

## REQUEST FOR EARLY EFFECTIVE DATE

### AMENDMENTS TO THE REGULATION FOR THE MANDATORY REPORTING OF GREENHOUSE GAS EMISSIONS

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB) requests that the Office of Administrative Law (OAL) prescribe an "early effective date" for the adoption of amendments to division 3, chapter 1, subchapter 10, article 2, sections 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95130, 95131, 95132, and 95133, title 17, California Code of Regulations (CCR), the adoption of new sections 95100.5, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95150, 95151, 95152, 95153, 95154, 95155, 95156, and 95157, title 17, CCR, and the repeal of section 95125, title 17, CCR. ARB believes the following demonstrates "good cause" for OAL to prescribe an early effective date of January 1, 2012.

#### DEMONSTRATION OF GOOD CAUSE

These amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (the regulation) require affected facilities to annually report their greenhouse gas (GHG) emissions to the State using methods prescribed within the regulation. Although the initial reporting deadlines are April 10, 2012 for a subset of the facilities, and June 1, 2012 for the remainder of the facilities, facilities can begin reporting as soon as January 1, 2012. Moreover, reporting entities must begin collecting data pursuant to the regulation starting January 1, 2012 for the emissions data reports due in 2013. The annual GHG emissions data reports also form the basis of the separate California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation, including Compliance Offset Protocols (title 17, CCR, sections 95800 et seq.) (Cap-and-Trade Regulation), which has a statutory deadline for commencement of January 1, 2012. (Health and Safety Code section 38562(a) and (c)).

Given the impending reporting dates and the need to support the January 1, 2012 commencement date of the Cap-and-Trade Regulation, ARB requests an early effective date for this regulation to assist reporting entities to completely and accurately meet the reporting requirements. The early effective date provides certainty and clarity to the reporting entities as soon as possible, as they begin preparing their GHG emissions data reports. It also helps to ensure that ARB receives the required GHG emissions data in a timely manner to support its GHG emissions inventory and other regulatory programs, including the Cap-and-Trade Regulation. For these reasons, ARB hereby requests that OAL approve an early effective date of January 1, 2012.

Date: October 28, 2011

  
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Jason Gray  
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