

July 12th, 2023



California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear CARB Staff,

As a developer of dairy digester RNG and EV projects in West Coast states, Promus Energy appreciates the opportunity to comment on the proposed Simplified Tier 1 Calculator for Biomethane from Anaerobic Digestion of Dairy and Swine Manure. Promus has reviewed the differences between the proposed calculator and the one already in use by CARB and would like to comment on these changes.

Reject the proposed annual lagoon cleanout provision for establishing project baseline:

- Requiring that projects assume an annual September lagoon cleanout does not reflect the reality of the manure management practices we encounter at dairies with which we partner.
 - None of our dairy partners clean out their lagoons annually, nor are they required to do so. Assumed annual lagoon cleanouts *that only apply to CI-score modeling* and not to actual dairy operations are arbitrary and contrary to accurate modelling.
 - Other facets of dairy/digester operations that factor into CI-score determination are based on verifiable metrics gathered from the project i.e., animal counts, gas production, electricity use, etc. Lagoon cleanouts that actually happen are already required to be factored into CI-score modeling, so it is unclear why a fabricated annual cleanout assumption is required when it is highly unlikely lagoon cleanout occurred.
- This provision materially reduces LCFS economic incentives for digester projects, particularly at smaller dairies, thereby reducing the capture and beneficial use of methane from many dairies. Without digesters, some dairies will default to unmitigated release of methane to the atmosphere and make it more difficult for the state to reach its GHG reduction goals.
- This provision also creates an unlevel playing field with respect to other participants in the LCFS arena. If biomethane from dairy digesters is not awarded the full credit for the emissions the project avoids, then it will be more difficult for the fuel to compete with other fuel sources that are awarded the full credit for their avoided emissions.

Promus appreciates and agrees with the changes made to grid electricity emissions as well as the addition of a new box for VS removed before the effluent pond in section L4.6 in the “Manure to Biogas” tab of the model.

Sincerely,

Dan Evans, President
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