REQUEST FOR EARLIER EFFECTIVE DATE

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

Pursuant to Government Code section 11343.4(b)(3), the Air Resources Board (ARB) requests that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the adoption of amendments to division 3, chapter 1, subchapter 10, article 2, sections 95101, 95102, 95103, 95104, 95105, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157, title 17, California Code of Regulations (CCR); and the adoption of new section 95124 and new Appendix B, title 17, CCR. ARB believes the following demonstrates "good cause" for OAL to prescribe an earlier effective date of January 1, 2014.

DEMONSTRATION OF GOOD CAUSE

These amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (title 17, CCR, sections 95100 et seq.) (reporting regulation) require affected reporting entities to annually report their greenhouse gas (GHG) emissions to the State using methods prescribed within the regulation. Although the reporting deadlines are April 10, 2014 for a subset of the entities, and June 1, 2014 for the remainder of the entities, entities can begin reporting as soon as January 1, 2014. Moreover, reporting entities must begin collecting data pursuant to the regulation starting January 1, 2014 for their emissions data reports due in 2015. 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 (title 17, CCR, sections 95800 et seq.) (cap-and-trade regulation). The cap-and-trade regulation's first compliance period, which relies on the reporting of updated annual emissions and product data, runs from January 1, 2013 to December 31, 2014.

Given the impending reporting dates and the need to support the annual data requirements of the cap-and-trade regulation's first compliance period, ARB requests an earlier effective date for these regulatory amendments to assist reporting entities to completely and accurately meet their 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 earlier effective date of January 1, 2014.

Date: November 18, 2013

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