

Cap-and-Trade Regulation Amendment Request

NOTE: Please use this form to highlight a request to amend a specific section (or related sections) of the Cap-and-Trade Regulation. Submission of this form aids staff in tracking requests and **does not mean** staff will ultimately propose an amendment in the version of the amendments noticed pursuant to the Administrative Procedure Act. This form is intended only as an additional tool ARB will use to evaluate requested changes to the regulation. Amendment requests may be for reasons of policy, clarity, or errors, etc. Staff may contact you if we need more information. Additionally, submission of this form will be a public record, and will be included in the ultimate rulemaking file related to these amendments, but may not be specifically answered in the Final Statement of Reasons. (Government Code section 11346.9(a)(3).) Please complete this form (with as much detail as possible, though it need not be formal regulatory language) and mail or email (preferred) to:

David Allgood (dallgood@arb.ca.gov)
Stationary Source Division
P.O. Box 2815
Sacramento, CA 95812

General Information

Date: August 2, 2013

Submitted by: Claire Halbrook

Affiliation: PG&E

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Section

Primary section(s): 95923(a)(1)

Related section(s):

Amendment Request

Type of amendment: ☐ Policy ☐ Error ☒ Clarity

Reason for amendment:

Seeking confirmation that the contractor may fulfill either role as set forth in subpart (1)(A) or (B) of the new regulation and need not function in both capacities. Also seeking clarification on intended purpose of the new Cap-and-Trade Contractor regulations.

Additional information:

A "Cap-and-Trade Contractor" is a contractor ~~employed~~ **retained under contract by a registered entity for which it is not an employee** ~~by an entity registered in the cap-and-trade program to work on Cap-and-Trade compliance if the contractor,~~ **is not an adviser pursuant to Section 95914(c), but the contractor:**

(A) Verifies the entity's emissions as part of ARB's Mandatory Reporting Regulation; [or][and]

(B) Advises or consults with the entity regarding compliance with the Cap-and-Trade Program, and receives information from another registered Cap-and-Trade participant;