

REQUEST FOR EARLY EFFECTIVE DATE
REGULATION TO IMPLEMENT
THE CALIFORNIA LOW CARBON FUEL STANDARD

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB) requests that new sections 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95488, 95489, and 95490 of Title 17 of the California Code of Regulations become effective upon filing with the Secretary of State. Good cause for this request exists.

The Low Carbon Fuel Standard (LCFS) consists of the adoption of new sections 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95488, 95489, and 95490 of the California Code of Regulations. The LCFS will reduce greenhouse gas (GHG) emissions by reducing the carbon intensity of transportation fuels used in California by an average of 10 percent by the year 2020. Carbon intensity is a measure of the GHG emissions associated with the combination of all of the steps in the “lifecycle” of a transportation fuel.

The LCFS is a discrete early action measure under the California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats 2006 ch 488, hereafter AB 32) and effectuates Governor Schwarzenegger’s Executive Order S-01-07. ARB was mandated to take actions that include adopting a list of discrete, early action GHG emission reduction measures by June 30, 2007, which can be implemented and enforced no later than January 1, 2010; and adopting regulations by January 1, 2010, to implement the identified measures. In 2007, ARB pursuant to Executive Order S-01-07 identified and approved the LCFS as one of the discrete early action measures. The LCFS must become effective January 1, 2010 in order to effectuate the intent of AB 32 and Executive Order S-01-07 in reducing GHG emissions by an average 10 percent by year 2020.

The ARB will promptly notify affected parties of the effective date as soon as the regulation is filed with the Secretary of State. Furthermore, because only reporting and recordkeeping requirements are required for year 2010, the early effective date would not create a burden on parties from whom compliance is due.

Date: November 25, 2009

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