

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Second Modified Text**

PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED  
AB 32 COST OF IMPLEMENTATION FEE REGULATION  
AND  
A PROPOSED AMENDMENT TO THE EXISTING REGULATION FOR THE  
MANDATORY REPORTING OF GREENHOUSE GAS EMISSIONS

First Public Hearing Date: June 25, 2009  
Second Public Hearing Date: September 25, 2009  
First Public Comment Period: February 26, 2010 - March 15, 2010  
Public Availability of Second Modified Text Date: March 18, 2010  
**Deadline for Second Public Comment Period: April 2, 2010**

At its September 25, 2009 public hearing, the Air Resources Board (ARB or Board) approved the proposed adoption of sections 95200 to 95207, title 17, California Code of Regulations (CCR), which comprise the AB 32 Cost of Implementation Fee Regulation (fee regulation). The fee regulation imposes fees on sources of greenhouse gas emissions to carry out Assembly Bill 32 (AB 32; Chapter 488, Statutes of 2006). The Board also approved a proposed amendment to section 95104, title 17, CCR, which requires use of the ARB Greenhouse Gas Reporting Tool, or another reporting tool approved by the ARB Executive Officer, to report greenhouse gas emissions.

At the hearing, the Board adopted Resolution 09-36, which approved the fee regulation originally proposed in the Staff Report: Initial Statement of Reasons released on May 8, 2009, with a number of modifications proposed by staff. The Board also approved the proposed amendment to section 95104, title 17, CCR, with modifications identified at the hearing. Resolution 09-36 and other regulatory documents for this rulemaking action are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/feereg09/feereg09.htm>

Summary of Proposed Modifications

This second set of proposed modifications to the originally proposed regulation consists of four changes (see pages 7, 8, 16, and 28-29) to correct errors discovered after the release of the first set of modifications. The new modifications are marked in **bold double-strikeout** for deletions and **bold double underline** for additions in the Attachment to this notice.

## **A. Modifications to section 95202. Definitions.**

In response to public comments: section 95202(a)(10)(A) was modified to correct a typographical error; section 95202(a)(11) was modified to clarify the definition and make it consistent with other definitions including section 95202(a)(68); and section 95202(a)(71) was modified to make the definition of "Operational Control" identical to that in the Mandatory Reporting Regulation for clarity purposes.

## **B. Modifications to section 95204. Reporting and Recordkeeping Requirements.**

Section 95204(b)(3) was modified in response to comments to correct the reference for certification purposes to reflect the fee regulation instead of the Mandatory Reporting Regulation. The words "AB 32 Cost of Implementation Fee Regulation" were also added for clarity purposes.

### Availability of the Attachment

By this notice, the modified regulatory language (attached to this notice) is being made available for public comment prior to final action by the Board's Executive Officer.

### Comments

Written comments will only be accepted on the aforementioned four changes and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and must be released to the public upon request. Additionally, this information may become available via Google, Yahoo!, and other Internet search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the attached document and the modifications identified in this notice will be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at

(916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

## Attachment

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [\[www.arb.ca.gov\]](http://www.arb.ca.gov).*