

ASSEMBLY BILL

No. 1288

Introduced by Assembly Member Atkins

February 27, 2015

An act to amend Section 38562 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 1288, as introduced, Atkins. California Global Warming Solutions Act of 2006: 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.

The act authorizes the state board to include the use of market-based compliance mechanisms and to adopt a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases, applicable from January 1, 2012, to December 31, 2020, inclusive, as specified.

This bill would no longer limit the applicability of a regulation that establishes a system of market-based declining annual aggregate emissions limits for sources or categories of sources that emit greenhouse gases from January 1, 2012, to December 31, 2020.

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 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~~ *emissions* limits and ~~emission~~
5 *emissions* reduction measures by regulation to achieve the
6 maximum technologically feasible and cost-effective reductions
7 in greenhouse gas emissions in furtherance of achieving the
8 statewide greenhouse gas emissions limit, to become operative
9 beginning on January 1, 2012.

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

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

18 (2) Ensure that activities undertaken to comply with the
19 regulations do not disproportionately impact low-income
20 communities.

21 (3) Ensure that entities that have voluntarily reduced their
22 greenhouse gas emissions prior to the implementation of this
23 section receive appropriate credit for early voluntary reductions.

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

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

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

32 (7) Minimize the administrative burden of implementing and
33 complying with these regulations.

34 (8) Minimize leakage.

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

37 (c) In furtherance of achieving the statewide greenhouse gas
38 emissions limit, ~~by January 1, 2011~~, the state board may adopt a

1 regulation that establishes a system of market-based declining
2 annual aggregate ~~emission~~ *emissions* limits for sources or
3 categories of sources that emit greenhouse ~~gas~~ *emissions*,
4 applicable from January 1, 2012, to December 31, 2020, inclusive,
5 *gases* that the state board determines will achieve the maximum
6 technologically feasible and cost-effective reductions in greenhouse
7 gas emissions, in the aggregate, from those sources or categories
8 of sources.

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

12 (1) The greenhouse gas ~~emission~~ *emissions* reductions achieved
13 are real, permanent, quantifiable, verifiable, and enforceable by
14 the state board.

15 (2) For regulations pursuant to Part 5 (commencing with Section
16 38570), the reduction is in addition to any greenhouse gas ~~emission~~
17 *emissions* reduction otherwise required by law or regulation, and
18 any other greenhouse gas ~~emission~~ *emissions* reduction that
19 otherwise would occur.

20 (3) If applicable, the greenhouse gas ~~emission~~ *emissions*
21 reduction occurs over the same time period and is equivalent in
22 amount to any direct emission reduction required pursuant to this
23 division.

24 (e) The state board shall rely upon the best available economic
25 and scientific information and its assessment of existing and
26 projected technological capabilities when adopting the regulations
27 required by this section.

28 (f) The state board shall consult with the Public Utilities
29 Commission in the development of the regulations as they affect
30 electricity and natural gas providers in order to minimize
31 duplicative or inconsistent regulatory requirements.

32 (g) ~~After January 1, 2011, the~~ *The* state board may revise
33 regulations adopted pursuant to this section and adopt additional
34 regulations to further the provisions of this division.