

From: Logan Caldwell [mailto:lc@hbioc.net]
Sent: Thursday, June 25, 2015 6:42 PM
To: Chowdhury, Hafizur@ARB
Subject: Question regarding: Requirements to be Classified as a Tier 1 Pathway: Three Years seems excessive

The 2nd (and 1st) 15-day notice proposed language states the following at 95488(b)(1):

Tier 1. Conventionally-produced alternative fuels of a type that has been in full commercial production, excluding start-up or ramp-up phase, for at least three years, **and for which certified LCFS pathways have existed for at least three years** shall be classified into Tier 1.

The full commercial production for three years could be an issue for some plants that were out of service due to market conditions for a period of time.

The bigger question and issue is the requirement “and for which certified LCFS pathways have existed for at least three years.” If I assume the reference date for determining three years is January 1, 2016, this means that only pathways that were certified and posted on the ARB web site by January 1, 2013 or earlier will qualify for Tier 1 status. This would eliminate from consideration as Tier 1 pathways approximately 86 of the 125 facility pathways (some facilities have more than one pathway) shown currently on the CARB website: <http://www.arb.ca.gov/fuels/lcfs/2a2b/2a-2b-apps.htm> . In addition there are a number of Internal ARB-Developed Fuel Pathways that were issued after January 1, 2013, that would be a problem too for any facilities that used them for Method 1 certification.

I think it would be helpful to reconsider or clarify these requirements. Otherwise CARB staff is going to be overwhelmed with Tier 2 applications and the whole LCFS program will obviously suffer.

Regards,
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