

The ARB recently added several fuel pathways to the Low Carbon Fuel Standard Lookup Tables. During the review period leading up to this change, some pathway CIs were changed slightly. The ARB has released regulatory guidance allowing facilities to transition to the new CI any time between the date on which those pathways were approved (February 21, 2012) and six months from that date (August 21, 2012).

*Detailed Discussion:*

On February 21, 2012, the California Office of Administrative Law (OAL) approved the ARB Executive Officer's proposal to amend the Low Carbon Fuel Standard (LCFS) by adding a number of new fuel pathways to the Lookup Table. The Executive Officer heard testimony on this proposed amendment at a public hearing held on February 24, 2011. At that hearing, staff recommended that the proposed pathways be approved, subject (in the case of a few pathways) to revisions known as "15-Day Changes." The Executive Officer accepted this recommendation, and approved all pathways, subject to the completion of the 15-Day changes. This amendment to the LCFS is formally documented at:

<http://www.arb.ca.gov/regact/2011/lcfs11/lcfs11.htm>

Except for the pathways that were revised in Staff's 15-Day Change package, OAL approved all pathway carbon intensities (CIs) as they were proposed on February 24, 2011. The timing of that transition is subject to the requirements specified in LCFS Regulatory Advisory 10-04, which is available on the LCFS web site:

<http://www.arb.ca.gov/fuels/lcfs/122310lcfs-rep-adv.pdf>

The applicable requirements are as follows (see page 3): In the event a CI value is posted by ARB staff for public review and is subsequently modified in the course of the rulemaking, regulated parties must use for all purposes the final adopted CI value no later than six months after the effective date of adoption of the CI value. In the event a proposed CI value is posted by ARB staff and subsequently disapproved in the course of the rulemaking, regulated parties using that proposed CI value must cease using that CI value for all purposes no later than six months after the effective date of the disapproval. We will not require any retroactive adjustment of reports and credits that are based on the draft CI value posted by ARB staff that was either modified or disapproved in the course of the rulemaking. Regulatory Advisory 10-04, therefore, allows facilities to transition to the new 15-Day change CI values any time between February 21, 2012 and August 21, 2012.