

ASSEMBLY BILL

No. 2027

Introduced by Assembly Member Logue

February 20, 2014

An act to amend Sections 38530 and 38580 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2027, as introduced, Logue. California Global Warming Solutions Act of 2006: reporting and verification: violations.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program.

This bill would require the state board to utilize the greenhouse gas emissions data submitted in reports as part of the Low-Carbon Fuel Standard regulation in lieu of requiring the submission of the same greenhouse gas emissions data pursuant to the Mandatory Reporting of Greenhouse Gas Emissions regulation. The bill, commencing January 1, 2015, would prohibit the state board from requiring a regulated entity to report the same greenhouse gas emissions data in more than one program adopted pursuant to the act. The bill, commencing January 1, 2015, would require it not be a violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board if a regulated entity did not submit greenhouse gas emissions data pursuant to a rule, regulation, order, emission limitation, emissions reduction measure, or other measure if the state board already possessed that greenhouse gas emissions data pursuant

to another rule, regulation, order, emission limitation, emissions reduction measure, or other measure.

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 38530 of the Health and Safety Code is
2 amended to read:

3 38530. (a) On or before January 1, 2008, the state board shall
4 adopt regulations to require the reporting and verification of
5 statewide greenhouse gas emissions and to monitor and enforce
6 compliance with this program.

7 (b) The regulations shall do all of the following:

8 (1) Require the monitoring and annual reporting of greenhouse
9 gas emissions from greenhouse gas ~~emission~~ *emissions* sources
10 beginning with the sources or categories of sources that contribute
11 the most to statewide emissions.

12 (2) Account for greenhouse gas emissions from all electricity
13 consumed in the state, including transmission and distribution line
14 losses from electricity generated within the state or imported from
15 outside the state. This requirement applies to all retail sellers of
16 electricity, including load-serving entities as defined in subdivision
17 (j) of Section 380 of the Public Utilities Code and local publicly
18 owned electric utilities as defined in Section ~~9604~~ 224.3 of the
19 Public Utilities Code.

20 (3) Where appropriate and to the maximum extent feasible,
21 incorporate the standards and protocols developed by the *former*
22 California Climate Action Registry, established pursuant to *the*
23 *former* Chapter 6 (commencing with Section 42800) of Part 4 of
24 Division 26. Entities that voluntarily participated in the California
25 Climate Action Registry prior to December 31, 2006, and have
26 developed a greenhouse gas ~~emission~~ *emissions* reporting ~~program~~,
27 *program* shall not be required to significantly alter their reporting
28 or verification program except as necessary to ensure that reporting
29 is complete and verifiable for the purposes of compliance with this
30 division as determined by the state board.

31 (4) Ensure rigorous and consistent accounting of emissions, and
32 provide reporting tools and formats to ensure collection of
33 necessary data.

1 (5) Ensure that greenhouse gas—~~emission~~ *emissions* sources
2 maintain comprehensive records of all reported greenhouse gas
3 emissions.

4 (c) The state board shall do ~~both~~ *all* of the following:

5 (1) Periodically review and update its emission reporting
6 requirements, as necessary.

7 (2) Review existing and proposed international, federal, and
8 state greenhouse gas—~~emission~~ *emissions* reporting programs and
9 make reasonable efforts to promote consistency among the
10 programs established pursuant to this part and other programs, and
11 to streamline reporting requirements on greenhouse gas—~~emission~~
12 *emissions* sources.

13 (3) *Utilize the greenhouse gas emissions data submitted in*
14 *reports as part of the Low-Carbon Fuel Standard regulations*
15 *(Subarticle 7 (commencing with Section 95480) of Article 4 of*
16 *Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the*
17 *California Code of Regulations) in lieu of requiring the submission*
18 *of the same greenhouse gas emissions data pursuant to the*
19 *Mandatory Reporting of Greenhouse Gas Emissions regulation*
20 *(Subarticle 1 (commencing with Section 95101) of Article 2 of*
21 *Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the*
22 *California Code of Regulations).*

23 (d) *Commencing January 1, 2015, the state board shall not*
24 *require a regulated entity to report greenhouse gas emissions data*
25 *in more than one program adopted pursuant to this division.*

26 SEC. 2. Section 38580 of the Health and Safety Code is
27 amended to read:

28 38580. (a) The state board shall monitor compliance with and
29 enforce any rule, regulation, order, emission limitation, emissions
30 reduction measure, or market-based compliance mechanism
31 adopted by the state board pursuant to this division.

32 (b) (1) ~~Any~~ *A* violation of any rule, regulation, order, emission
33 limitation, emissions reduction measure, or other measure adopted
34 by the state board pursuant to this division may be enjoined
35 pursuant to Section 41513, and the violation is subject to those
36 penalties set forth in Article 3 (commencing with Section 42400)
37 of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with
38 Section 43025) of Part 5 of, Division 26.

39 (2) ~~Any~~ *A* violation of any rule, regulation, order, emission
40 limitation, emissions reduction measure, or other measure adopted

1 by the state board pursuant to this division shall be deemed to
2 result in an emission of an air contaminant for the purposes of the
3 penalty provisions of Article 3 (commencing with Section 42400)
4 of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with
5 Section 43025) of Part 5 of, Division 26.

6 (3) The state board may develop a method to convert a violation
7 of any rule, regulation, order, emission limitation, or other
8 emissions reduction measure adopted by the state board pursuant
9 to this division into the number of days in violation, where
10 appropriate, for the purposes of the penalty provisions of Article
11 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
12 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
13 Division 26.

14 (c) Section 42407 and subdivision (i) of Section 42410 shall
15 not apply to this part.

16 (d) *Commencing January 1, 2015, it shall not be a violation of*
17 *any rule, regulation, order, emission limitation, emissions*
18 *reduction measure, or other measure adopted by the state board*
19 *if a regulated entity did not submit greenhouse gas emissions data*
20 *pursuant to a rule, regulation, order, emission limitation, emissions*
21 *reduction measure, or other measure if the state board already*
22 *possessed that greenhouse gas emissions data pursuant to another*
23 *rule, regulation, order, emission limitation, emissions reduction*
24 *measure, or other measure.*