

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-10-008

Relating to the Public Hearing to Adopt AB 32 Cost of Implementation Fee Regulation and Amend the Mandatory Reporting of Greenhouse Gas Emissions Regulation

WHEREAS, on June 25, 2009, and September 25, 2009, the Air Resources Board (Board or ARB) conducted public hearings to consider adoption of a new regulation to impose fees on sources of GHG emissions to carry out Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, and to consider the adoption of an amendment to the existing Regulation for the Mandatory Reporting of GHG Emissions, as set forth in the Initial Statement of Reasons released to the public on May 8, 2009;

WHEREAS, following the public hearing on September 25, 2009, the Board adopted Resolution 09-36 in which the Board approved adoption of sections 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207, and amendments to section 95104, title 17, CCR, as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto, and the additional modifications relating to the Greenhouse Gas Reporting Tool that the Board identified at the September 25, 2009, public hearing;

WHEREAS, Resolution 09-36 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A and B to Resolution 9-36, with such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such further modifications as may be appropriate in light of the comments received or as necessary to ensure consistency with the modifications approved by the Board, and shall present the regulatory amendments to the Board for further consideration if he determines that this is warranted;

WHEREAS, on February 26, 2010, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, and additional documents were made available for public comment for a period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, on March 18, 2010, additional modifications were prepared in response to the comments received during the first 15-day comment period, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, written comments were received during each of the two 15-day comment periods and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 09-36 are incorporated by reference herein.

IT IS FURTHER ORDERED that California Code of Regulations, title 17, new sections 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207, and amendments to section 95104, are adopted, as set forth in Attachment 1 hereto.

Executed this 6th day of May 2010, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachment