reporting requirements of the regulatory amendments which apply to businesses are necessary for the health, safety, and welfare of the people of the State.

No alternative considered by the ARB or that has otherwise been identified and brought to the attention of the ARB would be more effective in carrying out the purpose for which the regulatory amendments are proposed or would be as effective and less burdensome to affected private persons than the adopted regulatory amendments.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 03-20 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 03-20, that the adoption of new sections 90800.75, 90800.9 and 90804, and amendments to sections 90800.8, 90801, 90802, and 90803, title 17, CCR, are hereby adopted as set forth in Attachment 1 hereto.

Executed this _____ day of January, 2004, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment