



Winston H. Hickox
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

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Gray Davis
Governor

MEMORANDUM

TO: Gordon Young
Staff Counsel
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

FROM: Artavia M. Edwards, Manager
Board Administration & Regulatory
Coordination Unit

DATE: February 3, 2003

SUBJECT: **RESIDENTIAL WASTE BURNING
REGULATORY ACTION NO. 02-1218-06S**

Pursuant to our discussion, as well as your discussion with Leslie Krinsk, Senior Staff Counsel, I provide the following pertaining to the above-referenced regulatory action.

First, I authorize you to correct the text in the Final Statement of Reasons (FSOR) to accurately conform to the correct number of letters actually received by the Air Resources Board.

Specifically, page 2 of the FSOR states that during the 45-day comment period, "88" letters or e-mails were received, and page 5 states that 16 letters or e-mails were received during the 15-day period. The actual count of letters or e-mails listed were inadvertently misstated. You are authorized to delete the numbers.

Government Code section 11346.9(a)(3) requires that a summary of each objection or recommendation be made regarding the adoption of the proposed action, and does not require an actual count as to the number of comment letters or e-mails received, we hereby confirm that all comments received during the respective comment periods were summarized and responded to in the FSOR.

Second, as pertains to the References, I am providing a copy of the personal communication, listed as reference number 37, which was inadvertently omitted from the rulemaking record.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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Additionally, you indicated that reference numbers 44 and 49 were incorrectly identified on the reference list.

Specifically, comment 44 shows 1986, and what's on the reference list is 1989. The United States Environmental Protection Agency (U.S. EPA) (1989a) includes the original 1986 document, which is Part 1 and 1989 update, which is Part II. EPA lists the overall reference as a 1989 document.

Comment 49 shows 1988, and what's on the reference list is 1997. U.S. EPA (1997a) the Technical Report referenced is dated 1997. In the actual package of references provided to OAL, there was a Project Summary on top of the Technical Report, which was dated 1998, however the full reference is the 1997 report.

Finally, I am providing corrected text of the Final Regulation Order (seven copies), which includes modifications to sections 93117(d)(3), (e)(13) and the reference citation.

In section 93117(d)(3), I deleted, "Beginning no later than January 1, 2003," from the beginning of the section.

In section 93117(e)(13), I added, "if required," at the end of the section. As to the reference sections where it reflected Health and Safety Code sections 39650 through 39669, I have listed each reference in between, and deleted the word, "through," with the exclusion of sections 39660.5 and 39663.

Thank you for your consideration in this matter. If you have any questions, you may contact me at 322-6070.