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 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115, 95119, 95121, 95122, 95124, 95130, 95131, 95132, 95133, 95152, 95153, 95156, 95157, Appendix A, and Appendix B, title 17, California Code of Regulations (CCR). ARB believes the following demonstrates "good cause" for OAL to prescribe an early effective date of January 1, 2015.

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 facilities to annually report their greenhouse gas (GHG) emissions to the State using methods prescribed within the regulation. Although the reporting deadlines are April 10, 2015 for a subset of the facilities, and June, 1, 2015 for the remainder of the facilities, facilities can begin reporting as soon as January 1, 2015. 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), and are used to determine compliance obligations for covered entities. The Cap-and-Trade Regulation's second compliance period begins January 1, 2015, with a compliance surrender event on November 1, 2015, and the amended reporting requirements must be in place to support these compliance obligations. In addition, data collected under the regulation is critical for the Cost of Implementation Fee Regulation (title 17, CCR, section 95200 et seq.) (COI Fee Regulation), which funds greenhouse gas programs, and which relies on the timely collection of the GHG data.

Given the impending reporting dates and the need to support the Cap-and-Trade Regulation's annual compliance instrument surrender events, and the COI Fee Regulation, ARB requests an early effective date for these regulatory amendments 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 COI Fee Regulation and Cap-and-Trade Regulation. For these reasons, ARB hereby requests that OAL approve an early effective date of January 1, 2015.

Date: November 14, 2014

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