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Acting Secretary

Air Resources Board

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Arnold Schwarzenegger
Governor

April 20, 2006

To All California Air Pollution Control Officers:

Enclosed for your information are several documents prepared by staff of the California Air Resources Board (ARB) regarding implementation of Senate Bill 288 (SB 288), the "Protect California Air Act of 2003." The first document is a revised version of the guidance document we sent to you on October 14, 2004. After that guidance document was issued, discussions between legal staff from ARB and the California Air Pollution Control Officers Association resulted in a change in our interpretation regarding how SB 288 applies to rule amendments in areas not specifically listed in section 42504(b) of that statute, such as offset requirements. We have concluded that SB 288 allows some changes to district New Source Review rules for elements not listed in that provision as long as there is no relaxation in the stringency of a district's New Source Review program as a whole, and as long as the obligations of a stationary source with regard to the specifically listed elements are not relaxed or reduced. For your convenience, we are including a clean version as well as an underline/strikeout version of that document.

We are also enclosing a document that outlines the steps ARB will take in processing district rule amendments that are 1) called into question regarding whether they are permitted under SB 288, or 2) adopted by a district as acknowledged rule relaxations under the specific allowances listed in section 42504(d) of SB 288. A flowchart that illustrates those steps is also included.

The enclosed documents are intended to highlight our approach in implementing SB 288. Since each district's circumstances are unique, we highly recommend that districts that wish to modify their New Source Review rules contact ARB staff in the early stages so that we can work together to ensure a smooth process.

If you have any questions, please feel free to contact me at (916) 445-4383 or Mr. W. Thomas Jennings, Chief Counsel, Office of Legal Affairs, at (916) 323-9606.

Sincerely,

/s/

Catherine Witherspoon
Executive Officer

Enclosures (4)

cc: See next page

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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