

Introduced by Senators Wright and Correa
(Coauthor: Assembly Member Bill Berryhill)

February 17, 2011

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 533, as introduced, 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. If a regulation adopted by the state board specifically requires a reporting form, a 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 at least 60 days prior to the date 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, if 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) *“Compliance tool” means an item specified in a regulation*
 20 *for compliance, including computer models, databases, algorithms,*
 21 *formulas, forms, software, labels, protocols, and metrics required*
 22 *for compliance.*
 23 ~~(d)~~
 24 (e) “Cost-effective” or “cost-effectiveness” means the cost per
 25 unit of reduced emissions of greenhouse gases adjusted for its
 26 global warming potential.
 27 ~~(e)~~
 28 (f) “Direct emission reduction” means a greenhouse gas emission
 29 reduction action made by a greenhouse gas emission source at that
 30 source.
 31 ~~(f)~~
 32 (g) “Emissions reduction measure” means ~~programs, measures,~~
 33 ~~standards, and alternative compliance mechanisms~~ *a program,*
 34 *measure, standard, or alternative compliance mechanism*
 35 authorized pursuant to this division, applicable to sources or

1 categories of sources, that ~~are~~ *is* designed to reduce emissions of
2 greenhouse gases.

3 ~~(g)~~

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

6 (1) Carbon dioxide.

7 (2) Methane.

8 (3) Nitrous oxide.

9 (4) Hydrofluorocarbons.

10 (5) Perfluorocarbons.

11 (6) Sulfur hexafluoride.

12 (7) Nitrogen trifluoride.

13 ~~(h)~~

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

18 ~~(i)~~

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

26 ~~(j)~~

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

30 ~~(k)~~

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

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

36 (2) Greenhouse gas emissions exchanges, banking, credits, and
37 other transactions, governed by rules and protocols established by
38 the state board, that result in the same greenhouse gas emission
39 reduction, over the same time period, as direct compliance with a

1 greenhouse gas emission limit or emission reduction measure
 2 adopted by the state board pursuant to this division.

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

6 ~~(t)~~

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

8 ~~(m)~~

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

16 ~~(n)~~

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

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

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

27 (2) If a regulation adopted pursuant to this division specifically
 28 requires a reporting form, compliance tool, or training, the state
 29 board shall make the required reporting form, compliance tool, or
 30 training available to the public on the state board’s Internet Web
 31 site at least 60 days prior to the date 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 made
 36 available to the public pursuant to subdivision (a) after it adopts
 37 a regulation, if the state board modifies the compliance deadline
 38 for the regulatory requirement regulation to allow regulated entities
 39 60 days to comply.

1 (c) This section does not excuse compliance from a regulation
2 adopted before January 1, 2012, 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, 2012.

O