

**REQUEST FOR AN EARLY EFFECTIVE DATE
Pursuant To Government Code Section 11343.4(c)**

The Air Resources Board (ARB or Board) requests, under Government Code section 11343.4(c), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Regulation to Methane Emissions from Municipal Solid Waste Landfills that was approved on June 25, 2009. ARB believes the following demonstrates “good cause” for OAL to prescribe an earlier effective date to coincide with the filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

An early effective date comports with statutory intent. In this rulemaking, the Board adopted a new regulation that reduces emissions of methane, a greenhouse gas, from municipal solid waste landfills. This regulation is a discrete early action greenhouse gas emission reduction measure, as described in the California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats. 2006, Ch. 488, “AB 32”). AB32 required ARB to take actions that include adopting by June 30, 2007 a list of discrete, early action GHG emission reduction measures that can be implemented and enforced no later than January 1, 2010, and adopting those regulations by January 1, 2010 to implement the identified measures. The Board did approve the subject regulations before January 1, 2010, but additional public comment on Board-directed changes and related rulemaking procedures extended the date of final adoption. Now to best effectuate the intent of AB 32 the subject regulation must be effective as early as and as close to January 1, 2010 as possible.

An early effective date is no hardship to affected stakeholders, who have been advised in detail of upcoming regulatory deadlines (see <http://www.arb.ca.gov/cc/landfills/docs/statusupdate1.pdf>). ARB will promptly notify stakeholders of the effective date as soon as the regulation is filed with the Secretary of State. Furthermore, because only reporting and recordkeeping requirements are required for the remainder of 2010, and because as of June, 2009 affected parties were aware of the Board-approved 2010 onset of these requirements, the early effective date would not create a burden on regulated parties. ARB therefore requests an early effective date both as a prerequisite to enforcement and to ensure that affected sources’ compliance planning for these and related local air district emissions regulations may continue uninterrupted.

For these reasons, ARB believes there is good cause for OAL to prescribe an earlier effective date. Therefore, ARB hereby requests that OAL approve an earlier effective date, coinciding with submittal to the Secretary of State pursuant to Government Code section 11343.4(c).

Date: April 7, 2010

/s/
David Aron Livingston, Senior Staff Counsel