

# Addendum to the Final Statement of Reasons for Rulemaking

## Public Hearing to Consider Proposed Amendments to the Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear

Public Hearing Date: September 24, 2020  
Agenda Item No.: 20-9-2  
Addendum Prepared: December 29, 2021

### I. General

On August 13, 2021, the California Air Resources Board (CARB or Board) submitted the Final Statement of Reasons for the rulemaking action entitled "Public Hearing to Consider Proposed Amendments to the Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear" to the Office of Administrative Law (OAL) for its review and approval.

### II. Non-Substantial Modifications

The non-substantial modifications, described below, do not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the amendments as adopted by CARB. (See Cal. Code Regs., tit. 1, § 40.) After submission to OAL, the following non-substantial modification were made to correct errors:

- Section 95351 "Covered Insulating Gas" – "Global warming potential" was inserted into this definition to the abbreviation "GWP."
- Sections 95351 "Gas-Insulated Equipment Characteristics," 95353(d), 95357(a), 95357(d)(4), 95357(d)(8)(A), 95357(d)(8)(B), 95357(d)(8)(C), 95357(d)(8)(D), 95357(l), and 95359(d) – References to section 95352 were added.
- Section 95351 "Global Warming Potential" – "Code of Federal Regulations" was inserted into this definition to the abbreviation "CFR." One instance of "to" was changed to "of" and another instance of "to" was changed to "in."
- Section 95351 "Greenhouse Gas" – The word "to" was changed to "of."
- Section 95351 "Purchase" – The word "formalized" was removed. The word "formalized" had no meaning beyond the requirements already specified in regulation.

- Sections 95352(a) and (b) – The language “applicable phase-out” and “phase-out” was added in front of “dates.”
- Section 95352(a)(2) – “The state” was replaced with “California.”
- Section 95352(c) – The language “dates provided in Table 1 and Table 2” was added.
- Sections 95353(b) and 95353(h) – In each of these sections “year” was replaced with “data year.”
- Section 95353(d) – The abbreviation “EAC” was inserted after the first use of “early action credit” and the second use of “early action credit” was replaced with “EAC.”
- Sections 95353(h) and 95353(j) – In each of these sections, “Data year” was added.
- Section 95354(a)(8)(B)2. – The language “of pressure” was added.
- Sections 95354(a)(8)(C) and 95357.1(b)(2)(D) – “Pursuant to” was replaced with “as specified in.”
- Section 95354(a)(9) – The word “it” was replaced with “the GIE device.”
- Sections 95354(a)(12)(A) and (B) – “Replacement” was added in front of “parts.”
- Sections 95354(c)(1)(A) and (B) – The word “or” was moved from the end of section 95354(c)(1)(A) to the end of section 95354(c)(1)(B).
- Section 95354(d) – The language “any of” was added to align with section 95354(c)(1).
- Section 95354(i)(2) – The word “unique” was added to align with section 95354(h)(2).
- Section 95354(j)(4) – The word “either” was replaced with “the GIE owner must.”
- Section 95355(a)(5) – The word “report” was removed.
- Section 95355(c) – The language “specified in subsection (c)(1) or (c)(2)” was added, and correspondingly, “from the options below” was removed.
- Section 95355(c)(2) – The word “this” was replaced with “the following.”
- Section 95356(a)(11) – The language “as specified in sections 95354(j)(2)(C) and (A) respectively” was added.
- Section 95356(a)(14)(C) – The word “and” was added at the end of the section.
- Section 95357(d)(8)(D) – The language “for example” was replaced with “e.g..”
- Section 95357(f) – The language “of the exemption request” was added after the word “submittal” in the first line of this section. One instance of the word “submitter” was replaced with “GIE owner.” The phrase “from the submitter” was removed and, correspondingly, the phrase “from the GIE owner” was added. The specification that the Executive Officer shall contact the GIE owner “within 45 days” was moved earlier in the sentence. The term “will perform the actions specified in this subsection” was replaced with the following description of those actions: “...shall notify the GIE owner that their application is complete and has been approved, or that additional information and/or clarification is necessary to complete the application.”

- Sections 95357(g), 95357(k)(2), and 95357(k)(2)(B) – The word “submitter” was replaced with “GIE owner.”
- Section 95357(j)(1) – The word “the” was added.
- Section 95357(k)(1) – The language “of submittal” was added.
- Section 95357(k)(2)(B) – The language “within 21 days” was moved earlier in the sentence.
- Section 95357.2(b) – The language “the subsections below” was replaced with “subsections (b)(1)-(4).”

### **III. Updates to the Initial Statement of Reasons**

In the interest of completeness, CARB would like to provide additional justification for the following regulatory provisions:

- Section 95354(l)(3) – This section was added in the first 15-day Notice released May 5, 2021 and specifies that “an appropriate flow meter calibration method published by a consensus-based standards organization” may be used if manufacturer-specified procedures are not available. CARB staff did not specify the consensus-based standards organizations because it is not required that a specific method or organization be used. Options for calibration methods published by a consensus-based standards organization include but are not limited to those options available pursuant to title 17, California Code of Regulations, section 95109(a), but GIE owners may choose other standards, as appropriate to their flow meter. The phrase “consensus-based standards organization” is a term that the regulated community is familiar with. No stakeholder commented on this term.
- Section 95355(d) – This section covers notification requirements for changes in GIE owner designated representatives and specifies “A GIE owner who submitted their prior annual report using Cal e-GGRT must update the name and contact information of the designated representative in Cal e-GGRT to meet this requirement.” For GIE owners who did not submit their prior annual report using Cal e-GGRT, CARB staff did not specify a submission mechanism, because GIE owners may use the method of their choosing to provide this information to CARB within the required 30-day timeframe. CARB staff will post to the CARB website information on optional submission methods (including, for example, an email address and mailing address).
- Sections 95355(e) – This section provides that the GIE owner must “notify CARB” of retirements and changes in ownership. CARB staff did not specify a submission mechanism for the notification requirement because GIE owners may use the method of their choosing to provide this information to CARB within the required 30-day timeframe. CARB staff will post to the CARB website information on optional submission methods (including, for example, an email address and mailing address).

- Section 95357(a) – This section covers submission requirements for SF<sub>6</sub> phase-out exemption requests and specifies GIE owners must “electronically submit” the request “to the Executive Officer.” CARB staff did not specify the electronic submission mechanism(s) because GIE owners may use the electronic method of their choosing to provide this information to the Executive Officer. CARB staff will post to the CARB website information on optional electronic submission methods (including but not limited to an email address).
- Section 95357(d)(4) – This section was added in the 45-day amendment package released July 21, 2020. Section 95357(d) specifies what the overall phase-out exemption request must contain, and section 95357(d)(4) lists specific information that must be included. The term “including but not limited to” in subsection 95357(d)(4) allows GIE owners to include optional additional information beyond the listed required elements in section 95357(d)(4) should they identify additional optional information that would be informative to their phase-out exemption request.
- Section 95357(d)(5)(C) – Section 95357(d) lists the information that must be included in a phase-out exemption request. Subsection 95357(d)(5)(C) requires “A description of the universe of entities eligible to bid based on the bidding process used by the GIE owner.” The inclusion of the phrase “universe of” is necessary for clarity because the term “universe of” specifies that CARB is referring to a description of the universe of suppliers eligible to bid based on the bidding process used by the GIE owner, which is explained in the FSOR. As stated in the FSOR, “CARB staff used the term ‘universe’ of suppliers to refer to those suppliers eligible to bid based on the bidding process used by the GIE owner.” The FSOR further explains, “Regarding the requested clarification, a simple description of the entities eligible to bid in the GIE owner’s process will satisfy this requirement.”
- Section 95357(i)(1) – This section covers submission requirements for failure notifications and specifies that GIE owners must “electronically submit” the notification “to the Executive Officer.” CARB staff did not specify the electronic submission mechanism(s) because GIE owners may use the electronic method of their choosing to provide this information to the Executive Officer within the required 15-day timeframe. CARB staff will post to the CARB website information on optional electronic submission methods (including but not limited to an email address).
- Section 95357(i)(2) – This section covers submission requirements for failure notifications and specifies GIE owners must “electronically submit” the notification “to the Executive Officer.” CARB staff did not specify the electronic mechanism(s) because GIE owners may use the electronic method of their choosing to provide this information to the Executive Officer within the required 45-day timeframe. CARB staff will post to the CARB website information on optional electronic submission methods (including but not limited to an email address).