

## TITLE 17. CALIFORNIA AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED FUEL CELL NET ENERGY METERING GREENHOUSE GAS EMISSION STANDARDS REGULATION

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed Fuel Cell Net Energy Metering Greenhouse Gas Emission Standard Regulation.

DATE: December 12, 2019

TIME: 9:00 A.M.

LOCATION: California Environmental Protection Agency  
California Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., December 12, 2019, and may continue at 8:30 a.m., on December 13, 2019. Please consult the agenda for the hearing, which will be available at least ten days before December 12, 2019, to determine the day on which this item will be considered.

#### **WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS**

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 25, 2019. Written comments not physically submitted at the hearing must be submitted on or after October 25, 2019, and **received no later than December 9, 2019**. Any written comments on the Environmental Analysis must be submitted on or after October 25, 2019, and **received no later than December 9, 2019**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerks' Office, California 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, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

### **AUTHORITY AND REFERENCE**

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600 and 39601, and Public Utilities Code section 2827.10. This action is proposed to implement, interpret, and make specific section 2827.10 of the Public Utilities Code.

### **INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))**

**Sections Affected:** Proposed adoption of California Code of Regulations, title 17, subchapter 10, article 4, subarticle 5.2, sections 95408, 95409, 95410, 95411, and 95412.

### **Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):**

The following documents would be incorporated into the regulation by reference:

United States Environmental Protection Agency. Mandatory Reporting of Greenhouse Gases; Final Rule. Title 40 Code of Federal Regulations, Part 98, Subpart A, Table A-1. October 30, 2009. <https://www.govinfo.gov/content/pkg/FR-2009-10-30/pdf/E9-23315.pdf>, Section 95410(a)(4).

United States Environmental Protection Agency. Mandatory Reporting of Greenhouse Gases; Final Rule. Title 40 Code of Federal Regulations, Part 98, Subpart A, Table A-1. December 11, 2014. <https://www.govinfo.gov/content/pkg/FR-2014-12-11/pdf/2014-28444.pdf>, Section 95410(a)(4).

### **Background and Effect of the Proposed Regulatory Action:**

CARB staff is proposing the Fuel Cell Net Energy Metering Greenhouse Gas Emission Standards Regulation (Regulation), as required by Assembly Bill (AB) 1637 (Low, Chapter 658, Statutes of 2016). The Fuel Cell Net Energy Metering (Fuel Cell NEM) Program was established by the legislature in 2003 and has been extended and expanded over the years, most recently by AB 1637 in 2016. The Fuel Cell NEM Program provides eligible customer-generators with a bill credit for electricity generated and exported from a fuel cell system and avoids or limits the amount that fuel cell customer-generators ordinarily pay for various utility costs. The Program is overseen by the California Public Utilities Commission (CPUC) and implemented by three Investor-Owned Utilities (IOUs): Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric.

In addition to extending the Fuel Cell NEM Program, AB 1637 also added the requirement that CARB develop greenhouse gas (GHG) emission standards that fuel cell generation resources must meet in order to be eligible for the Program. By statute the GHG emission standards must reduce “greenhouse gas emissions compared to the electrical grid resources, including renewable resources, that the fuel cell electrical generation resource displaces, accounting for both procurement and operation of the electrical grid” (Public Utilities Code section 2827.10). CARB is to “establish a schedule of annual GHG reduction standards...” and “...update the schedule every three years with applicable standards for each intervening year.”

The purpose of the Regulation is to establish an annual schedule of annual GHG emission standards, to be updated every three years, in accordance with AB 1637 requirements. The Regulation sets fuel cell NEM GHG emission standards for 2017 through 2022, and establishes a process by which the Executive Officer will update the emission standards every three years beginning in 2022.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, during the course of this rulemaking process.

### **Objectives and Benefits of the Proposed Regulatory Action:**

The objectives of the Regulation are to set Fuel Cell NEM GHG emission standards that conform with AB 1637 requirements and ensure that eligible fuel cell generation resources emit fewer GHG emissions than the grid energy they displace. In developing the proposed GHG emission standards, CARB staff evaluated the potential effects additional fuel cell resources would likely have on the displacement of various grid resources, including the potential displacement of renewable resources, future resource procurement by affected utilities, and operation of the electrical grid. From May 2017 through July 2019, CARB staff conducted an informal public process consisting of one working group meeting and three workshops to discuss proposed emission standard calculation methodologies and seek stakeholder input. During this process, CARB staff informally proposed and considered four possible methodologies to set the Fuel Cell

NEM GHG emission standards. In consultation with California Energy Commission (CEC) staff, and per stakeholder feedback, CARB staff determined that fuel cell resources would displace marginal (as opposed to baseload) generator resources. Further, marginal generators would either be simple cycle-gas turbines, combined-cycle gas turbines, and, for a small percentage of hours in the year, renewable generators like wind and solar power plants.

The current proposal uses an equation that incorporates 2017 data from CEC and the California Independent System Operator (CAISO) to calculate the 2017 Fuel Cell NEM GHG emission standard. The CEC data provide marginal generator emission rates, and the CAISO data show the number of hours that the day-ahead market electricity price was \$0 (zero) or less, which serves as a proxy for the number of hours that renewable generators were the marginal generators. CARB staff also developed a methodology to set the GHG emission standards for future years. This methodology is rooted in the idea that fuel cell electrical generating resources should reduce their GHG emissions at the same rate as California's electricity sector.

To establish this reduction rate, CARB staff calculated the average annual expected reduction needed to move from 2016 electricity sector emissions to the Integrated Resource Planning (IRP) GHG emission targets that CARB's Board adopted in July 2018 in response to Senate Bill (SB) 350 (de León, Chapter 547, Statutes of 2015). SB 350's 2030 Renewables Portfolio Standard (RPS) goal of 50 percent was later changed to be 60 percent by SB 100 (de León, Chapter 312, Statutes of 2018), and the IRP emission target utilized in the development of this Regulation takes into account this update.

This reduction in the Fuel Cell NEM emission standards, and the AB 1637 requirement that Fuel Cell NEM Program eligibility is assessed annually, means that fuel cell electrical general resources must decrease GHG emissions over time. This can occur either through increasing efficiency or through switching to eligible biofuels. This drive towards greater efficiency or a switch to eligible biofuels is also aligned with the goals outlined in the 2017 Scoping Plan Update, which states that while "natural gas is an important energy source, we must move toward cleaner heating fuels..." In proposing a methodology that results in Fuel Cell NEM GHG emission standards 1) representing reductions relative to the electricity generation being displaced, and 2) reducing consistently over time, the Regulation meets not only AB 1637 requirements but also aligns with the State's legislatively mandated longer-term climate and electricity sector goals. Fuel cells, which utilize but do not combust natural gas, also have the potential to reduce criteria pollutants, which is another critical priority in the State.

The Regulation would establish Fuel Cell NEM GHG emission standards for the years 2017 through 2022 and lays out the process by which the Executive Officer would update the standards every three years, beginning in 2022. The 2017 through 2022 standards would be 409, 399, 389, 379, 370, and 360 kg CO<sub>2e</sub>/MWh, respectively. CARB staff considers the Regulation to be the best method for meeting the requirements of AB 1637 for the following reasons:

- The proposed standards use 2017 public data which reflect actual emissions based on electricity grid operation.
- The proposed standards take into account renewables procurement in two ways: 1) by decreasing marginal generator emissions by the amount of time that renewables are on the margin, and 2) by reducing the GHG emission standards by 2.5 percent annually, commensurate with 2030 electricity-sector GHG emission (IRP) targets set pursuant to SB 350 and taking into consideration the updated RPS target set by SB 100.
- The proposed standards use the most recently available data for every three-year update, which ensures that future GHG emission standards continue to reflect the operation of the electricity grid, including combined/simple-cycle generator GHG emission rates and the number of hours that renewable generators are operating on the margin.

The proposed method for calculating the Fuel Cell NEM GHG emission standards is based on operational data of electricity generating units in California, accounts for the impact that renewable electricity generation has on the GHG emissions of marginal generation, and takes into account GHG emissions reductions that are required of the electricity sector pursuant to SB 350, including the updated 2030 RPS target set by SB 100. CARB staff's proposal complies with legislative direction in AB 1637 and provides both relative certainty for potential Fuel Cell NEM Program participants and assured emission reductions by declining steadily every year.

A detailed description of the proposed Regulation is provided in Chapter I of the "Staff Report: Initial Statement of Reasons (ISOR)—Proposed Fuel Cell Net Energy Metering Greenhouse Gas Emission Standards Regulation," referred to as the ISOR. The Proposed Regulation Order is Appendix A of the ISOR.

The Fuel Cell NEM Program is a voluntary, incentive-based program administered by CPUC and implemented by IOUs. Even if a fuel cell electrical generation resource meets the fuel cell NEM GHG emission standards established in this Regulation, there are numerous other factors, beyond the scope of this Regulation, that would determine whether the resource is eligible for fuel cell NEM and/or whether the fuel cell is installed.

Generally speaking, fuel cell installations have the potential to reduce GHG, nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM) emissions relative to the grid electricity that they displace. However, the Regulation is not anticipated to provide any direct GHG, NO<sub>x</sub>, or PM emission reduction benefits because it would only set numeric standards for a voluntary program that, by statute, is implemented by CPUC. By statute, CPUC is also tasked with determining what fuel cells meet those standards and administering the voluntary Fuel Cell NEM Program. The Regulation is not anticipated to provide any direct benefits to the protection of public health and safety, worker safety, or the environment.

**Comparable Federal Regulations:**

There are not any comparable Fuel Cell NEM federal regulations.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

**DISCLOSURE REGARDING THE PROPOSED REGULATION**

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency (other than approximately six hours of staff time starting in 2022 and continuing every three years until 2047), would not create costs or savings in federal funding to the State, would not create costs or mandate to any local agency or school district, or other nondiscretionary cost or savings to State or local agencies.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

**NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):**

As required by AB 1637, the proposed regulation sets annual GHG emission standards for fuel cell generating resources participating in the Fuel Cell NEM Program which is administered by CPUC and implemented by IOUs. Though the proposed regulation sets standards, statute (AB 1637) requires that other entities must implement those standards. Businesses are not anticipated to act as a result of the proposed regulation alone, therefore, the proposed regulation is not anticipated to cause any economic impact to private businesses or individuals in California.

As such the proposed regulation is not anticipated to have any statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, or on representative private persons. Pursuant to CCR, title 1, section 4, the proposed regulation would not affect small businesses because it does not contain any requirements for action.

The proposed regulation is not anticipated to provide any direct GHG emission reduction benefits because any such benefits would only occur once CPUC adopts and administers the standards.

**Effect on Jobs/Businesses:**

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Assessment in the ISOR.

**Benefits of the Proposed Regulation:**

The objective of the proposed Regulation is to ensure that eligible fuel cell generation resources participating in CPUC's Fuel Cell NEM Program emit fewer GHG emissions than the grid energy they displace. The Regulation establishes a schedule of annual GHG emission standards for the continued operation of the Fuel Cell NEM Program, as required by AB 1637. The Fuel Cell NEM Program is a voluntary, incentive-based program administered by CPUC and implemented by IOUs. Even if a fuel cell electrical generation resource meets the Fuel Cell NEM GHG emission standards established in this Regulation, there are numerous other factors, beyond the scope of this Regulation

that would determine whether the resource is eligible for Fuel Cell NEM and/or whether the fuel cell is installed.

Generally speaking, fuel cell installations have the potential to reduce GHG, NO<sub>x</sub>, and PM emissions relative to the grid electricity that they displace. However, the Regulation is not anticipated to provide any direct GHG, NO<sub>x</sub>, or PM emission reduction benefits because it would only set numeric standards for a voluntary program that, by statute, is implemented by CPUC. By statute, CPUC is also tasked with determining what fuel cells meet those standards and administering the voluntary Fuel Cell NEM Program.

A summary of these benefits is provided, please refer to “Objectives and Benefits” under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion on page 3.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The Regulation is not anticipated to have any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses.

As required by AB 1637, the proposed regulation sets annual GHG emission standards for fuel cell generating resources participating in the Fuel Cell NEM Program which is administered by CPUC and implemented by IOUs. Though the proposed regulation sets standards, statute (AB 1637) requires that other entities must implement those standards. Businesses are not anticipated to act as a result of the proposed regulation alone; therefore, the proposed regulation is not anticipated to cause any economic impact to private businesses or individuals in California. Pursuant to CCR, title 1, section 4, the proposed regulation would not affect small businesses because it does not contain any requirements for action.

**Consideration of Alternatives (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Executive Officer analyzed three alternatives to the proposed amendments and determined that all of the alternatives would be less effective in carrying out the requirements of AB 1637, as described below.

Take No Action Alternative for Complete Regulation. An overall “no action” alternative means that CARB would not develop GHG emission standards for the Fuel Cell NEM Program. If CARB were to take “no action,” CARB would not be complying with the requirements of AB 1637 to set GHG emission standards for the Fuel Cell NEM Program. For this reason, the take “no action” alternative is neither practical nor beneficial.

Set GHG Emission Standard Based on the ACC Model. Under this alternative, CARB would use either the 2017 ACC model or 2018 ACC model to calculate the Fuel Cell NEM GHG emission standards. The ACC model was developed by Energy + Environmental Economics (E3) for CPUC to evaluate how effective energy efficiency programs are at reducing power generation carbon dioxide emissions. The 2017 ACC model was suggested by stakeholders during the informal public process preceding this rulemaking. Use of the 2017 ACC would result in lower GHG emission standards than those of the proposed regulation (2017 ACC model result: 324 kg CO<sub>2e</sub>/MWh in 2017; proposed regulation: 409 kg CO<sub>2e</sub>/MWh in 2017). After the 2017 ACC model was revised in 2018, CARB was advised by E3 staff that, because of fundamental changes to how the model calculated emissions, the 2018 ACC model was no longer appropriate for the purposes of the Fuel Cell NEM GHG emission standards. Because the developers of the model advised that the 2018 ACC model was not appropriate for its use, CARB staff did not consider it appropriate for use for the proposed Regulation. Further, though it was possible for CARB staff to utilize the 2017 ACC model for the proposed Regulation, if CARB were to use it, when CARB staff update the Fuel Cell NEM GHG emissions standards in 2022, staff would either have to update the 2017 version of the ACC model themselves or contract with an outside entity (e.g., E3) to do so. CARB staff determined that this model updating effort would be too resource (staff time and/or State funding) intensive to make it worthwhile; therefore, staff explored use of a different method that was more transparent and easier to update.

Use Curtailment Hours as a Proxy for the Number of Hours Renewables Are on the Margin. Under this alternative, CARB would begin with the same general approach to developing the GHG emission standards as proposed. This begins with calculating GHG emission rates for combined and simple cycle gas generation using CEC data from the Thermal Efficiency of Natural Gas-Fired Generation in California report (CEC 2018). In the Regulation, this number is then adjusted by the number of hours that electricity prices in the day-ahead market was \$0 (zero) or below according to the CAISO 2017 Annual Report on Market Issues and Performance (CAISO 2017) to reflect the percentage of time that renewables are on the margin. The alternative described here would instead adjust the combined and simple cycle gas generation emission rate by the number of hours renewable generation is curtailed, for the relevant year, as can be found at the CAISO Managing Oversupply webpage.<sup>1</sup> Using curtailment hours in the

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<sup>1</sup> <http://www.caiso.com/informed/Pages/ManagingOversupply.aspx>

Fuel Cell NEM GHG emission standards calculation results in a Fuel Cell NEM eligible emission rate of approximately 308 kg CO<sub>2</sub>/MW for 2017. Curtailment can occur at times of low demand and high “must take” power generation, which is not necessarily indicative that renewables are the marginal generator. Also, on CAISO’s managing oversupply webpage it is noted that “Congestion occurs when available, least-cost energy cannot be delivered to some loads because transmission facilities do not have sufficient capacity to deliver the energy.” Therefore, congestion can also cause renewable generation curtailment for generation that is not marginal. Using curtailment hours in the Fuel Cell NEM GHG emission standards calculation results in a 2017 Fuel Cell NEM GHG emission standard of 308 kg CO<sub>2e</sub>/MWh. The proposed 2017 Fuel Cell NEM GHG emission standard is 409 kg CO<sub>2e</sub>/MWh. CARB staff believes that using the curtailment data would not reflect the amount of time renewables are on the operating margin and is therefore not the most accurate way to meet statutory requirements.

The proposed method for calculating the Fuel Cell NEM GHG emission standards is based on operational data of electricity generating units in California, accounts for the impact that renewable electricity generation has on the GHG emissions of marginal generation, and takes into account GHG emissions reductions that are required of the electricity sector pursuant to SB 350, including the updated 2030 RPS target set by SB 100. Therefore, CARB staff believes this is the best method for calculating the marginal California generator emission rate for use in the Fuel Cell NEM GHG emission standards.

CARB has not identified any alternatives that would lessen any adverse impact on small businesses. The Regulation does not meet the major regulation threshold as specified in section 57005 of the Health and Safety Code; therefore, CARB did not include any major regulation alternatives in the analysis.

## **ENVIRONMENTAL ANALYSIS**

### **A. Introduction**

This chapter provides the basis for CARB’s determination that the proposed Fuel Cell Net Energy Metering Greenhouse Gas Emission Standards Regulation is exempt from the requirements of the California Environmental Quality Act (CEQA). A brief explanation of this determination is provided in section B below. CARB’s regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State’s ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including, but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an “Environmental Analysis” or “EA”) as part of the Staff Report prepared for a proposed action to comply with CEQA (17 CCR 60000-60008). If the Fuel Cell Net Energy Metering Greenhouse Gas Emission Standards Regulation is finalized, a Notice of Exemption will be filed with the Office of the

Secretary for the Natural Resources Agency and the State Clearinghouse for public inspection.

*B. Analysis*

CARB has determined that the proposed Fuel Cell Net Energy Metering Greenhouse Gas Emission Standards Regulation is categorically exempt from CEQA under the “Class 8” exemption (14 CCR 15308) because it is an action taken by a regulatory agency for the protection of the environment. The Regulation sets GHG emission standards for the Fuel Cell NEM Program, as required by AB 1637. Generally speaking, fuel cell installations reduce GHG and other air emissions relative to the fossil fuel-derived grid electricity that they displace. While the Regulation is not anticipated to provide direct GHG or other air pollution emission reduction benefits (as noted above it would set a standard for a voluntary program that, by statute, CPUC is tasked with administering), the proposed GHG emission standard is designed to ensure that participating entities have lower GHG emissions than the grid resources they displace. The proposed action is designed to protect the environment, and CARB has determined there is no substantial evidence indicating the proposal could adversely affect air quality or any other environmental resource area, or that any of the exceptions to this exemption applies (14 CCR 15300.2). Therefore, this activity is exempt from CEQA.

**SPECIAL ACCOMMODATION REQUEST**

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks’ office at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than ten business days before the scheduled Board hearing.

TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la

audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

### **AGENCY CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Carey Bylin, Manager, Energy Section, at (916) 445-1952 or (designated back-up contact) Mary Jane Coombs, Branch Chief, at (916) 322-7554.

### **AVAILABILITY OF DOCUMENTS**

CARB staff has prepared a Staff Report: ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is titled: Staff Report: Initial Statement of Reasons for Rulemaking—Proposed Fuel Cell Net Energy Metering Greenhouse Gas Emission Standards Regulation.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on CARB's website listed below or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on October 22, 2019.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

### **HEARING PROCEDURES**

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

**FINAL STATEMENT OF REASONS AVAILABILITY**

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice or may be accessed on CARB's website listed below.

**INTERNET ACCESS**

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2019/fuelcellnem19>

CALIFORNIA AIR RESOURCES BOARD



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Richard W. Corey  
Executive Officer

Date: October 8, 2019

*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 our website at [www.arb.ca.gov](http://www.arb.ca.gov).*