

## **TOLLING AGREEMENT**

This Tolling Agreement (“Agreement”) is entered into effective November 29, 2021, between ASSOCIATION OF IRRITATED RESIDENTS, FOOD & WATER WATCH, LEADERSHIP COUNSEL FOR JUSTICE & ACCOUNTABILITY, and ANIMAL LEGAL DEFENSE FUND (collectively, “Petitioners”) and the CALIFORNIA AIR RESOURCES BOARD (“CARB”).

### **RECITALS**

WHEREAS, on October 27, 2021, Petitioners filed the PETITION FOR RULEMAKING TO EXCLUDE ALL FUELS DERIVED FROM BIOMETHANE FROM DAIRY AND SWINE MANURE FROM THE LOW CARBON FUEL STANDARD PROGRAM (“Petition”), pursuant to Government Code § 11340.6.

WHEREAS, CARB acknowledged receipt of the Petition in a written letter to Petitioners sent on November 8, 2021.

WHEREAS, Government Code section 11340.7(a) provides thirty (30) days for CARB to respond to the merits of the Petition.

WHEREAS, on November 18, 2021, CARB requested that Petitioners enter into a 60-day tolling agreement to toll the deadline under Government Code section 11340.7(a) to allow CARB additional time to respond to the Petition and to provide time for Petitioners and CARB to reach common ground on matters alleged in the Petition.

WHEREAS, on November 24, 2021, Petitioners agreed to a 60-day tolling agreement to allow CARB additional time to respond to the Petition to conserve resources and potentially allow Petitioners and CARB to reach common ground.

WHEREAS, this Agreement memorializes the agreement reached by Petitioners and CARB on November 24, 2021.

NOW THEREFORE, in consideration of the mutual terms, covenants, conditions and promises contained herein, the Petitioners and CARB hereto agree as follows.

### **TERMS**

1. All of the foregoing recitals are incorporated herein by reference.
2. Subject to any subsequent agreements between Petitioners and CARB, CARB shall respond to the Petition by January 28, 2022.
3. CARB and Petitioners shall engage in good faith discussions in an effort to reach common ground with respect to the issues raised in the Petition between November 29, 2021, and January 28, 2022.

4. Any statutes of limitations to challenge CARB's response to the Petition pursuant to Government Code § 11340.7(a) shall be tolled as of November 24, 2021, and shall be tolled until January 28, 2022.

CALIFORNIA AIR RESOURCES BOARD

Gabriel Monroe, Attorney for CARB



12/06/2021

ASSOCIATION OF IRRITATED RESIDENTS

Tom Frantz, President



12/06/2021

FOOD AND WATER WATCH

Tyler Lobdell, Staff Attorney



12/6/21

LEADERSHIP COUNSEL for JUSTICE AND ACCOUNTABILITY

Phoebe Seaton, Attorney for Leadership Counsel for Justice and Accountability



12/6/21

ANIMAL LEGAL DEFENSE FUND

Christine Ball-Blakely, Staff Attorney



12/6/21