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GrowthEnergy.org

May 30, 2014

Via Electronic Mail

Ms. Kirsten King  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814  
kking@arb.ca.gov

Re: Solicitation of Alternatives for Analysis in the Low Carbon Fuel Standard Rulemaking  
(posted May 23, 2014)

Dear Ms. King:

I write on behalf of Growth Energy, an association of the United States' leading producers of ethanol and other enterprises who serve the nation's need for alternative fuels. Thank you for inviting the public, including Growth Energy, to provide alternatives for analysis in the Board's upcoming rulemaking concerning the Low Carbon Fuel Standard ("LCFS") regulation. The request for that input was presented in a notice published on ARB's website on the afternoon of May 23, 2014, which is attached to this letter.

In order to respond to ARB's request for input, Growth Energy needs to know the specific benefits that ARB has established or is considering as the objectives for the new LCFS regulation. Those benefits might include, for example, reductions in various emissions from the transportation sector in California, reductions in other emissions, and other impacts on California businesses and consumers.

As the ARB's May 23 website notice indicates, ARB is interested in proposed alternatives to the LCFS regulation that could "yield the same or greater benefits than those associated with the proposed regulation, or that may achieve the goals [of the proposed regulation] at lower cost." The same notice directs stakeholders to explain an "alternative's ability to fulfill the purposes of the draft regulatory proposal as ARB has presented it." Growth Energy is not aware of any such draft regulatory proposal presented by ARB. The ARB staff has conducted a number of public consultation meetings, but to date the staff has not presented a regulatory proposal that would be useful in framing alternatives, nor has it described the specific benefits that it expects to achieve from the regulation, or the specific benefits that it currently has under consideration as possible regulatory objectives or impacts.

Without knowing the presumed, estimated or possible benefits of the proposed LCFS regulation, it is not possible for Growth Energy nor, we believe, any other stakeholder to participate effectively in the analytical process required by S.B. 617. We therefore request that ARB present the “draft regulatory proposal” to which the May 23 notice refers, and also identify where stakeholders may find ARB’s estimate of the “benefits associated with the proposed regulation” to which the notice also refers.

In addition, Growth Energy is concerned that the May 23 notice contemplated that stakeholders submit proposed alternatives, including cost calculations and the basis for cost calculations, along with the “quantities of low-CI fuels to be used each year,” by June 6, 2014 -- within nine business days of May 23. It would be impractical to meet that deadline for input even if the Board had already presented its draft regulatory proposal and the estimated or possible benefits of the proposed regulation. Growth Energy asks that ARB establish a more realistic time frame for the public to perform its role in the S.B. 617 process.

My colleagues and I are available on short notice to confer with you and other ARB representatives regarding these requests. I can be reached on (605) 965-2200.

Sincerely,



David Bearden  
General Counsel and Secretary

cc: The Hon. Mary D. Nichols (via U.S. Mail)  
The Hon. Michael Cohen (via U.S. Mail)  
Dr. Irena Asmundson (via Electronic Mail)