

ASSEMBLY BILL

No. 1102

Introduced by Assembly Member Grove

February 22, 2013

An act to amend Section 38562 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as introduced, Grove. Air resources: greenhouse gas emissions.

Existing law requires the State Air Resources Board to adopt and revise regulations regarding greenhouse gas emission limits and emission reduction measures, and to authorize the establishment of a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions.

This bill would make nonsubstantive changes to the above provision.

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

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

- 1 SECTION 1. Section 38562 of the Health and Safety Code is
- 2 amended to read:
- 3 38562. (a) On or before January 1, 2011, the state board shall
- 4 adopt greenhouse gas emission limits and emission reduction
- 5 measures by regulation to achieve the maximum technologically
- 6 feasible and cost-effective reductions in greenhouse gas emissions
- 7 in furtherance of achieving the statewide greenhouse gas emissions
- 8 limit, to become operative beginning on January 1, 2012.

1 (b) In adopting regulations pursuant to this section and Part 5
2 (commencing with Section 38570), to the extent feasible and in
3 furtherance of achieving the statewide greenhouse gas emissions
4 limit, the state board shall do all of the following:

5 (1) Design the regulations, including distribution of emissions
6 allowances where appropriate, in a manner that is equitable, seeks
7 to minimize costs and maximize the total benefits to California,
8 and encourages early action to reduce greenhouse gas emissions.

9 (2) Ensure that activities undertaken to comply with the
10 regulations do not disproportionately impact low-income
11 communities.

12 (3) Ensure that entities that have voluntarily reduced their
13 greenhouse gas emissions ~~prior to~~ *before* the implementation of
14 this section receive appropriate credit for early voluntary
15 reductions.

16 (4) Ensure that activities undertaken pursuant to the regulations
17 complement, and do not interfere with, efforts to achieve and
18 maintain federal and state ambient air quality standards and to
19 reduce toxic air contaminant emissions.

20 (5) Consider cost-effectiveness of these regulations.

21 (6) Consider overall societal benefits, including reductions in
22 other air pollutants, diversification of energy sources, and other
23 benefits to the economy, environment, and public health.

24 (7) Minimize the administrative burden of implementing and
25 complying with these regulations.

26 (8) Minimize leakage.

27 (9) Consider the significance of the contribution of each source
28 or category of sources to statewide emissions of greenhouse gases.

29 (c) In furtherance of achieving the statewide greenhouse gas
30 emissions limit, by January 1, 2011, the state board may adopt a
31 regulation that establishes a system of market-based declining
32 annual aggregate emission limits for sources or categories of
33 sources that emit greenhouse gas emissions, applicable from
34 January 1, 2012, to December 31, 2020, inclusive, that the state
35 board determines will achieve the maximum technologically
36 feasible and cost-effective reductions in greenhouse gas emissions,
37 in the aggregate, from those sources or categories of sources.

38 (d) Any regulation adopted by the state board pursuant to this
39 part or Part 5 (commencing with Section 38570) shall ensure all
40 of the following:

1 (1) The greenhouse gas emission reductions achieved are real,
2 permanent, quantifiable, verifiable, and enforceable by the state
3 board.

4 (2) For regulations pursuant to Part 5 (commencing with Section
5 38570), the reduction is in addition to any greenhouse gas emission
6 reduction otherwise required by law or regulation, and any other
7 greenhouse gas emission reduction that otherwise would occur.

8 (3) If applicable, the greenhouse gas emission reduction occurs
9 over the same time period and is equivalent in amount to ~~any~~ *a*
10 direct emission reduction required pursuant to this division.

11 (e) The state board shall rely upon the best available economic
12 and scientific information and its assessment of existing and
13 projected technological capabilities when adopting the regulations
14 required by this section.

15 (f) The state board shall consult with the Public Utilities
16 Commission in the development of the regulations as they affect
17 electricity and natural gas providers ~~in order~~ to minimize
18 duplicative or inconsistent regulatory requirements.

19 (g) After January 1, 2011, the state board may revise regulations
20 adopted pursuant to this section and adopt additional regulations
21 to further the provisions of this division.