

State of California
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text
and Availability of Additional Documents**

**PUBLIC HEARING TO CONSIDER ADOPTION OF A REGULATION FOR THE
MANDATORY REPORTING OF GREENHOUSE GAS EMISSIONS**

Public Hearing Date: December 6, 2007
First Public Availability Dates: May 15, 2008 - June 5, 2008
Second Public Availability Date: June 30, 2008
Deadline for Public Comment: July 15, 2008

At its December 6, 2007, public hearing, the Air Resources Board (ARB or the Board) approved the adoption of sections 95100 to 95133, title 17, California Code of Regulations (CCR), which provide for the mandatory reporting of greenhouse gas (GHG) emissions from large sources. The regulation specifies the types of facilities that must report their GHG emissions, requirements for reporting and estimating the GHG emissions, and requirements for emissions verification. The regulation was developed pursuant to the requirements of the California Global Warming Solutions Act of 2006.

At the hearing, the staff presented, and the Board, approved modifications to the regulation originally proposed in the Staff Report released October 19, 2007, in response to comments received since the Staff Report was published. In addition, the Board directed staff to make other conforming modifications, as may be appropriate, based on comments received, and to make the modified text available for a supplemental public comment period of at least 15 days. The modifications approved by the Board, and changes made by staff following Board approval, were made available for public comment through a notice dated May 15, 2008 (First Notice).

Based on comments received in response to the First Notice, staff is providing this Second Notice of Public Availability of Modified Text and Availability of Additional Documents to announce additional modifications to the proposed regulatory text and to solicit public comment on these latest modifications. The additional modifications to the regulations, originally published October 19, 2007, are summarized below. The proposed regulatory text with modifications is appended to this notice as Attachment A. The proposed modifications that were made available in the First Notice are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The proposed additional modifications that are being made available with this Second Notice of Public Availability of Modified Text and Availability of Additional Documents are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions. Only those modifications shown in double underline and ~~double strikeout~~ are open for comment during this comment period.

The additional modifications:

- Clarify that the fuel use measurement accuracy requirement applies only to facility equipment used to calculate GHG emissions. (§95103(a)(9), page A-27)
- Correct typographical errors in two cross-references relating to parent company information requirements. (§95104(a)(8)(C) and (D), page A-33)
- Remove language that would have the unintended effect of requiring electricity marketers and retail providers to report emissions data for power plants they do not operate. (§95111(c) and (d), pages A-56 and A-59)
- Correct a cross-reference in a power plant biofuels provision to add one calculation method, to remove another inapplicable method, and to clarify that only one of the listed methods will be used. (§95111(c)(7)(B), page A-58)
- Clarify that refinery fuel and feedstock consumption reporting is only required for data used to compute GHG emissions. (§95113(a)(3), page A-69)
- Correct cross-references relating to use of Continuous Emissions Monitoring Systems (CEMS) at refineries (§95113(a)(1) and 95113(b), pages 69 and 70), and fix a typographical error in a section notation for catalytic cracking. (§95113(b)(1)(A), page A-70)
- Explain the constant “3.664” in the equation for calculating refineries’ flaring emissions, and provide that the carbon fraction of NMHC from district-mandated sampling be used when available. (§95113(d)(2)(A), page A-82)
- Clarify a provision relating to general stationary combustion facilities by cross-referencing another section and deleting potentially ambiguous language. (§95115(a), page A-88)
- Clarify which gases are subject to monthly testing when calculating CO₂ emissions using measured heat content. (§95125(c)(1)(A)2, page A-93 and 94)
- Correct several references to one term and explain the constant “3.664” in the equation for calculating GHG emissions from heat and carbon content. (§95125(e)(3) and §95125(e)(3)(B), page A-98 and 99)
- Correct a cross-reference in a calculation method for refineries. (§95125(f)(1)(C), page A-100)
- Fix a typographical error in a reference to federal law. (§95125(g)(7), page A-102)
- Expand a subsection heading to more accurately reflect the subsection’s application. (§95125(h), page A-102)
- Correct an error in a requirement for facilities to calculate biomass emissions from waste-derived fuels. (§95125(h)(2), page A-103)
- Revise verification language to eliminate a contradiction as to when verification is first required. (§95130(a)(1), page A-108)
- Revise two values in a table of emission factors for municipal solid waste to be consistent with other protocols and fix a typographical error in the table’s web address. (Table 4, Appendix A, page A-7)

- Revise all values in a table of emission factors for waste-derived fuel to correct a unit conversion error in the original data. (Table 5, Appendix A, page A-8)
- Add an emission factor needed for reporting “derived gases” emissions and add a source reference to the table. (Table 6, Appendix A, page A-9)
- Replace a table of emission factors for on-road mobile sources with updated factors to be consistent with other reporting programs. (Table 8, Appendix A, pages A-11, 12 and 13)

Staff has also added to the rulemaking record and invites comments on the following additional documents which are references for the new emission factors in Appendix A of the proposed regulation:

- Gasoline vehicle factors from EPA Climate Leader, Mobile Combustion Guidance (2008) based on U.S. EPA, *Inventory of U.S. Greenhouse Gas Emission and Sinks: 1990-2005 (2007*
- MSW California Air Resources Board, California Air Resources Board, 2008

The regulatory documents for this rulemaking, including the Board Resolution 07-54 approving sections 95100 to 95133, title 17, CCR, as modified, are available online at the following ARB internet site:

<http://www.arb.ca.gov/regact/2007/ghg2007/ghg2007.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 95100 to 95133, title 17, CCR, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modifications and additional documents may be submitted by postal mail, electronic mail, or facsimile 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>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 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 can be released to the public upon request. Additionally, this information may become available via internet search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the three 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 modifications proposed since May 15, 2008, as summarized in this notice, will be considered by the Executive Officer.

Attachments