

June 17, 2021

California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Tier 2 Pathway Application: Application No. B0166

To Whom It May Concern,

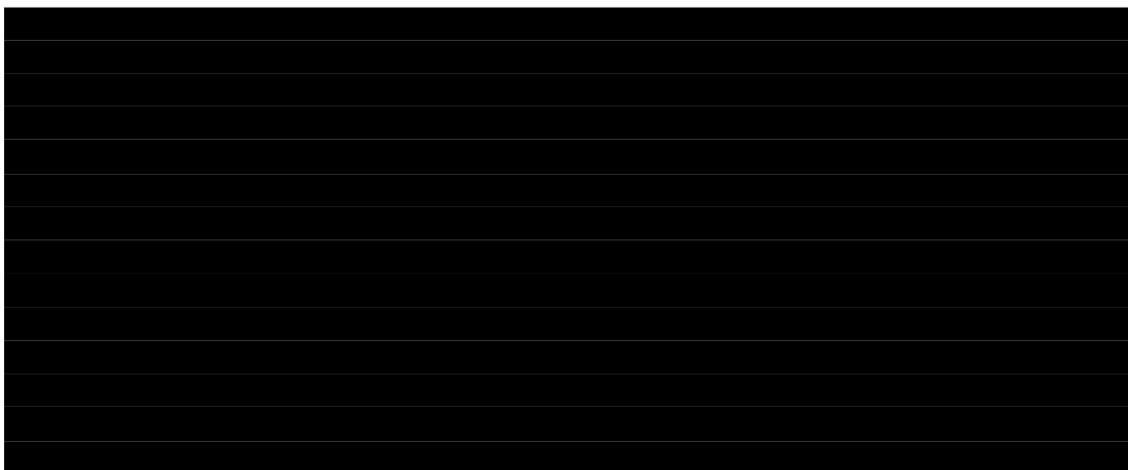
Leadership Counsel for Justice and Accountability writes in opposition to the dairy waste to energy project proposed by Sacramento Municipal Utility District (SMUD) and New Hope Dairy for the following reasons: (1) there is a lack of available data (2) the project will increase air pollution and threatens water quality in the locality and region, thus undermining the state's climate, environmental justice, and equity goals, (3) the project will contribute to methane leakage from transport of gas, and (4) this project will incentivize the production of methane.

Lack of Available Information and Data Transparency

The applicants and/or the California Air Resources Control Board (CARB) withheld and redacted information regarding calculations related to Life Cycle Results for Carbon Intensity such that it is impossible to determine the air quality and water quality impacts and the carbon intensity value:

4. Life Cycle Results for Carbon Intensity

The calculated Carbon Intensity for New Hope dairy digester system to charge electric vehicles = **-750.81 gCO_{2e}/MJ**, see table below.



Such data must be available in order to transparently access the potential harms and supposed benefits of this proposed pathway.

Environmental Issues with these Dairy CAFOs are Unaddressed

With a herd size of 1500, New Hope Dairy is a concentrated animal feeding operation, or CAFO. CAFOs contribute to both local and regional environmental problems, including but not limited to: local air quality problems, discharge of nitrate to groundwater, and nutrient runoff that pollutes local streams and rivers. CARB must verify that each applicant is conforming with all mandated environmental requirements, and that the applicant is not polluting local air and water quality, prior to approving any application and must incorporate reporting procedures that ensure ongoing compliance with legal mandates.

Climate Impacts of Methane Leaks

The analysis fails to take into consideration the climate impacts of methane leaks, including the cataclysmic impacts of methane blowouts involving gas infrastructure that have taken place throughout the country.

Incentivized Production of Methane

This project and similar projects do not just undermine California's climate and environmental justice goals, but actually incentivize increased production of methane (and the concomitant pollution that accompanies methane production). To the extent New Hope Dairy makes manure and waste management decisions to increase methane production – such as increasing herd size to increase, in whole or in part, manure production, opting out of solid separation to increase methane, sometimes taking in food wastes for digestion, and even opting for liquefied manure management instead of methods that prevent production of methane in the first place – they should not reap the benefits of the LFCS program which is intended to reduce greenhouse gases rather than incentivize production thereof.

Conclusion

In conclusion, this project should be denied because it will harm air quality, threaten water quality, and because it fails to consider the full lifecycle emissions of methane production. Approving this application will directly subsidize the ongoing pollution of lower income communities in Sacramento County and throughout California. Furthermore, there is inadequate data to determine the extent to which the project will reduce greenhouse gas emissions and fails to take into consideration how the project will incentivize production and emission of greenhouse gases. If SMUD intends to deliver carbon neutral electricity by 2030, it must do so transparently. False solutions and hidden calculations fail to deliver on this promise.

Unless and until there is publicly available and verifiable data demonstrating that this project will not produce negative local air and water impacts, and the extent to which this project will actually reduce greenhouse gas emissions that could not otherwise be reduced by other means, CARB must deny this application.

Sincerely,

Jamie Katz, Leadership Counsel for Justice and Accountability