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June 11, 2021

Mr. Richard Corey
Executive Officer
California Air Resources Board
Attn: Mr. Anil Prabhu
P.O. Box 2815
Sacramento, CA 95812

Submitted by Email to Anil.Prabhu@arb.ca.gov

RE: Response to Public Comment on Application B0163 Tier 2 Pathway: Low-CI Electricity

Dear Mr. Corey and Mr. Prabhu,

A comment was submitted during the public comment period for CleanFuture's Tier 2 Pathway for Low-CI Electricity sourced from Biogas released from Dairy Manure for use as transportation fuel in electric vehicles in California. As authorized by §95488.7(d)(5)(A)(2), this letter provides a detailed written response to the Executive Officer explaining why no revisions to the pathway application are necessary.

Pursuant to §95488.7(d)(5)(A): "Only comments related to potential factual or methodological errors will require responses from the fuel pathway applicant." The comment letter raises multiple issues that do not relate to potential factual or methodological errors and these issues that do not require a response are not addressed.

The text from the comment is quoted, with CleanFuture's responses to the various parts of the comment raised provided directly after the text.

Parts of the Comment and CleanFuture Responses

Subject: Tier 2 Application Comment, Application B0163

Comment (1):

"The applicants and/or the California Air Resources Control Board (CARB) withheld and redacted information regarding calculations related to GHG emission reduction such that it is impossible to determine the air quality and water quality impacts and the carbon intensity value. Such data must be available in order to transparently assess the potential harms and supposed benefits of this proposed pathway."

CleanFuture Response (1): The LCFS regulation at 17 CCR §95488.8(c) specifies the process for a fuel pathway applicant to follow in the designation of confidential business information (“CBI”). CleanFuture followed this process in the development and submittal of this pathway application. While CBI has been redacted from the application as authorized by California law, the application still contains information sufficient to evaluate the underlying carbon intensity modeling. The Staff Summary provides an overview of the pathway and the facility. The Staff Summary also provides a description of the Fuel Type Pathways at page 2-3. At page 3, the Staff Summary states, “Staff has reviewed the application and has replicated, using the Tier 2 modified version of the Simplified CI Calculator, the CI value calculated by the applicant. First Environment, Inc. (H3-20-009) submitted a positive validation statement.”

In addition to the summary and description provided by the Staff Summary, the documents entitled “Pathway Description for Electricity from Biogas for Electric Vehicle Charging in California” and the “Modifications to Tier 1 Simplified CI Calculator for Biomethane from Anaerobic Digestion of Dairy and Swine Manure Applying to Generation of Electricity from Biomethane- Manure Component” provide explicit detail regarding the precise modeling used to calculate the carbon intensity value.

Comment (2):

“CARB must verify that each applicant is conforming with all mandated environmental requirements, and that the applicant is not polluting local air and water quality, prior to approving any application and must incorporate reporting procedures that ensure ongoing compliance with legal mandates.”

CleanFuture Response (2): The commenter does not provide authority for the assertions contained in this comment. The LCFS regulation does not impose these broad obligations on the LCFS fuel pathway applicants or CARB. CleanFuture included in the pathway application: the Authority to Construct issued to Hilarides Dairy by San Joaquin Valley Air Pollution Control District on 1/22/2019.

The project is in compliance with all mandated environmental requirements and all reporting requirements.

Comment (3):

“The analysis fails to take into consideration the climate impacts of methane leaks, including the cataclysmic impacts of methane blowouts involving gas infrastructure that have taken place throughout the country.”

CleanFuture Response (3): The project utilizes biogas for small scale power generation on site and does not present a risk of a cataclysmic impact from a methane blowout involving gas infrastructure. A stringent level of methane monitoring and avoidance of fugitive methane emissions is required by Operating Condition #4 as stated by the Staff

Summary at page 3, “Any quantity of biomethane metered as captured that cannot be demonstrated by meter records to have been destroyed, must be calculated by energy balance and accounted for in the CI as a fugitive methane emission if the calculated value exceeds the default 2% fugitive emission.” The methane is destroyed onsite by converting into renewable electricity for use as a transportation fuel in zero emission electric vehicles thereby dramatically reducing or eliminating methane release to the atmosphere. The project does not inject any natural gas onto any pipeline and as a result, no gas pipeline infrastructure is involved.

Comment (4):

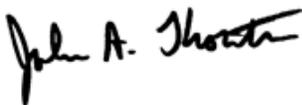
“This project and similar projects do not just undermine California’s climate and environmental justice goals, but actually incentivize increased production of methane (and the concomitant pollution that accompanies methane production). To the extent Hilarides Dairy makes manure and waste management decisions to increase methane production they should not reap the benefits of the LFCS program which is intended to reduce greenhouse gases rather than incentivize production thereof.”

CleanFuture Response (4): The project is not producing any methane, instead the project is capturing and destroying methane produced by traditional, legal, regulated manure handling practice. Due to the capture and destruction of methane, the project is reducing greenhouse gas emissions. In the absence of this project and other similar projects, the methane produced from manure would be sent into the atmosphere. The benefit of this project and other similar projects has been confirmed by the California legislature through SB 1383. Not only is methane voluntarily captured at the dairy farm, but the methane is converted into renewable electricity for use as a transportation fuel in zero emission electric vehicles in California which has the additional benefit of reducing California’s dependence on fossil fuels.

Conclusion

This concludes CleanFuture’s detailed responses to all comments pertaining to factual or methodological errors in the pathway application. CleanFuture requests that the Executive Officer certify the pathway pursuant to §95488.7(d)(5)(B). If the Executive Officer would like any further input or supporting information regarding these issues, please so advise and CleanFuture will promptly supplement this response. Thank you for the opportunity to respond to comments on the pathway application.

Sincerely,



John A. Thornton, President
CleanFuture, Inc.