

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:

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P.O. Box 2815
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General Information

Date: August 2, 2013

Submitted by: Claire Halbrook

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Section

Primary section(s): 95856(h)(4)

Related section(s):

Amendment Request

Type of amendment: ☒ Policy ☐ Error ☐ Clarity

Reason for amendment:

Recommend that excess offsets be returned to an entity's Compliance account or remain in the Retirement Account and be eligible to meet subsequent compliance obligations.

Additional information:

"If an entity used any offsets to meet its annual timely surrender pursuant to section 95856(d) and the cumulative offsets retired by the Executive Officer exceed the quantitative usage limit pursuant to section 95854 at the time of the triennial timely surrender pursuant to section 95856(f), the offsets already retired will remain in the Retirement Account **be returned to the entity's Compliance Account** and the entity must ensure ~~they~~ **that** it has sufficient compliance instruments other than offsets to meet its triennial timely surrender pursuant to section 95856(e)."

In the event the functionality to transfer allowances back into the compliance account is unavailable to ARB, Section below could be amended by the following:

"If an entity used any offsets to meet its annual timely surrender pursuant to section 95856(d) and the cumulative offsets retired by the Executive Officer exceed the quantitative usage limit pursuant to section 95854 at the time of the triennial timely surrender pursuant to section 95856(f), the offsets already retired will remain in the Retirement Account **and be eligible to meet subsequent compliance obligations.** ~~and t~~The entity must ensure ~~they~~ **that** it has sufficient compliance instruments other than offsets to meet its triennial timely surrender pursuant to section 95856(e)."