

REQUEST FOR EFFECTIVE ON FILING EFFECTIVE DATE

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB or Board) requests that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the Cost of Implementation Fee Regulation that was considered by the Board at an October 20, 2011 public hearing and approved by the Executive Officer on August 15, 2012. ARB believes the following demonstrates "good cause" for OAL to allow the regulations to be effective on filing with the California Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board adopted amendments to the Cost of Implementation Fee Regulation (Regulation) to ensure the Regulation remains consistent with both the Mandatory Reporting Regulation (Cal. Code of Regs. title 17, §95100 *et seq.*) (MRR) and the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms (Cal. Code of Regs. title 17, §95801 *et seq.*) (Cap and Trade) as well as other minor clarifying changes. These amendments need to become effective on filing because ARB will be initiating a rulemaking to make additional changes to MRR, Cap and Trade and the Regulation. By making these amendments effective on filing, it will reduce confusion of stakeholders and the public that could arise if multiple versions of the regulation are available to the public, creating uncertainty of when these amendments would actually be effective.

For these reasons, ARB hereby requests that OAL approve these amendments to be effective on filing at the Secretary of State.

Date: August 20, 2012

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Holly Geneva Stout
Senior Staff Counsel