

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PROPOSED AMENDMENTS TO THE REGULATION FOR REDUCING SULFUR
HEXAFLUORIDE EMISSIONS FROM GAS INSULATED SWITCHGEAR

Public Hearing Date: February 25, 2010
First Public Availability Dates: September 9, 2010 – September 24, 2010
Second Public Availability Date: April 11, 2011
Deadline for Public Comment: April 26, 2011

At its February 25, 2010, public hearing, the Air Resources Board (ARB or Board) adopted Resolution 10-1 approving the adoption of new sections 95350, 95351, 95352, 95353, 95354, 95355, 95356, 95357, 95358 and 95359, title 17, California Code of Regulations (CCR). The regulation requires owners of gas insulated switchgear (GIS) to establish an initial, maximum emission rate of ten percent of their nameplate capacity of sulfur hexafluoride (SF₆) by January 1, 2012. GIS owners will be required to annually reduce SF₆ emission rates by one percent over the following nine-year period. The maximum emission rate in 2020 is set at one percent.

In accordance with Government Code section 11346.8, the Board directed the Executive Officer to adopt sections 95350 through 95359, title 17, CCR, with the modifications identified in Resolution 10-1 and other such conforming modifications as may be appropriate, after making the modified language and any additional supporting documents available to the public for a comment period of fifteen days. The Board also directed the Executive Officer to consider such written comments as may be submitted during this period, to make such modifications as may be appropriate in light of the comments received, and to present the regulations to the Board for further consideration if the Executive Officer determines that it is warranted. Staff revised the regulation, with the modified text clearly indicated, and made it available to the public for a supplemental 15-day comment period on September 9, 2010 (First 15-Day Modifications). The Executive Officer then adopted the modified regulation and submitted the rulemaking package to the Office of Administrative Law (OAL) on December 21, 2010.

On February 2, 2011, OAL approved nine of the ten proposed sections of title 17. However, OAL disapproved section 95356 of the proposed regulation because OAL determined that it did not meet the clarity standard set forth in Government Code section 11349.1. OAL stated that section 95356(a) did not clearly establish when GIS owners are required to submit their annual reports.

Summary of the Proposed Second 15-Day Modifications

To correct the problem identified by OAL, ARB staff is proposing to modify section 95356(a) to clarify that GIS owners must submit annual reports by June 1st of each year beginning in 2012.

ARB staff is also proposing a change to section 95356 to clarify the information that must be contained in the annual report. When section 95356(b)(8) was modified as part of the first 15-day modifications, a typographical error was made that would have required GIS owners to submit the location of all GIS devices as part of each annual report. The error was that the modified section 95356(b)(8) contained an incorrect reference to section 95353, subsections (a)(1) through (a)(11), instead of the correct reference to subsections (a)(1) through (a)(10). Subsection (a)(11) of section 95353 specifies that GIS owners must keep records of "Equipment location." The inadvertent reference to subsection (a)(11) in section 95356 meant that the "equipment location" must also be reported in the each annual report. Utilities raised security concerns about the potential release of the locations of key infrastructure equipment. To address these concerns, ARB staff's proposed modification would correct the typographical error and thereby eliminate the requirement that GIS owners must report equipment location in their annual reports. GIS owners must still keep records of the equipment location, as required by section 95353(a), and this information would still be available to ARB inspectors. However, the equipment information would not be required in the reports submitted to ARB.

Attached to this notice is the regulatory text showing the proposed modifications to section 95356. The originally proposed regulatory language is indicated by plain type. The first proposed 15-day modifications are shown in underline to indicate additions to the original proposal and ~~striketrough~~ to indicate deletions. The second proposed 15-day modifications to section 95356 are shown in double underline to indicate additions and ~~double striketrough~~ to indicate deletions.

Sections 95350, 95351, 95352, 95353, 95354, 95355, 95357, 95358, and 95359 were approved by the Office of Administrative Law on February 2, 2011, and are currently in effect. These sections are not shown in the attachment to this notice.

The regulatory documents for the rulemaking are available online at the following ARB website: <http://www.arb.ca.gov/regact/2010/sf6elec/res101.pdf>

Availability of the Modified Regulatory Language

By this notice, the modified regulatory language (Attachment 1 to this notice) is being made available for public comment prior to final action by the Board's Executive Officer.

Written comments will only be accepted on the modifications identified in this notice, and may be submitted by postal mail or electronic mail 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 can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engine.

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 above-described modifications to the text of the regulations 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.