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> Division 3 - Air Resources > Chapter 1 - Air Resources Board  
> Subchapter 10 - Climate Change  
> Article 5 - California Cap on Greenhouse Gas Emissions and Market-Based  
Compliance Mechanisms  
> Subarticle 3 - Applicability  
> **Cal. Code Regs. Tit. 17, § 95812 - Inclusion Thresholds for Covered Entities**

## Cal. Code Regs. Tit. 17, § 95812 - Inclusion Thresholds for Covered Entities

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(a) The inclusion threshold for each covered entity is based on the subset of greenhouse gas emissions that generate a compliance obligation for that entity as specified in section [95852](#). The entity must report and verify annual emissions pursuant to sections [95100](#) through [95157](#) of MRR.

(b) If an entity's reported or reported and verified annual emissions in any data year from 2009 through 2012 from the categories specified in section [95852](#)(a) or (b) equal or exceed the thresholds identified below, that entity is classified as a covered entity as of January 1, 2013, and for all future years until any requirement set forth in section [95835](#)(c) is met.

(c) The requirements apply as follows:

- (1) Operators of Facilities. The applicability threshold for a facility is 25,000 metric tons or more of CO<sub>2</sub>e per data year.
- (2) First Deliverers of Electricity.

(A) Electricity Generating Facilities. The applicability threshold for an electricity generating facility is based on the annual emissions from which the electricity originated. The applicability threshold for an electricity generating facility is 25,000 metric tons or more of CO<sub>2</sub>e per data year.

(B) Electricity importers. The applicability threshold for an electricity importer is based on the annual emissions from each of the electricity importer's sources of delivered electricity.

1. All emissions reported for imported electricity from specified sources of electricity that emit 25,000 metric tons or more of CO<sub>2</sub>e per year are considered to be above the threshold.

2. All emissions reported for imported electricity from unspecified sources are considered to be above the threshold.

(3) Carbon Dioxide Suppliers. The applicability threshold for a carbon dioxide supplier is 25,000 metric tons or more of CO<sub>2</sub>e per year. For purpose of comparison to this threshold, the supplier must include the sum of the CO<sub>2</sub> that it captures from its production process units for purposes of supplying CO<sub>2</sub> for commercial applications or that it captures from a CO<sub>2</sub> stream to utilize for geologic sequestration, and the CO<sub>2</sub> that it extracts or produces from a CO<sub>2</sub> production well for purposes of supplying for commercial applications or that it extracts or produces to utilize for geologic sequestration.

(4) Petroleum and Natural Gas Facilities. The applicability threshold for a petroleum and natural gas facility is 25,000 metric tons or more of CO<sub>2</sub>e per data year. This threshold is applied for each facility type specified in section [95852\(h\)](#).

(d) If an entity's annual, assigned, or reported and verified emissions from any data year between 2011-2014 equal or exceed the thresholds identified below from the categories specified in sections [95851\(a\)](#) or (b), then that entity is classified as a covered entity as of January 1, 2015, for the year in which the threshold is reached and for all future years until all requirements set forth in section [95835\(c\)](#) are met.

- (1) Fuel Suppliers. The threshold for a fuel supplier is 25,000 metric tons or more of CO<sub>2</sub>e annually of GHG emissions that would result from full combustion or oxidation of the quantities of the fuels, identified in section [95811\(c\)](#) through (g), which are imported and/or delivered to California.

- (2) Electricity importers. The threshold for an electricity importer of specified source of electricity is zero metric tons of CO<sub>2</sub>e per year and for unspecified sources is zero MWh per year as of January 1, 2015.

# Notes

Cal. Code Regs. Tit. 17, § 95812

Note: Authority cited: Sections 38510, 38560, 38562, 38570, 38571, 38580, 39600 and 39601, Health and Safety Code. Reference: Sections 38530, 38560.5, 38564, 38565, 38570 and 39600, Health and Safety Code.

1. New section filed 12-13-2011; operative 1-1-2012 pursuant to Government Code section 11343.4 (Register 2011, No. 50).
2. Amendment of subsection (b) filed 8-29-2012; operative 9-1-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 35).
3. Amendment of subsections (b), (d) and (d)(1) and new subsections (d)(3) and (f)-(g)(3)(C) filed 6-26-2014; operative 7/1/2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 26).
4. Amendment of subsections (b), (c)(4) and (d)-(d)(1) and repealer of subsections (e)-(g)(3) (C) filed 9-18-2017; operative 10/1/2017 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 38).
5. Amendment of subsection (d) and repealer of subsection (d)(3) filed 3-29-2019; operative 3/29/2019 pursuant to Government Code section 11343.4(b)(3) (Register 2019, No. 13).

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