DF-AP #1, LLC

September 10th, 2021

California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: DF-AP #1, LLC Tier 2 Pathway Application No. B0173 for Low-CI Electricity from Dairy Manure from the Big Sky Dairy Digester

DF-AP#1, LLC (DFAP) submits this letter in response to public comments regarding the above referenced Tier 2 pathway application submitted by the Animal Legal Defense Fund ("Commentors"). In accordance with the Low Carbon Fuel Standard, Section 95488.7(d)(5)(A): "Only comments related to potential factual or methodological errors will require responses from the fuel pathway applicant." Accordingly, DFAP as the fuel pathway applicant, offers the following responses to the parts of the public comments which describe potential factual and methodological errors, specifically Section III of the comment letter. Commentor arguments are listed in *italics* followed by DFAP's responses.

Important factual information is omitted or redacted in the application, rendering meaningful stakeholder review of its claims impossible.

DFAP provided the California Air Resources Board (CARB) Staff with all documents and information necessary to certify a Tier 2 pathway according to sections 95488.7 and 95488.8 of the LCFS Regulation. DFAP also engaged a third-party validator approved by CARB to validate the pathway application and provided the validator with all required documentation according to section 95500 of the LCFS Regulation.

Data and information provided, including the number of animals, were input into the "Simplified CI Calculator for Biomethane from Anaerobic Digestion of Dairy and Swine Manure" posted by CARB on August 13, 2018, which calculates GHG emissions generated in the project baseline and through the ongoing operation of the project. The validator reviewed inputs and the resulting calculations to confirm the accuracy of the information and the calculations; this information was also provided to CARB who completed their engineering review of the project prior to posting for public comment. The CARB staff summary provides the average number of dairy animals and the LCA provides a summary of historic and current manure management practices.

All redacted information in the documents posted for public comment contains "Confidential Business Information" as laid out in Section 6254.7 of the California Government Code. Modifications to calculations required to obtain the outputs of the GREET Model using the "Simplified CI Calculator for Biomethane from Anaerobic Digestion of Dairy and Swine Manure" were set out in the CA-GREET3.0 Model in Support of the Application which has also been posted for public comment.

The application violates the LCFS regulation by failing to employ a methodologically sound life cycle analysis that accounts for the GHG emissions that result from the applicant's production of manure methane.

A complete life cycle GHG emission or CI was calculated and a life cycle assessment report (LCA Report) describing the DFAP digester and electricity generation units was completed following the requirements of LCFS Regulation as identified in section 95488.7(a)(2).

The GREET 3 model calculates the CI or life cycle GHG emissions associated with the manure and the project using inputs such as the number of animals, manure management practices, average temperature and other variables. The methodology accounts for emissions which would have occurred in the absence of the project and emissions generated through the operation of the project per the GHG assessment boundary defined in Chapter 4 of the ARB's Compliance Offset Protocol for Livestock Projects, approved by ARB in 2011. The Protocol specifies the sources and sinks associated with the digester project which must be included in the emissions calculations. Calculations applied to the data are taken from the Protocol and the GREET 3 model and following the guidance provided by ARB in conjunction with the release of the Simplified CI Calculator reference above.

CAFOs spur climate change and degrade air quality, degrade water quality and harm human health and harm animals.

The implementation of the project reduces the emissions generated by the storage of manure in open-air ponds by capturing and processing gases which would have been emitted to the atmosphere through historic manure management practices. These include biogas, which is captured by the anaerobic digestion system and destroyed through conversion to electricity.

The Commentors also refer to CAFOs consuming "massive amounts of water" through the flushing of manure from barns. The DFAP project only accepts manure from dairy cows and the flush system is designed to recycle flush water, reducing on-site water usage. Pathogens are reduced through heating manure during the digestion process and the use of the digester helps the farm to better control nutrient management when compared with other manure management processes.

Granting the application would incentivize CAFOs to expand which would increase air pollution, accelerate climate change, further degrade water quality and quantity, and harm community health.

Dairies manage their herds based on demand for their product, not electricity production - the installation and operation of the digester helps the dairy to reduce the environmental impact of its ongoing operations. The LCFS program further incentivizes the reduction of methane from the project's ongoing operations by rewarding project owners who install technologies to reduce any flaring, further separate out nutrients post-digestion and promote the reduction of energy use by the project.

Contrary to the Commentors assertion, air pollution is reduced by the capture of methane which would have previously been emitted to the atmosphere and through the replacement of gasoline and/or diesel fueled vehicles which burned fossil fuels. The presence and operation of the digester poses no new water quality issues and complies with all water quality regulations. In addition, other benefits of the project include a reduction in odor and pathogens through the use of the digester and the generation of jobs during the on-going management of the project.

In summary, DFAP has fully complied with the requirements of the LCFS program in submitting its Tier 2 Pathway Application and has provided all required information and documentation to ARB per the LCFS regulation. DFAP has designed the project to capture methane which would have otherwise been emitted to the atmosphere, generating GHG benefits eligible to be credited under the LCFS program.

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DFAP believes that no revisions to its pending application are needed and respectfully requests ARB to finalize its approval of the pathway.

Sincerely,

Charles Purshouse, Authorized Representative

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