

Release of Recirculated Draft Environmental Impact Analysis for the Proposed Low Carbon Fuel Standard Regulation

The California Air Resources Board (CARB or Board), as the lead agency for the proposed Low Carbon Fuel Standard Regulation (Proposed Amendments), is preparing an environmental impact analysis (EIA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). CARB released the Draft EIA for the Proposed Amendments for a 45-day comment period on January 2, 2024. CARB staff announces the release of the Recirculated Draft Environmental Impact Analysis for the Proposed Amendments (Recirculated Draft EIA) for public comment. CARB staff will later release the Final EIA, along with the Response to Comments (RTC) on the Draft EIA and Recirculated Draft EIA, for Board consideration during a public hearing scheduled for November 8, 2024.

Background on the Low Carbon Fuel Standard Regulation

The Proposed Amendments were released to the public on December 19, 2023. The 45-day comment period for the Proposed Amendments began on January 5, 2024, and ended on February 20, 2024. The Proposed Amendments are focused on the following key concepts:

- Increasing the stringency of the program to more aggressively decarbonize fuels and thereby reduce our dependence on fossil fuels;
- Strengthening the program's equity provisions to promote investment in disadvantaged, low-income and rural communities;
- Supporting electric and hydrogen truck refueling;
- Incentivizing more production of clean fuels needed in the future, such as low-carbon hydrogen;
- Supporting methane emissions reductions and deploying biomethane for best uses across transportation; and
- Strengthening guardrails on crop-based fuels to prevent deforestation or other potential adverse impacts.

CARB determined that additional modifications were appropriate for the Proposed Amendments and developed the proposed modifications (15-Day Changes) to the project description, as described below, and made them available for comment on August 9, 2024. These proposed changes, if adopted, would result in significant greenhouse gas (GHG) reductions as well as air quality, health, and economic benefits across the State.

Background on the Environmental Impact Analysis

On January 2, 2024, CARB released for public review the Draft Environmental Impact Analysis for the Low Carbon Fuel Standard Regulation (Draft EIA), which assessed the potential environmental impacts of implementing the Proposed Amendments. The Draft EIA concluded implementation of the Proposed Amendments could result in: beneficial impacts to greenhouse gas; less than significant impacts, or no impacts, to energy, odors, mineral resources (short-term construction-related), population and housing, public services, recreation, and wildfire; and potentially significant [indirect/secondary] adverse impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources (long-term operational-related), noise, transportation, tribal cultural resources, and utilities and service systems. The Draft EIA was included as Appendix D to the ISOR. CARB circulated the Draft EIA for public review and comment for a period of 45 days that began on January 5, 2024, and ended on February 20, 2024.

During the review period, written comments were received on the Draft EIA. CARB reviewed the comments to identify environmental topics and began preparation of responses to those comments. After the end of the Draft EIA public review period, CARB identified revisions to certain aspects of the Proposed Amendments that merit revisions to the project description. In particular, the project description has been updated through 15-day changes released on August 12, 2024, to: remove fossil jet fuel from the list of transportation fuels applicable to the LCFS; modify the annual carbon intensity benchmarks for gasoline and fuels used as a substitute for gasoline, diesel fuel and fuels used as a substitute for diesel fuel, and fuels used as a substitute for fossil jet fuel; expand zero emission vehicle refueling infrastructure crediting opportunities; remove eligibility for hydrogen produced from fossil fuels beginning in 2031; modify crediting provisions for biomass-based diesel pathways; reduce the crediting periods for avoided methane emissions; provide an opportunity for automakers to generate base credits; and add further details to the sustainability certification proposal. The project description has been updated here for clarity and consistency. Additional background information and analysis about whether dairy herd size expansion may be a reasonably foreseeable compliance response to the Proposed Amendments was also added in the project description. In addition, in response to public comment, the air quality and greenhouse gas (GHG) evaluations have been reassessed and expanded with additional information for clarity. Specifically, these sections have been updated with modeling outputs that reflect the Proposed Scenario in the 15-day Notice package released August 12, 2024, as well as additional granularity regarding the sources of particulate matter (PM) and oxides of nitrogen (NOx) emissions changes under the Proposed Amendments. This information matches the level of detail posted after the 45-day comment period on the Supplemental 2023 LCFS ISOR Documentation webpage. The workbooks underlying these emission change graphics are also posted on the Supplemental Documentation webpage incorporated with the 15-day Notice package.

Availability of Documents

Copies of the Recirculated Draft EIA and all other regulatory documents related to the rulemaking for the Proposed Amendments, including the previously released Draft EIA and 15-day changes, may be obtained from CARB's website at <https://ww2.arb.ca.gov/rulemaking/2024/lcfs2024>.

Written Comment Period & Comment Submittal

The 45-day public comment period for the Recirculated Draft EIA starts on August 16, 2024, and ends on September 30, 2024. Interested members of the public may provide comments by postal mail or by electronic submittal before the meeting. In accordance with Title 14 CCR Section 15088.5(f)(2), CARB will only be accepting new comments on the Recirculated Draft EIA. Comments previously submitted about the portions of the Draft EIA that have been revised and recirculated in the Recirculated Draft EIA do not require a further written response from CARB in the Final EIA. To receive a written response specifically regarding these revised portions of the EIA, commenters must timely submit new comments. All previously submitted comments on the Draft EIA that are not addressed with this recirculation, as well as any additional comments submitted pertaining to this recirculated information, will be responded to in the Response to Comments on the Draft and Recirculated Environmental Impact Analysis for the proposed Low Carbon Fuel Standard Regulation.

To be considered by the Board, written comments must be received no later than September 30, 2024, and addressed to one of the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://ww2.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Further inquiries regarding this matter should be directed to Rebecca Fancher, Staff Air Pollution Specialist, Legal Office CEQA Unit at 279-208-7664 or Rebecca Maddox, Senior Attorney, Legal Office at 279-208-7692.