

LCFS Enforcement Injunction Is Lifted, All Outstanding Reports Now Due April 30, 2012

On December 29, 2011, the U.S. District Court for the Eastern District of California issued several rulings in the federal lawsuits challenging the Low Carbon Fuel Standard (LCFS). One of the district court's rulings preliminarily enjoined the Air Resources Board (ARB) from enforcing the regulation. In January 2012, ARB appealed that decision to the Ninth Circuit Court of Appeals (Ninth Circuit), and then moved to stay the injunction pending resolution of the appeal.

On April 23, 2012, the Ninth Circuit granted the ARB's motion for a stay of the injunction while it continues to consider ARB's appeal of the lower court's decision.

We appreciate the Ninth Circuit court's ruling allowing the LCFS to move forward pending a final ruling on the appeal. Yesterday's decision allows the ARB to continue implementation and resume enforcement of this important program to reduce greenhouse gas emissions, driving the investment and innovation that creates new jobs and provides the next generation of clean fuels to all Californians.

The ARB believes that enforcement of the LCFS requirements is important to the success of the program. **Because the injunction was in effect when the 2011 fourth quarter reports were due, we will allow those regulated parties that have not yet submitted their 2011 fourth quarter reports to submit those reports no later than April 30, 2012.** This is the same date when the 2011 annual compliance reports are due.

If you have any questions, please contact Floyd Vergara, Chief, Alternative Fuels Branch, at (916) 322-6312 or fvergara@arb.ca.gov.

The Low Carbon Fuel Standard, a regulation to reduce the carbon intensity of fuels sold in California ten percent by 2020, is one of the measures adopted by the California Air Resources Board pursuant to Health and Safety Code sections 38500 et seq. (AB 32) to reduce greenhouse gases in California. It is designed to help clean the air, protect the environment, and drive the development of clean, low-carbon fuels to improve California's energy security and energy independence.