

Study E-100

December 9, 1998

**First Supplement to Memorandum 98-76****Environment Code: Comments on Tentative Recommendation  
(Comments of Air Resources Board)**

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Memorandum 98-76 sets out three alternative approaches to how the Commission might proceed with the Environment Code study. The Air Resources Board (ARB) has written to express their preference for the most minimalist of those approaches. Their letter is attached.

The Air Resources Board supports the third option, which would allow the Commission to recommend most of the technical improvements in the recommendation without entailing the problems caused to practitioners by renumbering the statutes. That is, obsolete provisions could be deleted, ambiguous provisions redrafted, errors corrected, and other related nonsubstantive changes made while leaving the current organization of the statutes intact. While we laud your work reorganizing the divisions we reviewed in a more logical fashion, we continue to believe that renumbering would be more detrimental than beneficial in terms of learning the new numbering, correctly cross-referencing decisional and other environmental law and regulations, and consuming legislative resources that should be focused on substantive issues.

ARB also renews its offer to provide assistance, regardless of the approach chosen by the Commission.

Respectfully submitted,

Brian Hebert  
Staff Counsel

Dec-09-98 01:45P ARB Leslie Krinska

805 473 8861

P.02

Air Resources Board  
2020 L Street  
Sacramento, CA 95814  
December 9, 1998

Mr. Brian Hebert, Staff Counsel  
California Law Revision Commission  
4000 Middlefield Road, Rm. D-1  
Palo Alto, CA 94303-4739  
Dear Mr. Hebert:

RE: Study E-100, Environment Code

In your Memorandum 98-76, you noted the mixed reaction to the tentative recommendation setting out the first four divisions of the proposed Environment Code. Considering the concerns raised about proceeding with the full reorganization, you outlined three possible options: creation of the new code as initially proposed; proceeding with the organization and technical improvements identified in the work to date without creating a new code; and recommending only those technical improvements that would not involve renumbering. A fourth option, of course, is to abandon the project and make no changes to divisions one through four, or the remainder.

The Air Resources Board supports your third option, which would allow the Commission to recommend most of the technical improvements in the recommendation without entailing the problems caused to

practitioners by renumbering the statutes. That is, obsolete provisions could be deleted, ambiguous provisions redrafted, errors corrected, and other related nonsubstantive changes made while leaving the current organization of the statutes intact. While we laud your work reorganizing the divisions we reviewed in a more logical fashion, we continue to believe that renumbering would be more detrimental than beneficial in terms of learning the new numbering, correctly cross-referencing decisions and other Environmental law and regulations, and consuming legislative resources that should be focused on substantive issues.

The ARB will continue to work with you to answer questions we could not answer within the timeframe provided, as well as to review and comment on parts 5-9 of Division 4. Of course, if the Commission is determined to proceed with renumbering, we will also assist in finding the best approach and in any other way the Commission would request.

We appreciate your considerable effort in improving the codes and feel it was a worthwhile exercise. We would appreciate it if you would forward our comments to the Commission.

Yours truly,  
Leslie M. Krinsk