

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 15, 2010

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN SENATE APRIL 19, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1351

Introduced by Senator Wright

February 19, 2010

An act to amend Section 38505 of, and to add Section 38566 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1351, as amended, Wright. California Global Warming Solutions Act of 2006: State Air Resources Board regulations.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.

This bill would require the state board to make available to the public, at the time that the state board adopts a regulation pursuant to the act, any implementation schedule that is required to comply with that regulation. ~~The~~ *If a regulation adopted by the state board requires a reporting form, compliance tool, or training, the state board would be*

required to make *this information* available to the public on the state board's Internet Web site ~~any reporting form, metric, compliance tool, or training requirement, that is required to comply with a regulation adopted pursuant to the act~~ at least 60 days prior to the date ~~required for compliance~~ *the information is required* in accordance with the implementation schedule. *The bill would authorize the state board to revise a required implementation schedule, reporting form, compliance tool, or training after adoption of a regulation, provided that the state board makes a specified modification.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38505 of the Health and Safety Code is
2 amended to read:
3 38505. For the purposes of this division, the following terms
4 have the following meanings:
5 (a) "Allowance" means an authorization to emit, during a
6 specified year, up to one ton of carbon dioxide equivalent.
7 (b) "Alternative compliance mechanism" means an action
8 undertaken by a greenhouse gas emission source that achieves the
9 equivalent reduction of greenhouse gas emissions over the same
10 time period as a direct emission reduction, and that is approved
11 by the state board. "Alternative compliance mechanism" includes,
12 but is not limited to, a flexible compliance schedule, alternative
13 control technology, a process change, or a product substitution.
14 (c) "Carbon dioxide equivalent" means the amount of carbon
15 dioxide by weight that would produce the same global warming
16 impact as a given weight of another greenhouse gas, based on the
17 best available science, including from the Intergovernmental Panel
18 on Climate Change.
19 (d) "Cost-effective" or "cost-effectiveness" means the cost per
20 unit of reduced emissions of greenhouse gases adjusted for its
21 global warming potential.
22 (e) "Compliance tool" means ~~the resources~~ *items* specified in a
23 regulation for compliance, including, but not limited to, computer
24 models, databases, algorithms, formulas, ~~datasets~~, forms, ~~criteria~~,
25 ~~bulletins, manuals, instructions, orders, spreadsheets, software,~~

1 ~~Web sites, labels, protocols, and other guidance documents~~ *metrics*
2 required for compliance.

3 (f) “Direct emission reduction” means a greenhouse gas emission
4 reduction action made by a greenhouse gas emission source at that
5 source.

6 (g) “Emissions reduction measure” means programs, measures,
7 standards, and alternative compliance mechanisms authorized
8 pursuant to this division, applicable to sources or categories of
9 sources, that are designed to reduce emissions of greenhouse gases.

10 (h) “Greenhouse gas” or “greenhouse gases” includes all of the
11 following gases:

12 (1) Carbon dioxide.

13 (2) Methane.

14 (3) Nitrous oxide.

15 (4) Hydrofluorocarbons.

16 (5) Perfluorocarbons.

17 (6) Sulfur hexafluoride.

18 (7) Nitrogen trifluoride.

19 (i) “Greenhouse gas emissions limit” means an authorization,
20 during a specified year, to emit up to a level of greenhouse gases
21 specified by the state board, expressed in tons of carbon dioxide
22 equivalents.

23 (j) “Greenhouse gas emission source” or “source” means any
24 source, or category of sources, of greenhouse gas emissions whose
25 emissions are at a level of significance, as determined by the state
26 board, that its participation in the program established under this
27 division will enable the state board to effectively reduce greenhouse
28 gas emissions and monitor compliance with the statewide
29 greenhouse gas emissions limit.

30 (k) “Leakage” means a reduction in emissions of greenhouse
31 gases within the state that is offset by an increase in emissions of
32 greenhouse gases outside the state.

33 (l) “Market-based compliance mechanism” means either of the
34 following:

35 (1) A system of market-based declining annual aggregate
36 emissions limitations for sources or categories of sources that emit
37 greenhouse gases.

38 (2) Greenhouse gas emissions exchanges, banking, credits, and
39 other transactions, governed by rules and protocols established by
40 the state board, that result in the same greenhouse gas emission

1 reduction, over the same time period, as direct compliance with a
 2 greenhouse gas emission limit or emission reduction measure
 3 adopted by the state board pursuant to this division.

4 (m) “Metric” means units and standards of measurement by
 5 which efficiency, performance, progress, or quality of a plan,
 6 process, or product can be assessed.

7 (n) “State board” means the State Air Resources Board.

8 (o) “Statewide greenhouse gas emissions” means the total annual
 9 emissions of greenhouse gases in the state, including all emissions
 10 of greenhouse gases from the generation of electricity delivered
 11 to and consumed in California, accounting for transmission and
 12 distribution line losses, whether the electricity is generated in state
 13 or imported. Statewide emissions shall be expressed in tons of
 14 carbon dioxide equivalents.

15 (p) “Statewide greenhouse gas emissions limit” or “statewide
 16 emissions limit” means the maximum allowable level of statewide
 17 greenhouse gas emissions in 2020, as determined by the state board
 18 pursuant to Part 3 (commencing with Section 38550).

19 SEC. 2. Section 38566 is added to the Health and Safety Code,
 20 to read:

21 38566. (a) (1) The state board shall make available to the
 22 public, at the time the state board adopts a regulation pursuant to
 23 this division, any implementation schedule that is required to
 24 comply with the regulation.

25 (2) *If a regulation adopted pursuant to this division specifically*
 26 *requires a reporting form, metric, compliance tool, or training is*
 27 *required to comply with a regulation adopted pursuant to this*
 28 *division, the state board shall make the required reporting form,*
 29 *metric, compliance tool, or training requirement available to the*
 30 *public on the state board’s Internet Web site at least 60 days prior*
 31 *to the date required for compliance on which the reporting form,*
 32 *compliance tool, or training is required in accordance with the*
 33 *implementation schedule.*

34 (b) *The state board may revise an implementation schedule,*
 35 *reporting form, compliance tool, or training required to be*
 36 *published pursuant to subdivision (a) after it adopts a regulation,*
 37 *provided that the state board modifies the compliance deadline to*
 38 *allow regulated entities 60 days to comply.*

39 (b)

1 (c) This section does not excuse compliance from a regulation
2 adopted before January 1, 2011, that does not meet the
3 requirements of subdivision (a), or require the state board to
4 readopt or amend a regulation approved by the state board before
5 January 1, 2011.

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