

LOW CARBON FUEL STANDARD

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PROPOSED REGULATION ORDER

Amend sections 95480, 95481, 95482, 95483, 95483.1, 95483.2, 95484, 95485, 95486, 95487, 95488, 95489, 95490, 95491, 95492, 95493, 95494, 95495, 95496, and 95497; and

Adopt sections 95483.3, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95498, 95499, 95500, 95501, 95502, and 95503, title 17, California Code of Regulations, to read as follows:

Subchapter 10. Climate Change **Article 4. Regulations to Achieve Greenhouse Gas Emission Reductions**

Subarticle 7. Low Carbon Fuel Standard

§ 95480. Purpose.

The purpose of this regulation is to implement a low carbon fuel standard, which will reduce the full fuel-cycle, carbon intensity of the transportation fuel pool used in California, pursuant to the California Global Warming Solutions Act of 2006 (Health & Safety Code [H&S], section 38500 et seq.).

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95481. Definitions and Acronyms.

(a) *Definitions.* For the purposes of sections 95480 through ~~95497~~95503, the definitions in Health and Safety Code sections 39010 through 39060 shall apply, except as otherwise specified in this section or sections 95482 through ~~95497~~95503:

~~(1) “Above the rack” means sales of 10,000 gallons or more of diesel fuel at pipeline origin points, pipeline batches in transit, and at terminal tanks before the diesel has been loaded into trucks or other means of non-bulk transfer.~~

~~(1)~~(2) “Account Administrator” means the person who can establish and activate user accounts for the reporting party organization as well as upload data (but not necessarily “submit” reports) into the LRT-CBTS. Account

administrators with “signatory authority” may submit Quarterly and Annual Reports; initiate and view all credit transfers and credit transfer activity; access the Credit Balance ledger for the organization; and select/authorize broker(s) to represent them.

- (2) “Adverse Validation Statement” and “Adverse Verification Statement” means a statement rendered by a verification body attesting that: (1) the verification body cannot say, with reasonable assurance, that the reported value is free of a material misstatement, or (2) the data submitted contain one or more correctable errors, or (3) both, and thus is not in conformance with the requirement to fix such errors pursuant to section 95501(b)(6). This definition applies to Adverse Validation Statements for fuel pathway applications and Adverse Verification Statements for Annual Fuel Pathway Reports, Quarterly Fuel Transactions Reports, Crude Oil Quarterly and Annual Volumes Reports, Low-Complexity/Low-Energy-Use Refinery Reports, and Project Reports. “Material misstatement” for each type of report is assessed pursuant to sections 95501(b)(9) through (11).
- (3) “AEZ-EF Model” means the Agro-Ecological Zone Emissions Factor model (December 31, 2014), posted at http://www.arb.ca.gov/fuels/lcfs/lcfs_meetings/lcfs_meetings.htm and available for download at http://www.arb.ca.gov/fuels/lcfs/lcfs_meetings/aez-ef_model_v52.xlsm, which is incorporated herein by reference.
- (4) “Aggregated Transaction Indicator” means an identifier for reported transactions that are a result of an aggregation or summing of more than one transaction in the LRT-CBTS. An entry of ‘True’ indicates that multiple transactions have been aggregated and are reported with a single Transaction Number. An entry of ‘False’ means that the transaction record results from one fuel transaction reported as a single Transaction Number.
- (5) “Alternative Fuel” means any transportation fuel that is not CaRFG or a diesel fuel, including those fuels specified in section 95482(a)(3) through (a)(~~4~~13).
- (6) “Alternative Jet Fuel” means a drop-in fuel, made from petroleum or non-petroleum sources, which can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure.
- (7) “Animal Fat” means the inedible fat that originates from a rendering facility as a product of rendering the by-products from meat processing facilities including animal parts, fat and bone. “Yellow grease” must be reported

under an applicable animal fat pathway if evidence is not provided to the verifier or CARB to confirm that it is solely used cooking oil.

- ~~(8)~~(6) “Application” means the type of vehicle where the fuel is consumed in terms of LDV/MDV for light-duty vehicle/medium-duty vehicle or HDV for heavy-duty vehicle.
- ~~(9)~~ “Aviation Gasoline” means a complex mixture of volatile hydrocarbons, with or without additives, suitably blended to be used in aviation engines. Specifications can be found in ASTM Specification D910-17 (2017), Standard Specification for Aviation Gasolines, which is incorporated herein by reference.
- ~~(10)~~(7) “Battery ~~e~~Electric ~~v~~Vehicle (BEV)” means any vehicle that operates solely by use of a battery or battery pack, or that is powered primarily through the use of an electric battery or battery pack but uses a flywheel or capacitor that stores energy produced by the electric motor or through regenerative braking to assist in vehicle operation.
- ~~(11)~~(8) “Biodiesel” means a fuel as defined in California Code of Regulations, title 4, section 4140(a).
- ~~(12)~~(9) “Biodiesel Blend” means biodiesel blended with CARB diesel.
- ~~(13)~~(10) “Biogas” means the raw gaseous mixture comprised primarily of methane and carbon dioxide and derived from the anaerobic decomposition of organic matter in a landfill, lagoon, or constructed reactor (digester). Biogas often contains a number of other impurities, such as hydrogen sulfide, and it cannot be directly injected into natural gas pipelines or combusted in most natural-gas-fueled vehicles. It can be used as a fuel in boilers and engines to produce electrical power. The biogas can be refined to produce near-pure methane, which is sold as biomethane.
- ~~(14)~~(11) “Bio-CNG” means ~~biogas-derived~~ biomethane which has been compressed to CNG. Bio-CNG has equivalent performance characteristics when compared to fossil CNG.
- ~~(15)~~(12) “Bio-LNG” means ~~biogas-derived~~ biomethane which has been compressed and liquefied into LNG. Bio-LNG has equivalent performance characteristics when compared to fossil LNG.
- ~~(16)~~(13) “Bio-L-CNG” means ~~biogas-derived~~ biomethane which has been compressed, liquefied, re-gasified, and re-compressed into L-CNG, and has performance characteristics at least equivalent to fossil L-CNG.

- ~~(17)~~(14) “Biomass” means biogenic plant and animal material, especially agricultural or forest waste products, which can be used as a source of fuel, or feedstock for the production of fuel, soil amendment, or fertilizer.
- ~~(18)~~(15) “Biomass-based ~~d~~Diesel” means a biodiesel (mono-alkyl ester) or a renewable diesel that complies with ASTM D975-14a, (2014), *Specification for Diesel Fuel Oils*, which is incorporated herein by reference. This includes a renewable fuel derived from co-processing biomass with a petroleum feedstock. However, biomass-based diesel should only include co-processed fuel to the extent that the co-processed renewable diesel is greater than 5 percent of the total diesel volume.
- ~~(19)~~(16) “Biomethane” is ~~primarily~~ means methane derived from biogas, or synthetic natural gas derived from renewable resources, after carbon dioxide and other impurities present in the biogas are chemically or physically separated from the gaseous mixture. Biomethane has equivalent chemical, physical, and performance characteristics as methane gas which has been upgraded to meet pipeline quality natural gas standards. Biomethane contains all of the environmental attributes associated with biogas and can also be referred to as renewable natural gas.
- ~~(20)~~(17) “Blendstock” means a component that is either used alone or is blended with another component(s) to produce a finished fuel used in a motor vehicle. Each blendstock corresponds to a fuel pathway in the California-modified Greenhouse Gases, Regulated Emissions, and Energy use in Transportation version ~~23.0~~ (CA-GREET-~~2.0-T1~~ or CA-GREET2.0-T23.0) model, (~~September 29, 2015~~ March 6., 2018), which is incorporated herein by reference. A blendstock that is used directly as a transportation fuel in a vehicle is considered a finished fuel.
- ~~(18)~~ “Broker” is ~~a third-party user registered in the LRT CBTS specifically to facilitate the transfer of credits between regulated parties.~~
- ~~(21)~~ “Brown Grease” means an emulsion of fat, oil, grease, solids, and water separated from wastewater in a grease interceptor (grease trap) and collected for use as a fuel feedstock. Brown grease must be reported under an applicable used cooking oil (UCO) pathway, i.e., reported as “unprocessed UCO” only if evidence is provided to the verifier or CARB to confirm that it has not been processed prior to receipt by the fuel production facility.
- ~~(22)~~(19) “Business Partner” refers to the counterparty in a specific transaction involving the ~~regulated party~~ fuel reporting entity. This can be either ~~be~~ the buyer or the seller of fuel.

- ~~(23)~~(20) “Carbon Intensity (CI)” means the ~~amount~~ quantity of life cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO₂e/MJ).
- ~~(24)~~(21) “Compressed Natural Gas (CNG)” means natural gas that has been compressed to a pressure greater than ambient pressure.
- ~~(25)~~ “Conflict of Interest” means a situation in which, because of financial or other activities or relationships with other persons or organizations, a person or body is unable, or potentially unable, to render an impartial validation or verification statement on a potential client’s LCFS data report, or the person or body’s objectivity in performing validation or verification services is, or might be, otherwise compromised.
- ~~(26)~~ “Contract Description Code” means the alphanumeric code assigned by an exchange to a particular exchange product that differentiates the product from others traded on the exchange.
- ~~(27)~~ “Conventional Jet Fuel” means aviation turbine fuel that complies with ASTM Specification D1655-17 (2017), Standard Specification for Aviation Turbine Fuels, which is incorporated herein by reference. Jet fuel includes Commercial and Military Jet Fuel. Commercial Jet Fuel includes products known as Jet A, Jet A-1, and Jet B. Military Jet Fuel includes products known as JP-5 and JP-8.
- ~~(28)~~ “Correctable Errors” means one or more errors that result from a nonconformance with this subarticle and are identified by the verification team as errors that affect data subject to validation or verification as specified in section 95500. Differences that, in the professional judgment of the verification team, are the result of differing but reasonable methods of truncation or rounding or averaging, where a specific procedure is not prescribed by this subarticle, are not considered errors.
- ~~(22)~~ “Credit Facilitator (CF)” is ~~an LRT-CBTS user assigned by a regulated party to initiate and complete LCFS credit transfers on behalf of their registered organization.~~
- ~~(29)~~(23) “Credit Generator” means ~~a fuel provider for an alternative fuel listed in section 95482(b) who may generate LCFS credits for that fuel by electing to opt into the LCFS pursuant to section 95483.1 and who meets the requirements of this regulation~~ fuel reporting entity or a project operator that generates LCFS credit in the LCFS program.
- ~~(30)~~(24) “Credits” and “~~d~~Deficits” mean the units of measures used for determining a regulated party’s entity’s compliance with the average carbon intensity requirements in section 95484. Credits and deficits are

denominated in units of metric tons of carbon dioxide equivalent (CO₂e), and are calculated pursuant to sections 95486(b) and 95486.1(c) through (e).

~~(31)~~(25) “Day” means a calendar day unless otherwise specified as a business day.

~~(32)~~ “Deficit Generator” means a fuel reporting entity who generates deficits in the LCFS program.

~~(33)~~(26) “Diesel Fuel” (also called conventional diesel fuel) has the same meaning as specified in California Code of Regulations, title 13, section 2281(b).

~~(34)~~(27) “Diesel Fuel Blend” means a blend, no more than 5 percent biodiesel and no more than 5 percent renewable diesel, that meets of diesel fuel and biodiesel containing no more than 5 percent (B5) biodiesel by weight and meeting ASTM D975-14a, (2014), Standard Specification for Diesel Fuel Oils, which is incorporated herein by reference.

~~(35)~~ “Distiller’s Corn Oil” has the same meaning as “Technical Corn Oil.”

~~(36)~~(28) “E100,” also known as “Denatured Fuel Ethanol,” means nominally anhydrous ethyl alcohol meeting ASTM D4806-14 (2014), *Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel*, which is incorporated herein by reference.

~~(37)~~(29) “Electrical Distribution Utility” means an entity that owns or operates an electrical distribution system, including:

- (A) a public utility as defined in the Public Utilities Code section 216 (referred to as an Investor Owned Utility, or IOU); or
- (B) a local publicly-owned electric utility (POU) as defined in Public Utilities Code section 224.3; or
- (C) an Electrical Cooperative (COOP) as defined in Public Utilities Code section 2776.

~~(38)~~(30) “Electric Vehicle (EV),” for purposes of this regulation, refers to Battery Electric Vehicles (BEVs) and Plug-In Hybrid Electric Vehicles (PHEVs).

~~(39)~~(31) “Energy Economy Ratio (EER)” means the dimensionless value that represents the efficiency of a fuel as used in a powertrain as compared to a reference fuel used in the same powertrain. EERs are often a comparison of miles per gasoline gallon equivalent (mpge)

between two fuels. EERs for fixed guideway systems are based on MJ/number of passenger-miles.

- (40) “Environmental Attribute” means greenhouse gas emission reduction recognition in any form, including verified emission reductions, voluntary emission reductions, offsets, allowances, credits, avoided compliance costs, emission rights and authorizations under any law or regulation, or any emission reduction registry, trading system, or reporting or reduction program for greenhouse gas emissions that is established, certified, maintained, or recognized by any international, governmental, or non-governmental agency.
- (41)(32) “Executive Officer” means the Executive Officer of the California Air Resources Board, or his or her ~~designee~~ delegate.
- (42) “Exchange” means a central marketplace with established rules and regulations where buyers and sellers meet to conduct trades.
- (43) “Export” means transportation fuel reported in the LRT-CBTS program that is subsequently delivered outside of California and not used for transportation in California.
- (44) “Feedstock First Collection Point” means the facility that aggregates and stores or treats feedstock materials collected from a point of origin. The first collection point may be upstream of the fuel production facility, or, if feedstocks are transported to the fuel production facility directly from the point of origin, the first collection point is the fuel production facility.
- (45) “Feedstock Transport Mode” means the applicable combination of actual delivery methods and the distance through which the feedstock was transported to any intermediate entities and ending at a fuel production facility. The fuel pathway holder and any entity reporting the fuel must demonstrate that the actual feedstock transport mode and distance conforms to the stated mode and distance in the certified pathway.
- (46)(33) “Final Distribution Facility” means the stationary finished fuel transfer point from which the finished fuel is transferred into the cargo tank truck, pipeline, or other delivery vessel for delivery to the facility at which the finished fuel will be dispensed into motor vehicles.
- (47)(34) “Finished Fuel” means a fuel that is used directly in a vehicle for transportation purposes without requiring additional chemical or physical processing.
- (48) “First Fuel Reporting Entity” means the first entity responsible for reporting in the LRT-CBTS for a given amount of fuel. This entity initially holds the

status as the fuel reporting entity and the credit or deficit generator for this fuel amount, but may transfer either status pursuant to sections 95483 or 95483.1.

(49) “Fish Oil” means the fat that originates from fish processing operations as a product of rendering fat from residual fish parts.

(50)(35) “Fixed gGuideway sSystem” means a system of public transit electric vehicles that can operate only on its own guideway (directly operated, or DO), or through overhead or underground electricity supply constructed specifically for that purpose, such as light rail, heavy rail, cable car, street car, and trolley bus.

(51)(36) “Fossil CNG” means CNG that is derived solely from petroleum or fossil sources, such as oil fields and coal beds.

(52)(37) “Fossil LNG” means LNG that is derived solely from petroleum or fossil sources, such as oil fields and coal beds.

(53)(38) “Fossil L-CNG” means L-CNG that is derived solely from petroleum or fossil sources, such as oil fields and coal beds.

~~(39) “FPC Obligated Amount” means the amount of transportation fuel or blendstock (e.g., gal, scf, kWh, kg) associated with a Fuel Pathway Code (FPC) for which a regulated party must meet the average carbon intensity requirements set forth in Tables 1 and 2 of section 95484.~~

(54) “Fuel Pathway” means, for a particular finished fuel, the collective set of processes, operations, parameters, conditions, locations, and technologies throughout all stages that CARB considers appropriate to account for in the system boundary of a complete well-to-wheel analysis of that fuel’s life cycle greenhouse gas emissions.

(55) “Fuel Pathway Applicant” refers to an entity that has registered in the Alternative Fuel Portal pursuant to section 95483.2 and has submitted an application including all required documents and attestations in support of the application requesting a certified fuel pathway.

(56)(40) “Fuel Pathway Code” means the identifier in the LRT-CBTS that applies to a specific fuel pathway approved-certified pursuant to sections 95488 through 95488.10.

(57) “Fuel Pathway Holder” means a fuel pathway applicant that has received a certified fuel pathway carbon intensity based on site-specific data, including a Provisional fuel pathway.

- (58) “Fuel Production Facility” means the facility at which the fuel is produced.
“Fuel Production facility” means, with respect to biomethane, a facility at which fuel is upgraded, purified, or processed into a fuel that meets applicable standards for pipeline quality natural gas.
- (59) “Fuel Reporting Entity” means an entity that is required to report fuel transactions in the LRT-CBTS pursuant to section 95483 or 95483.1. Fuel reporting entity refers to the first fuel reporting entity and to any entity to whom the reporting entity status is passed for a given quantity of fuel.
- (60)(41) “Fuel Transport Mode” means the applicable combination of actual fuel delivery methods, such as truck routes, rail lines, pipelines, and any other fuel distribution methods, and the distance through which the regulated party reasonably expects the fuel to be transported under contract from the entity that generated or produced the fuel, to any intermediate entities, and ending at the fuel blender, producer, importer, or provider in California. The fuel pathway holder and any entity reporting the fuel must demonstrate that the actual fuel transport mode and distance conforms to the stated mode and distance in the certified pathway.
- (61) “Green Tariff Shared Renewables” means the program established pursuant to California Senate Bill 43 (2016) and defined under the California Public Utilities Code sections 2831-2833.
- (62)(42) “GTAP” or “GTAP Model” means the Global Trade Analysis Project Model (December 2014), which is incorporated herein by reference, and is a software available for download at https://www.gtap.agecon.purdue.edu/resources/res_display.asp?RecordID=4577.
- (63)(43) “Heavy-Duty Vehicle” means a ~~heavy-duty~~ vehicle that is rated at or greater than 14,001 or more pounds gross vehicle weight rating (GVWR).
- (64)(44) “Home fFueling” means the dispensing of fuel by use of a fueling appliance that is located on or within a residential property with access limited to a single household.
- (65)(45) “Hybrid eElectric vVehicle (HEV)” means any vehicle that can draw propulsion energy from both of the following on-vehicle sources of stored energy: 1) a consumable fuel, and 2) an energy storage device, such as a battery, capacitor, or flywheel.
- (66)(46) “Import” means to bring a product from outside California into California.

- ~~(67)~~(47) “Importer” means the person who owns the transportation fuel or blendstock, in the transportation equipment that held or carried the product, at the point the fuel entered California. For purposes of this definition, “transportation equipment” includes, but is not limited to, rail cars, cargo tanker trucks, and pipelines.
- ~~(68)~~ “Independent Reviewer” means an accredited lead verifier, within a verification body, who (A) has not participated in conducting the LCFS validation or verification services for the client for the current application period or reporting period, and (B) provides an independent review of findings and services rendered to the client as required in section 95501. The independent reviewer is not required to meet the additional specified competency requirements in sections 95502(c)(4) and 95502(c)(5) that the verification team leader must meet.
- ~~(70)~~ “Ineligible Specified Source Feedstock” means a feedstock specified in section 95488.8(g)(1)(A) that does not meet the chain-of-custody documentation requirements specified in section 95488.8(g)(1)(B).
- ~~(70)~~(48) “Intermediate eC_{alculated} v_{alue}” means a value that is used in the calculation of a reported value but does not by itself meet the reporting requirement under section 95491(a).
- ~~(71)~~ “Intermediate Facility” means a facility in a fuel supply chain, which is not the fuel production facility, that contributes site-specific data for determination of a fuel pathway carbon intensity. Intermediate facilities produce components of a fuel or intermediate chemical that may be further processed into a fuel. This term includes feedstock-processing facilities.
- ~~(72)~~ “LCFS Credit Broker” is a person registered in the LRT-CBTS specifically to facilitate the transfer of LCFS credits between LRT-CBTS accounts.
- ~~(73)~~ “Lead Verifier” means a person who has met all the requirements in section 95502 and who may act as either (A) the lead verifier of a verification team providing validation or verification services, or (B) as a lead verifier providing an independent review of validation or verification services rendered.
- ~~(74)~~(49) “Life eC_{ycle} g_{reenhouse} g_{as} e_{missions}” means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions, such as significant emissions from land use changes), as determined by the Executive Officer, related to the full fuel life cycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate

consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

~~(75)(50)~~ “Light-Duty Vehicle” and “Medium-Duty Vehicle” mean a vehicle category that includes both light-duty (LDV) and medium-duty vehicles (MDV).

- (A) “LDV” means a vehicle that is rated at 8,500 pounds or less GVWR.
- (B) “MDV” means a vehicle that is rated between 8,501 and 14,000 pounds GVWR.

~~(76)(51)~~ “Liquefied Compressed Natural Gas (L-CNG)” means LNG that has been liquefied and transported to a dispensing station where it was then re-gasified and compressed to a pressure greater than ambient pressure.

~~(77)(52)~~ “Liquefied Natural Gas (LNG)” means natural gas that has been liquefied.

~~(78)(53)~~ “Liquefied petroleum gas (LPG or propane)” has the same meaning as defined in Vehicle Code section 380.

(79) “Load-Serving Entity” means any company that (A) sells or provides electricity to end users located in California, or (B) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company. A load-serving entity does not include the owner or operator of a co-generator.

~~(80)(54)~~ “Low-Complexity/Low-Energy-Use Refinery” means a refinery that meets both of the following criteria:

- (A) A Modified Nelson Complexity Score equal to or less than 5 as calculated in section 95489~~(e)~~(d)(1)(A).
- (B) Total annual energy use equal to or less than 5 million MMBtu as calculated in section 95489~~(e)~~(d)(1)(B).

(81) “Mandatory Reporting Regulation” or “MRR” means CARB’s Regulation for the Mandatory Reporting of Greenhouse Gas Emissions as set forth in title 17, California Code of Regulations, chapter 1, subchapter 10, article 2 (commencing with section 95100).

(82) “Material Misstatement of Operational Carbon Intensity” means any discrepancy, omission, or misreporting, or aggregation of the three, identified in the course of verification services that leads a verification team to believe that the reported operational CI (gCO₂e/MJ) contains one or more errors that, individually or collectively, result in an overstatement or understatement more than 5 percent of the reported operational CI, or 2

gCO₂e/MJ, whichever absolute value expressed in gCO₂e/MJ is greater. Material misstatement is calculated separately for each operational CI. All correctable errors identified must be fixed prior to the completion of the verification services to receive a positive or qualified positive verification statement.

(83) “Material Misstatement of Low-Complexity/Low-Energy-Use (LC/LEU) Refinery Data” means any discrepancy, omission, or misreporting, or aggregation of the three, identified in the course of LC/LEU refinery report verification services that leads a verification team to believe that a LC/LEU Refinery Report contains one or more errors that, individually or collectively, result in an overstatement greater than 5 percent of the regulated entity’s annual sum of quarterly reported volumes of CARBOB or diesel produced from crude oil. Discrepancies, omissions, or misreporting, or an aggregation of the three, that result in an understatement of the annual sum of quarterly reported volumes of CARBOB or diesel produced from crude oil submitted in the LC/LEU Refinery Report is not a LC/LEU refinery data material misstatement. Material misstatement is calculated separately, pursuant to section 95501(b)(11), for the annual volume of CARBOB production from crude oil and for the annual volume of diesel production from crude oil. All correctable errors identified must be fixed prior to the completion of the verification services to receive a positive or qualified positive verification statement.

(84) “Material Misstatement of Project Data” means a discrepancy, omission, misreporting, or aggregation of the three, identified in the course of project verification services that leads a verification team to believe that a Project Report contains one or more errors that, individually or collectively, result in an overstatement greater than 5 percent of the regulated entity’s reported total greenhouse gas emission reductions. Discrepancies, omissions, or misreporting, or an aggregation of the three, which result in an understatement of total reported greenhouse gas emission reductions in the Project Report, is not a project material misstatement. Material misstatement is calculated separately, pursuant to section 95501(b)(10), for each Project Report. All correctable errors identified must be fixed prior to the completion of the verification services to receive a positive or qualified positive verification statement.

(85) “Material Misstatement of Quarterly Fuel Quantity” means any discrepancy, omission, or misreporting, or aggregation of the three, identified in the course of validation or verification services that leads a verification team to believe that the regulated entity’s reported fuel quantity per fuel pathway code per quarter contains one or more errors that, individually or collectively, result in an overstatement or understatement greater than 5 percent. Material misstatement is calculated separately,

pursuant to section 95501(b)(9), for each quarterly fuel quantity per fuel pathway code. All correctable errors identified must be fixed prior to the completion of the verification services to receive a positive or qualified positive verification statement.

~~(86)~~(55) “Modified Nelson Complexity Score” means a Nelson Complexity Score that is calculated without including lube oil and asphalt capacity, as set forth in section 95489~~(e)~~(d)(1)(A).

~~(87)~~(56) “Motor ~~v~~Vehicle” has the same meaning as defined in section 415 of the Vehicle Code.

~~(88)~~(57) “Multi-fuel ~~v~~Vehicle” means a vehicle that uses two or more distinct fuels for its operation. A multi-fuel vehicle (also called a vehicle operating in blended-mode) includes a bi-fuel vehicle and can have two or more fueling ports onboard the vehicle. A fueling port can be an electrical plug or a receptacle for liquid or gaseous fuel. For example, ~~a most~~ plug-in hybrid hydrogen internal combustion engine vehicle (ICEV) electric vehicles uses both electricity and ~~hydrogen-gasoline~~ as the fuel source and can be “refueled” using two separately distinct fueling ports.

~~(89)~~(58) “Natural ~~g~~Gas” means a mixture of gaseous hydrocarbons and other compounds, with at least 80 percent methane (by volume), and typically sold or distributed by utilities, such as any utility company regulated by the California Public Utilities Commission.

~~(90)~~(59) “Nelson Complexity Score” means the commonly used industry measure of a refinery’s ability to convert crude oils to finished fuels, taking into consideration the complexity of the technologies incorporated within the process and related capacities as compared to crude distillation.

~~(91)~~ “Nonconformance” means the failure to use any method or meet any other requirement specified in this subarticle.

~~(92)~~(60) “On-road” means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq. – or DMV’s equivalent in another state, province, or country; or the International Registration Plan. A vehicle covered under CARB’s In-Use Off-Road Regulation, Code of Regulations, title 13, section 2449, is not covered under this definition.

~~(93)~~(61) “OPGEE” or “OPGEE Model” means the Oil Production Greenhouse gas Emissions Estimator Version 2.0 1.1 Draft E (April 6, 2015) (March 6, 2018) posted at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>, which is ~~hereby~~ incorporated herein by reference.

- (94) “Opt-in Fuel Reporting Entity” means an entity that meets the requirements of section 95483.1 and voluntarily opts in to be a fuel reporting entity and is therefore subject to the requirements set forth in this subarticle.
- (95) “Opt-in Project” means a project approved for generating LCFS credits by the Executive Officer pursuant to sections 95489 or 95490.
- (96) “Over-the-Counter” means the trading of LCFS credits or contracts not executed or entered for clearing on any exchange.
- (97) “Performance Review” means an assessment conducted by CARB of an applicant seeking to become accredited or reaccredited as a verification body or lead verifier pursuant to section 95502 of this subarticle. Such an assessment may include a review of applicable past sampling plans, validation and verification reports, validation and verification statements, conflict of interest submittals, and additional information or documentation regarding the applicant’s fitness for qualification.
- ~~(98)(62)~~ “Petroleum Intermediate” means a petroleum product that can be further processed to produce CARBOB, diesel, or other petroleum blendstocks.
- ~~(99)(63)~~ “Petroleum Product” means all refined and semi-refined products that are produced at a refinery by processing crude oil and other petroleum-based feedstocks, including petroleum products derived from co-processing biomass and petroleum feedstock together. “Petroleum product” does not include plastics or plastic products.
- ~~(100)(64)~~ “Plug-In Hybrid Electric Vehicle (PHEV)” means a hybrid electric vehicle with the capability to charge a battery from an off-vehicle electric energy source that cannot be connected or coupled to the vehicle in any manner while the vehicle is being driven.
- (101) “Positive Validation Statement” and “Positive Verification Statement” means a statement rendered by a verification body attesting that the verification body can say, with reasonable assurance, that the reported value is free of material misstatement, when applicable, and conforms to the requirements of this subarticle. This definition applies to Positive Validation Statements for fuel pathway applications and Positive Verification Statements for Annual Fuel Pathway Reports, Quarterly Fuel Transactions Reports, Crude Oil Quarterly and Annual Volumes Reports, Low-Complexity/Low-Energy-Use Refinery Reports, and Project Reports.

~~(102)~~(65) “Private ~~a~~Access ~~f~~Fueling ~~f~~Facility” means a fueling facility with access restricted to privately-distributed electronic cards (“cardlock”) or is located in a secure area not accessible to the public.

~~(103)~~(66) “Producer” means, with respect to any fuel, the entity that made or prepared the fuel. ~~This definition includes “out-of-state” producers where the production facility is out of the State of California and the entity has opted into the LCFS pursuant to section 95483.1.~~

~~(104)~~(67) “Product Transfer Document (PTD)” means a document that authenticates the transfer of ownership of fuel from a ~~regulated party~~ fuel reporting entity to the recipient of the fuel. A PTD is created by a ~~regulated party~~ fuel reporting entity to contain information collectively supplied by other fuel transaction documents, including bills of lading, invoices, contracts, meter tickets, rail inventory sheets, Renewable Fuels Standard (RFS2) product transfer documents, etc.

~~(68)~~ “Production facility” means, with respect to any fuel (other than CNG, LNG and L-CNG), a facility at which the fuel is produced. ~~“Production facility” means, with respect to natural gas (CNG, LNG, L-CNG, or biomethane), a facility at which fuel is converted, compressed, liquefied, refined, treated, or otherwise processed into CNG, LNG, L-CNG, biomethane, or biomethane-natural gas blend that is ready for transportation use in a vehicle without further physical or chemical processing.~~

~~(105)~~ “Project Operator” means an entity that registers an opt-in project in the Alternative Fuel Portal and has it approved for generating LCFS credits. A project operator must meet the requirements of sections 95483.1 and 95489 or 95490.

~~(106)~~(69) “Public ~~a~~Access ~~f~~Fueling ~~f~~Facility” means a fueling facility that is not a private-access fueling dispenser.

~~(107)~~ “Qualified Positive Validation Statement” and “Qualified Positive Verification Statement” means a statement rendered by a verification body attesting that the verification body can say, with reasonable assurance, that the reported value is free of material misstatement, when applicable, and is in conformance with the requirement to fix correctable errors pursuant to section 95501(b)(6), but the data may include one or more other nonconformance(s) with the requirements of this subarticle, which do not result in a material misstatement. This definition applies to Qualified Positive Validation Statements for fuel pathway applications and Qualified Positive Verification Statements for Annual Fuel Pathway Reports, Quarterly Fuel Transactions Reports, Crude Oil Quarterly and Annual Volumes Reports, Low-Complexity/Low-Energy-Use Refinery Reports, and Project Reports.

- (108) “Rack” means a mechanism for delivering motor vehicle fuel or diesel from a refinery or terminal into a truck, trailer, railroad car, or other means of non-bulk transfer.
- (109) “Reasonable Assurance” means a high degree of confidence that submitted data and statements are valid.
- ~~(70) “Regulated party” means a person who, pursuant to section 95483 or 95483.1, must meet the average carbon intensity requirements in section 95484.~~
- (110) “Regulated Entity” means an entity subject to any requirement pursuant to this subarticle.
- (111) “Renewable Fuel Standard” means the program administered by the United States Environmental Protection Agency, under 40 CFR Part 80: Regulation of Fuels and Fuel Additives, Subparts K and M.
- (112)(71) “Renewable Hydrocarbon Diesel” means a diesel fuel that is produced from non-petroleum renewable resources but is not a mono-alkyl ester and which is registered as a motor vehicle or fuel additive under 40 Code of Federal Regulations part 79.
- (113) “Renewable Propane” means a renewable fuel that complies with ASTM D1835-16, (2016), Standard Specification for Liquefied Petroleum (LP) Gases, which is incorporated herein by reference.
- ~~(72) “Reporting Party” means any person who, pursuant to section 95483 or 95483.1 is the initial regulated party holding the compliance obligation, and any person to whom the compliance obligation has been transferred directly or indirectly from the initial upstream regulated party.~~
- ~~(73) “Single fuel vehicle” means a vehicle that uses a single external source of fuel for its operation. The fuel can be a pure fuel, such as gasoline, or a blended fuel, such as E85 or a diesel fuel containing biomass-based diesel.~~
- (114) “Site-specific Data” and “Site-specific Input” means an input value used in determination of fuel pathway carbon intensity value, or the raw operational data used to calculate an input value, which is required to be unique to the facility, pathway, and feedstock. All site-specific inputs must be measured, metered or otherwise documented, and verifiable, e.g., consumption of natural gas or grid electricity at a fuel production facility must be documented by invoices from the utility.

- (115) “Specified Source Feedstocks” means feedstocks that require the chain of custody evidence specified in 95488.8(g)(1)(B) to be eligible for a reduced CI associated with the use of a waste, residue, by-product or similar material. Specified source feedstocks are identified in section 95488.8(g)(1)(A).
- (116) “Staff” means CARB personnel unless otherwise specified or dictated by context.
- (117)(74) “Steam Quality” means the ratio of the mass of vapor to the total mass of a vapor-liquid mixture of water at its saturation temperature.
- (118) “Technical Corn Oil” means inedible oil recovered from thin stillage or the distiller’s grains and solubles produced by a dry mill corn ethanol plant, termed distiller’s corn oil (DCO), or other non-food grade corn oil from food processing operations.
- (119) “Total Obligated Amount (TOA)” means the quantity of fuel for which the fuel reporting entity is the credit or deficit generator. The LRT-CBTS calculates the TOA for each fuel pathway code. TOA is calculated as the difference between the fuel reported using transaction types that increase the net quantity of fuel that generates credits or deficits in the LRT-CBTS and the fuel reported using transaction types that decrease the net quantity of fuel that generates credits or deficits in the LRT-CBTS. Transaction types that increase the TOA include: Production in California, Production for Import, Import, Purchased with Obligation, Gain of Inventory. Transaction types that decrease the TOA include: Sold with Obligation, Loss of Inventory, Export, Not Used for Transportation.
- (120) “Total Amount (TA)” means the total quantity of fuel reported by a fuel reporting entity irrespective of whether the entity retained status as the credit or deficit generator for that specific fuel volume. TA is calculated as the difference between the fuel reported using transaction types that increase the net fuel quantity reported in the LRT-CBTS and fuel reported using transaction type that decrease the net fuel quantity reported in the LRT-CBTS. Transaction types that increase the TA include: Production in California, Production for Import, Import, Purchased with Obligation, Purchased without Obligation, Gain of Inventory. Transaction types that decrease the TA include: Sold with Obligation, Sold without Obligation, Loss of Inventory, Export, Not Used for Transportation.
- (121)(75) “Transaction Date” means the title transfer date as shown on the Product Transfer Document.

~~(123)(76)~~ “Transaction Quantity” means the amount of fuel reported in a transaction. A Transaction Quantity must be reported in units, provided in Table 4 and in the LRT-CBTS.

~~(123)(77)~~ “Transaction Type” means the nature of a fuel-based transaction as defined below:

- (A) “Production in California” means the transportation fuel was produced at a facility in California for use in California;
- (B) “Production for Import” means the transportation fuel was produced outside of California and imported into California for use in transportation. ~~This transaction type is to be reported by out-of-state producers who claim the initial LCFS obligation for fuel imported into California.~~
- (C) “Import” means the transportation fuel was produced outside of California and later brought by any party other than its producer into California for use in transportation. ~~This transaction type is to be reported by non-producers who claim the initial LCFS obligation for out-of-state fuel imported into California.~~
- (D) “Purchased with Obligation” means the transportation fuel was purchased with the obligation to claim credits or deficits in the LRT-CBTS compliance obligation from a separate reporting party fuel reporting entity;
- (E) “Purchased without Obligation” means the transportation fuel was purchased without obligation to claim credits or deficits in the LRT-CBTS the compliance obligation from a separate reporting party fuel reporting entity;
- (F) “Sold with Obligation” means the transportation fuel was sold with the obligation to claim credits or deficits in the LRT-CBTS compliance obligation by a reporting party fuel reporting entity;
- (G) “Sold without Obligation” means the transportation fuel was sold without obligation to claim credits or deficits in the LRT-CBTS the compliance obligation by a reporting party fuel reporting entity;
- (H) “Export” means ~~a transportation fuel was reported with compliance obligation under the LCFS but was later exported outside of California~~ any fuel reported in the LRT-CBTS that is subsequently delivered outside of California and is not used for transportation in California;
- (I) “Loss of Inventory” means the fuel entered the California fuel pool but was not used due to volume loss;
- (J) “Gain of Inventory” means the fuel entered the California fuel pool due to a volume gain;
- (K) “Not Used for Transportation” means a transportation fuel was reported with compliance obligation under the LCFS but was later not used for transportation purposes in California or otherwise determined to be exempt under section 95482(d);

- (L) “eTRU Fueling” means providing fuel to electric transport refrigeration units.
- (M)(L) “EV Charging – Grid” means providing electricity to recharge EVs using the California Average Grid Electricity Lookup Table pathway for a given year as specified in section 95488.5;
- (N) “EV Charging – Non-Grid” means providing electricity that has a carbon intensity lower than the average grid electricity and is obtained through an approved arrangement as specified in section 95488.8(h) or section 95488.8(i) to recharge EVs;
- (O) “EV Charging – TOU” means providing electricity that is eligible to generate credits under the time-of-use provisions in section 95488.5 to recharge EVs;
- (P)(M) “Fixed Guideway Electricity Fueling Charging” means fueling light rail, ~~or heavy rail,~~ cable car, street car, and trolley bus, or exclusive right-of-way bus operations, ~~or trolley coaches with electricity;~~
- (Q)(N) “Forklift Electricity Fueling” means providing fuel (electricity, hydrogen, etc.) to electric forklifts;
- (R) “Forklift Hydrogen Fueling” means providing fuel to hydrogen forklifts;
- (S) “Fuel Cell Vehicle (FCV) Fueling” means the dispensing of hydrogen at a fueling station designed for fueling hydrogen fuel cell electric vehicles;
- (T) “Fuel Cell Vehicle (FCV) Fueling – TOU” means the dispensing of hydrogen that is eligible to generate time-of-use credits under the provisions in section 95488.5;
- (U)(O) “NGV Fueling” means the dispensing of natural gas at a fueling station designed for fueling natural gas vehicles.;
- (V) “Propane Fueling” means the dispensing of propane at a fueling station designed for fueling propane vehicles.

(124)(78) “Transmix” means a mixture of refined products that forms when these products are transported through a pipeline. This mixture is typically a combination of two of the following: gasoline, diesel, or jet fuel.

(125)(79) “Transportation Fuel” means any fuel used or intended for use as a motor vehicle fuel or for transportation purposes in a non-vehicular source.

(126) “Uncertainty” means the degree to which data or a data system is deemed to be indefinite or unreliable.

(127) “Used Cooking Oil” (or UCO) means fats and oils originating from commercial or industrial food processing operations, including restaurants, that have been used for cooking or frying. Feedstock characterized as UCO must contain only fats, oils, or greases that were previously used for cooking or frying operations. UCO must be characterized as “processed UCO” if it is known that processing has occurred prior to receipt by the fuel

production facility or if evidence is not provided to the verifier or CARB to confirm that it is “unprocessed UCO.”

- (128) “Validation” means verification of a fuel pathway application.
- (129) “Validation Statement” means the final statement rendered by a verification body attesting whether the fuel pathway application is free of material misstatement, and whether it conforms to the requirements of this subarticle.
- (130) “Verification” means a systematic, independent and documented process for evaluation of reported data against the requirements specified in this subarticle.
- (131) “Verification Body” means an entity accredited by the Executive Officer that is able to render a validation or verification statement and provide validation or verification services to entities required to contract for validation or verification.
- (132) “Verification Services” means services provided during validation or verification as specified in section 95501 beginning with the development of the validation or verification plan to submitting a validation or verification statement to CARB.
- (133) “Verification Statement” means the final statement rendered by a verification body attesting whether the responsible entity’s report is free of material misstatement, when applicable, and whether the report conforms to the requirements of this subarticle.
- (134) “Verification Team” means all persons working for a verification body, including all subcontractors, to provide validation or verification services to an entity required to contract for validation or verification.
- (135) “Verifier Review” means all reviews and services specified in section 95501 that a verifier conducts, except the material misstatement assessment under section 95501(b)(9) through (11). If some data sources are selected for data checks based on the sampling plan, the verifier will check for conformance with the requirements of this subarticle.
- (136) “Yellow Grease” means a commodity produced from a mixture of: (A) used cooking oil, and (B) rendered animal fats that were not used for cooking. This mixture often is combined from multiple points of origin. Yellow grease must be characterized as “animal fat” if evidence is not provided to the verifier or CARB to confirm that it is solely used cooking oil.

(b) *Acronyms.* For the purposes of sections 95480 through ~~95497~~95503, the following acronyms apply.

“AEZ-EF” means Agro-Ecological Zone Emissions Factor model.

“AJF” means Alternative Jet Fuel.

“ASTM” means ASTM International (formerly American Society for Testing and Materials).

“AFP” means Alternative Fuel Portal.

“BEV” means battery electric vehicles.

“CA-GREET” means California-modified Greenhouse Gases, Regulated Emissions, and Energy use in Transportation model.

“CARB” means the California Air Resources Board (“Board”).

“CARBOB” means California reformulated gasoline blendstock for oxygenate blending.

“CaRFG” means California reformulated gasoline.

“CCM” means Credit Clearance Market.

“CEC” means California Energy Commission.

“CFR” means Code of Federal Regulations.

“CI” means carbon intensity.

“CNG” means compressed natural gas.

“DCO” means Distiller’s Corn Oil or Technical Corn Oil.

“EDU” means Electrical Distribution Utility.

“EER” means energy economy ratio.

“eTRU” means electric transport refrigeration unit.

“EV” means electric vehicle.

“FCV” means fuel cell vehicles.

“FPC” means fuel pathway code.

“FSE” means fueling supply equipment.

“gCO₂e/MJ” means grams of carbon dioxide equivalent per megajoule.

“GTAP” means the Global Trade Analysis Project model.

“GTSR” means the Green Tariff Shared Renewables program.

“GVWR” means gross vehicle weight rating.

“H₂” means hydrogen.

“HDV” means heavy-duty vehicles.

“HDV-CIE” means a heavy-duty vehicle compression-ignition engine.

“HDV-SIE” means a heavy-duty vehicle spark-ignition engine.

“HEV” means hybrid electric vehicle.

“ICEV” means internal combustion engine vehicle.

“~~I~~LUC” means ~~indirect~~ land use change.

“LCA” means life cycle analysis.

“LCFS” means Low Carbon Fuel Standard.

“LDV” means light-duty vehicles.

“L-CNG” means liquefied compressed natural gas.

“LNG” means liquefied natural gas.

“LPG” means liquefied petroleum gas.

“LRT-CBTS” means LCFS Reporting Tool and Credit Bank & Transfer System.

“LSE” means Load-Serving Entity.
“LVP” means LCFS Verification Portal.
 “MCON” means marketable crude oil name.
 “MDV” means medium-duty vehicles.
 “MMBtu” means million British Thermal Units.
“MRR” means Mandatory Greenhouse Gas Reporting Regulation.
 “MT” means metric tons of carbon dioxide equivalent.
“NG” means natural gas.
 “NGV” means a natural gas vehicle.
 “OPGEE” means Oil Production Greenhouse gas Emissions Estimator Model.
 “PHEV” means plug-in hybrid vehicles.
“RFS” means the Renewable Fuel Standard.
“RNG” means renewable natural gas or biomethane.
“SMR” means steam methane reformation.
“UCO” means used cooking oil.
 “TEOR” means thermally enhanced oil recovery.
“TOU” means time-of-use.
 “ULSD” means California ultra-low sulfur diesel.
“U.S. EPA” means the United States Environmental Protection Agency.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass’n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass’n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95482. Fuels Subject to Regulation.

(a) *Applicability of the Low Carbon Fuel Standard.* Except as provided in this section, the California Low Carbon Fuel Standard regulation, California Code of Regulations (CCR), title 17, sections 95480 through ~~95497~~95503 (collectively referred to as the “LCFS”) applies to any transportation fuel, as defined in section 95481, that is sold, supplied, or offered for sale in California, and to any person who, as a ~~regulated party~~fuel reporting entity defined in section 95481 and specified in section 95483, is responsible for reporting a transportation fuel in a calendar year. The types of transportation fuels to which the LCFS applies include:

- (1) California reformulated gasoline (“gasoline” or “CaRFG”);
- (2) California diesel fuel (“diesel fuel” or “ULSD”);
- (3) Fossil compressed natural gas (“Fossil CNG”), fossil liquefied natural gas (“Fossil LNG”), or fossil liquefied compressed natural gas (“Fossil L-CNG”);
- (4) Bio-CNG, bio-LNG, or bio-L-CNG;
- (5) Electricity;
- (6) Compressed or liquefied hydrogen (“hydrogen”);

- ~~(7)~~ A fuel blend containing hydrogen (“hydrogen blend”);
- ~~(8)~~~~(7)~~ A fuel blend containing greater than 10 percent ethanol by volume;
- ~~(9)~~~~(8)~~ A fuel blend containing biomass-based diesel;
- ~~(10)~~~~(9)~~ Denatured fuel ethanol (“E100”);
- ~~(11)~~~~(10)~~ Neat biomass-based diesel (“B100” or “R100”); and
- ~~(12)~~ Alternative Jet Fuel;
- ~~(13)~~ Propane; and
- ~~(14)~~~~(13)~~ Any other liquid or non-liquid fuel.

- (b) ~~Credit Generation Opt-In Provision for Specific Alternative Fuels.~~ Each of the following alternative fuels (“opt-in fuels”) is presumed to have a full fuel cycle, carbon intensity that meets the compliance schedules set forth in sections 95484(b) and through (e) through December 31, ~~2020~~2030. A fuel provider for an alternative fuel listed below may generate LCFS credits for that fuel only by electing to opt into the LCFS as an opt-in fuel reporting entity ~~regulated party~~ pursuant to section 95483.1 and meeting the requirements of this regulation:

- (1) Electricity;
- ~~(2)~~ Hydrogen;
- ~~(3)~~ A hydrogen blend;
- ~~(4)~~ Fossil CNG derived from North American sources;
- ~~(5)~~~~(2)~~ Bio-CNG;
- ~~(6)~~~~(3)~~ Bio-LNG; and
- ~~(7)~~~~(4)~~ Bio-L-CNG;
- ~~(8)~~ Alternative Jet Fuel; and
- ~~(9)~~ Renewable Propane.

- (c) ~~Exemption for Specific Alternative Fuels.~~ The LCFS regulation does not apply to an alternative fuel that meets the criteria in either subsections ~~(c)(1) or (2)~~ below:

- (1) An alternative fuel that:
 - (A) is not a biomass-based fuel; and
 - (B) is supplied in California by all providers of that particular fuel for transportation use at an aggregated ~~volume~~ quantity of less than 420 million MJ (3.6 million gasoline gallon equivalent) per year;

A ~~regulated party~~ fuel reporting entity that believes it is subject to this exemption has the sole burden of proving to the Executive Officer’s satisfaction that the exemption applies to the ~~regulated party~~ entity.

- (2) ~~Liquefied petroleum gas (LPG or “propane”).~~ Conventional jet fuel or aviation gasoline.

- (3) Any deficit-generating fuel used in military tactical vehicles and tactical support equipment as defined in title 13, CCR, section 1905(a) and CCR, title 17, section 93116.2(a)(38), respectively.
- (d) *Exemption for Specific Applications.* The LCFS regulation does not apply to any transportation fuel used in the following applications:
- (1) ~~Military tactical vehicles and tactical support equipment, as defined in title 13, CCR, section 1905(a) and CCR, title 17, section 93116.2(a)(36), respectively;~~
- (2)(1) Locomotives not subject to the requirements specified in CCR, title 17, section 93117; and
- (3)(2) Ocean-going vessels, as defined in CCR, title 17, section 93118.5(d). This exemption does not apply to recreational and commercial harbor craft, as defined in CCR, title 17, section 93118.5(d); and
- (3) Any deficit-generating fossil propane and CNG used in school buses purchased prior to January 1, 2020.
- (4) ~~Aircraft.~~
- (e) Nothing in this LCFS regulation (Cal. Code Regs., tit. 17, §§ 95480 et seq.) may be construed to amend, repeal, modify, or change in any way the California reformulated gasoline regulations (CaRFG, Cal.Code Regs., tit. 13, §§ 2260 et seq.), the California diesel fuel regulations (Cal.Code Regs., tit. 13, §§ 2281-2285 and Cal. Code Regs., tit. 17, § 93114), or any other applicable State or federal requirements. A person, including the regulated entity party as that term is defined in the LCFS regulation, who is subject to the LCFS regulation or other State and federal regulations, shall be solely responsible for ensuring compliance with all applicable LCFS requirements and other State and federal requirements, including the CaRFG requirements and obtaining any necessary approvals, exemptions, or orders from either the State or federal government.

NOTE: Authority cited: Sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

~~§ 95483. Regulated Parties~~

~~Except as provided in this section, the LCFS applies to any person who, as a regulated party defined in section 95481 and specified in section 95483(a), is responsible for a transportation fuel in a calendar year. The purpose of this part is to establish the criteria by which regulated party status is determined. The regulated party is initially established for each type of transportation fuel, but this part provides for the transfer of regulated party status and the associated compliance obligations by agreement, notification, or other means, as specified below.~~

~~(a) — *Regulated Parties for Gasoline and Diesel.*~~

~~(1) — *Designation of Producers and Importers as Regulated Parties.*~~

~~(A) — *Where Oxygenate is Added to Downstream CARBOB.* For gasoline consisting of CARBOB and an oxygenate added downstream from the California facility at which the CARBOB was produced or imported, the regulated party is initially the following:~~

- ~~1. — With respect to the CARBOB, the regulated party is the producer or importer of the CARBOB; and~~
- ~~2. — With respect to the oxygenate, the regulated party is the producer or importer of the oxygenate.~~

~~(B) — *All Other Gasoline.* For any other gasoline that does not fall within section 95483(a)(1)(A) the regulated party is the producer or importer of the gasoline. Where additional oxygenate is added to gasoline, the regulated party with respect to the oxygenate is initially the producer or importer of the oxygenate.~~

~~(C) — *Where Biomass-Based Diesel is Added to Downstream Diesel Fuel.* For a diesel fuel blend consisting of diesel fuel and biomass-based diesel added downstream from the California facility at which the diesel fuel was produced or imported, the regulated party is initially the following:~~

- ~~1. — With respect to the diesel fuel, the regulated party is the producer or importer of the diesel fuel; and~~
- ~~2. — With respect to the biomass-based diesel, the regulated party is the producer or importer of the biomass-based diesel.~~

~~(D) — *All Other Diesel Fuels.* For any other diesel fuel that does not fall within section 95483(a)(1)(C), the regulated party is the producer or importer of the diesel fuel.~~

~~(2) — *Effect of Transfer of CARBOB, Diesel Fuel, or Diesel Fuel Blends by Regulated Party.* A person, who acquires ownership of CARBOB from the regulated party, becomes the regulated party for the CARBOB if, by the time ownership is transferred, the two parties agree by written contract that the person acquiring ownership accepts the LCFS compliance obligation as the regulated party. A person, who acquires ownership of Diesel Fuel or Diesel Fuel Blends from the regulated party above the rack, may become the regulated party for the Diesel Fuel or Diesel Fuel Blends if, by the time ownership is transferred, the two parties agree by written contract that the person acquiring ownership accepts the LCFS compliance obligation as the regulated party. For the transfer of regulated party obligations to be effective, the transferor must also provide the recipient a product transfer document that prominently states the information specified in section 95491(c), and the transferor and recipient must meet the requirements specified in the subsection below:~~

~~For purposes of section 95485(a), except as provided in section 95483(a)(2)(C),~~

~~(A) — The transferor must include the $\text{Deficits}_{\text{Incremental}20XX}^{\text{XD}}$, as defined and set forth in section 95489(b), in the transferor's annual credits and deficits balance calculation set forth in section 95485(b)(2); and~~

~~(B) — The recipient must include $\text{Deficits}_{\text{Base}}^{\text{XD}}$, as defined and set forth in section 95489(b), in the recipient's annual credits and deficits balance calculation set forth in section 95485(b)(2).~~

~~(C) — Subsections (A) and (B) above notwithstanding, the transferor and recipient of CARBOB, Diesel Fuel or Diesel Fuel Blends may, by the time the ownership is transferred, specify by written contract which party is responsible for accounting for the base deficit and incremental deficit in the annual credits and deficits balance calculation set forth in section 95485(b)(2).~~

~~(3) — *Effect of Transfer by Regulated Party of Oxygenate or Biomass-Based Diesel to be Blended with CARBOB, Gasoline, Diesel Fuel, or Diesel Fuel Blends.*~~

~~(A) — *Person Acquiring the Oxygenate or Biomass-Based Diesel Becomes the Regulated Party Unless Specified Conditions are Met.* Except as provided in section 95483(a)(3)(B), when a person who is the regulated party for oxygenate or biomass-based diesel to be~~

~~blended with CARBOB, Gasoline, Diesel Fuel or Diesel Fuel Blends transfers ownership of the oxygenate or biomass-based diesel before it has been blended with CARBOB, Gasoline, Diesel Fuel or Diesel Fuel Blends, the new owner of the oxygenate or biomass-based diesel (i.e., the transferee) becomes the regulated party for it. The transferor must provide the recipient a product transfer document that prominently states the information specified in section 95491(c)(1).~~

~~(B) — *Transfer of Oxygenate or Biomass-Based Diesel and Retaining Compliance Obligation.* Section 95483(a)(3)(A) notwithstanding, a regulated party transferring ownership of oxygenate or Biomass-Based Diesel may elect to remain the regulated party and retain the LCFS compliance obligation for the transferred oxygenate or Biomass-Based Diesel by providing the recipient at the time of transfer with a product transfer document that prominently states the information specified in 95491(c)(1).~~

~~(4) — *Effect of Transfer by a Regulated Party of Gasoline to be Blended with Additional Oxygenate.* A person who is the sole regulated party for a batch of gasoline and is transferring ownership of the gasoline to another party that will be combining it with additional oxygenate may transfer his or her obligations as a regulated party if all of the conditions set forth below are met.~~

~~(A) — Blending the additional oxygenate into the gasoline is not prohibited by CCR, title 13, section 2262.5(d).~~

~~(B) — By the time ownership is transferred, the two parties agree by written contract that the person acquiring ownership accepts the LCFS compliance obligations as a regulated party with respect to the gasoline.~~

~~(C) — The transferor provides the recipient a product transfer document that prominently states the information specified in section 95491(c), and the transferor and recipient must meet the requirements specified in the subsection below:~~

~~For purposes of section 95485(a), except as provided in subsection (C)3. of this provision:~~

~~1. — The transferor must include the *Deficits^{XP}_{Incremental20xx}*, as defined and set forth in section 95489(b), in the transferor's annual credits and deficits balance calculation set forth in section 95485(b)(2); and~~

~~2. The recipient must include $\text{Deficits}_{\text{Base}}^{\text{XD}}$, as defined and set forth in section 95489(b), in the recipient's annual credits and deficits balance calculation set forth in section 95485(b)(2).~~

~~3. Subsections (C)1. and (C)2. above notwithstanding, the transferor and recipient of CARBOB, Diesel Fuel, or Diesel Fuel Blends may, by the time the ownership is transferred, specify by written contract which party is responsible for accounting for the base deficit and incremental deficit in the annual credits and deficits balance calculation set forth in section 95485(b)(2).~~

~~(D) The written contract between the parties includes an agreement that the recipient of the gasoline will be blending additional oxygenate into the gasoline.~~

~~(b) *Regulated Parties for Liquid Alternative Fuels not Blended with Gasoline or Diesel Fuel.* For a liquid alternative fuel, including neat denatured ethanol and neat biomass-based diesel, that is not blended with gasoline or diesel fuel, or with any other petroleum-derived fuel, the regulated party is the producer or importer of the liquid alternative fuel.~~

~~(c) *Regulated Parties for Blends of Liquid Alternative Fuels and Gasoline or Diesel Fuel.*~~

~~(1) *Designation of Producers and Importers as Regulated Parties.* For a transportation fuel that is a blend of liquid alternative fuel and gasoline or diesel fuel but that does not itself constitute gasoline or diesel fuel the regulated party is the following:~~

~~(A) With respect to the alternative fuel component, the regulated party is the person who produced the liquid alternative fuel in California or imported it into California; and~~

~~(B) With respect to the gasoline or diesel fuel component, the regulated party is the person who produced the gasoline or diesel fuel in California or imported it into California.~~

~~(2) *Effect of Transfer of a Blend of Liquid Alternative Fuel and Gasoline or Diesel Fuel and Compliance Obligation.* Except as provided for in section 95483(c)(3), on each occasion that a person transfers ownership of fuel that falls within section 95483(c) ("alternative liquid fuel blend") before it has been transferred from its final distribution facility, the recipient of ownership of such an alternative liquid fuel blend (i.e., the transferee) becomes the regulated party for that alternative liquid fuel blend. The~~

~~transferor shall provide the recipient a product transfer document that prominently states the information specified in section 95491(c)(1).~~

~~(3) *Effect of Transfer of a Blend of Liquid Alternative Fuel and Gasoline or Diesel Fuel and Retaining Compliance Obligation.* Section 95483(c)(2) notwithstanding, the transferor may elect to remain the regulated party and retain the LCFS compliance obligation for the transferred alternative liquid fuel blend by written contract with the recipient. The transferor shall provide the recipient with a product transfer document that prominently states the information specified in section 95491(c)(1).~~

~~(d) *Regulated Parties for Natural Gas (Including CNG, LNG, L-CNG, and Biomethane).*~~

~~(1) *Designation of Regulated Parties for Fossil CNG and Bio-CNG.*~~

~~(A) *Where Bio-CNG is Added to Fossil CNG.* For fuel consisting of a fossil CNG and bio-CNG blend, the regulated party is initially the following:~~

- ~~1. With respect to the fossil CNG, the regulated party is the entity that owns the natural gas fueling equipment at the facility at which the fossil CNG and bio-CNG blend is dispensed to motor vehicles for their transportation use; and~~
- ~~2. With respect to the bio-CNG, the regulated party is the producer or importer of the biomethane injected into the pipeline for delivery to the CNG dispensing station.~~

~~(B) *Where No Bio-CNG is Added to Fossil CNG.* For fuel consisting solely of fossil CNG, the regulated party is the person that owns the natural gas fueling equipment at the facility at which the fossil CNG is dispensed to motor vehicles for their transportation use.~~

~~(2) *Designation of Regulated Parties for Fossil LNG and Bio-LNG.*~~

~~(A) *Where Bio-LNG is Added to Fossil LNG.* For a fuel consisting of a fossil LNG and bio-LNG blend, the regulated party is initially the following:~~

- ~~1. With respect to the fossil LNG, the regulated party is the entity that owns the fossil LNG right before it is transferred to storage at the facility at which the liquefied blend is dispensed to motor vehicles for their transportation use; and~~

2. ~~With respect to the bio-LNG, the regulated party is the producer or importer of the biomethane injected into the pipeline for delivery to the LNG production facility.~~
- (B) ~~Where No Bio-LNG is Added to Fossil LNG. For fuel consisting solely of fossil LNG, the regulated party is initially the person that owns the fossil LNG right before it is transferred to storage at the facility at which the fossil LNG is dispensed to motor vehicles for their transportation use.~~
- (3) ~~Designation of Regulated Parties for LNG that is Re-Gasified and Compressed to CNG (L-CNG).~~
 - (A) ~~Where Bio-LNG is Added to Fossil LNG prior to Re-Gasification and Compression to CNG.~~
 1. ~~With respect to the L-CNG re-gasified and compressed from fossil LNG, the regulated party is the entity that owns the fossil LNG right before it is transferred to the facility at which the liquefied blend is re-gasified and dispensed to motor vehicles for their transportation use; and~~
 2. ~~With respect to the bio-L-CNG re-gasified and compressed from bio-LNG, the regulated party is the producer or importer of the biomethane injected into the pipeline for delivery to the LNG production facility.~~
 - (B) ~~Where No Bio-LNG is Added to Fossil LNG prior to Compression to CNG. For fuel consisting solely of fossil LNG re-gasified and compressed to CNG, the regulated party is initially the person that owns the fossil LNG right before it is transferred to the facility at which the fossil LNG is re-gasified and dispensed to motor vehicles for their transportation use.~~
- (4) ~~Designation of Regulated Party for Bio-CNG or Bio-LNG or Bio-L-CNG Supplied Directly to Vehicles for Transportation Use. For fuel consisting solely of bio-CNG, bio-LNG, or Bio-L-CNG that is produced in California and supplied directly to vehicles in California for their transportation use without first being blended into fossil CNG or fossil LNG, the regulated party is initially the producer of the bio-CNG or biogas-LNG or bio-L-CNG.~~
- (5) ~~Effect of Transfer of Fuel by Regulated Party.~~
 - (A) ~~Transferor Remains Regulated Party Unless Conditions are Met. When a person who is the regulated party for a fuel specified in section 95483(d)(1) through (4), transfers ownership of the fuel, the~~

transferor remains the regulated party unless the conditions of the following subsection are met.

~~(B) — *Conditions Under Which a Person Acquiring Ownership of a Fuel Becomes the Regulated Party.* Notwithstanding the previous subsection (A), a person acquiring ownership of a fuel specified in section 95483(d)(1) through (4) from the regulated party becomes the regulated party for that fuel if, by the time ownership is transferred, the two parties agree by written contract that the person acquiring ownership accepts the LCFS compliance obligation as the regulated party. For the transfer of regulated party obligations to be effective, the transferor must also provide the recipient a product transfer document that prominently states the information specified in section 95491(c).~~

~~(e) — *Regulated Parties for Electricity.* For electricity used as a transportation fuel, the party who is eligible to generate credits is determined as specified below:~~

~~(1) — For on-road transportation fuel supplied through electric vehicle (EV) charging in a single or multi-family residence, the Electrical Distribution Utility is eligible to generate credits in its service territory. To receive such credits, the Electrical Distribution Utility must:~~

~~(A) — Use all credit proceeds to benefit current or future EV customers;~~

~~(B) — Educate the public on the benefits of EV transportation (including environmental benefits and costs of EV charging, or total cost of ownership, as compared to gasoline);~~

~~(C) — Provide rate options that encourage off-peak charging and minimize adverse impacts to the electrical grid; and~~

~~(D) — Include in annual compliance reporting the following supplemental information: an itemized summary of efforts to meet requirements (A) through (C) above and costs associated with meeting the requirements. For investor-owned utilities, this requirement may be satisfied by supplying a copy of the annual implementation report required under Order 4 of Public Utilities Commission of California (PUC) Decision 14-12-083, or any successor PUC Decisions.~~

~~(2) — For on-road transportation fuel supplied through public access EV charging, the Electrical Distribution Utility is eligible to generate credits in its service territory. Upon submittal to and approval by the Executive Officer of its written request to opt in and generate the credits under this provision, the third-party non-utility Electric Vehicle Service Provider (EVSP) that has installed the equipment, or had an agent install the~~

equipment, and who has a contract with the property owner or lessee where the equipment is located to maintain or otherwise service the charging equipment, is eligible to generate the credits for the electricity. To receive credit for transportation fuel supplied through public access EV charging equipment, the EVSP or Electrical Distribution Utility must meet the requirements set forth in section 95483(e)(1)(B) through (D).

~~(3) EV Fleets~~

~~(A) For on-road transportation fuel supplied to a fleet of EVs, the Electrical Distribution Utility is eligible to generate credits in its service territory, and must meet the requirements set forth in section 95483(e)(1)(B) through (D). Upon submittal to and approval by the Executive Officer of the fleet operator's written request to opt in and generate credits associated with a specified fleet, the fleet operator is eligible to generate the credits for the electricity. To receive credit for transportation fuel supplied to an EV fleet, an accounting of the number of EVs in the fleet must be included as supplemental information in annual compliance reporting.~~

~~(B) For on-road transportation fuel supplied through the use of a battery switch station, the Electrical Distribution Utility is eligible to generate credits in its service territory, and must meet the requirements set forth in section 95483(e)(1)(B) through (D). Upon submittal to and approval by the Executive Officer of the station owner's written request to opt in and generate credits associated with a specific location or locations, the station owner is eligible to generate the credits for the electricity.~~

~~(4) For on-road transportation fuel supplied through private access EV charging equipment at a business or workplace, the Electrical Distribution Utility is eligible to generate credits in its service territory, and must meet the requirements set forth in section 95483(e)(1)(B) through (D). Upon submittal to and approval by the Executive Officer of the site host's written request to opt in and generate credits associated with a specific location or locations, the site host is eligible to generate the credits for the electricity. To receive credit for transportation fuel supplied through private access EV charging equipment at a business or workplace, the following requirements apply to a site host that opts in:~~

~~(A) Educate employees on the benefits of EV transportation (including environmental benefits and costs of EV charging, or total cost of ownership, as compared to gasoline) through outreach efforts directed to all employees, such as meetings, flyers, and preferred parking; and~~

- ~~(B) — Include in annual compliance reporting the following supplemental information: a summary of efforts to meet the requirement in 95483(e)(4)(A), above, and an accounting of the number of EVs known to be charging at the business.~~
- ~~(5) — In the event that there is measured on-road electricity as a transportation fuel that is not covered in subsections 95483(e)(1) through (4) above, the Electrical Distribution Utility is eligible to generate credits for the electricity with Executive Officer approval, and must meet the requirements set forth in section 95483(e)(1)(B) through (D).~~
- ~~(6) — For transportation fuel supplied to a fixed guideway system, the transit agency operating the system is eligible to generate credits for electricity used to propel the system. Upon submittal to and approval by the Executive Officer of the transit agency's written acknowledgment that it will not opt in and generate credits under this provision, the Electrical Distribution Utility is eligible to generate the credits for the electricity, and must meet the requirements set forth in section 95483(e)(1)(B) through (D).~~
- ~~(7) — For transportation fuel supplied to electric forklifts, the Electrical Distribution Utility is eligible to generate credits for the electricity, and must meet the requirements set forth in section 95483(e)(1)(B) through (D). Upon submittal to and approval by the Executive Officer of the electric forklift fleet operator's written request that it will opt in and generate credits associated with a specified fleet, the fleet operator is eligible to generate the credits for the electricity. To receive credit for transportation fuel supplied to an electric forklift fleet, an accounting of the number of electric forklifts in the fleet must be included by the fleet operator as supplemental information in annual compliance reporting.~~
- ~~(f) — *Regulated Parties for Hydrogen or a Hydrogen Blend.*~~
- ~~(1) — *Designation of Regulated Party at Time Finished Fuel is Created.* For a volume of finished fuel consisting of hydrogen or a blend of hydrogen and another fuel ("finished hydrogen fuel"), the person who owns the finished hydrogen fuel at the time the finished fuel is created is eligible to generate credits. A hydrogen blend is considered to be a finished hydrogen fuel at completion of blending.~~
- ~~(2) — *Conditions under which a Person Acquiring Ownership of Finished Hydrogen Fuel Becomes Eligible to Generate Credits.* A person who acquires ownership of finished hydrogen fuel is eligible to generate credits for the fuel if, by the time ownership is transferred, the two parties (transferor and recipient) agree by written contract that the person~~

~~acquiring ownership is eligible to generate credits. For the transfer of eligibility to generate credits to be effective, the transferor must also provide the recipient a product transfer document that prominently states the information specified in section 95491(c)(1).~~

- ~~(3) For hydrogen fuel cell forklifts, the forklifts fleet owner is eligible to generate credits for the hydrogen.~~

§ 95483. Fuel Reporting Entities.

The purpose of this section is to identify the first fuel reporting entities, subsequent fuel reporting entities, and the credit or deficit generator for each type of transportation fuel. The first fuel reporting entity is responsible for initiating reporting within the LRT-CBTS for a given amount of fuel and, by default, also holds the status as initial credit or deficit generator for the reported fuel quantity. The fuel reporting entities identified in this section are subject to the reporting requirements pursuant to section 95491 and to any other requirement applicable to a fuel reporting entity and credit or deficit generator under this subarticle.

- (a) *For Liquid Fuels.* Liquid fuels refer to fossil fuels (including CARBOB, gasoline, diesel, and conventional jet fuel), liquid alternative fuels (including ethanol as an oxygenate, biomass-based diesel, and alternative jet fuels), and blend of liquid alternative and fossil fuels.

(1) *Designation of First Fuel Reporting Entities for Liquid Fuels.* The first fuel reporting entity for liquid fuels is the producer or importer of the liquid fuel. For liquid fuels that are a blend of liquid alternative fuel components (including ethanol as an oxygenate, biomass-based diesel, or alternative jet fuels) and a fossil fuel component (including CARBOB, gasoline, diesel, conventional jet, or other fossil fuels), the first fuel reporting entity is the following:

- (A) With respect to the alternative fuel component, the producer or importer of the alternative fuel component.
- (B) With respect to the fossil fuel component, the producer or importer of the fossil fuel component.
- (C) *Specifics for Alternative Jet Fuel.* For an alternative jet fuel or the alternative fuel portion of a blend with conventional jet fuel, the first fuel reporting entity is the producer or importer of the alternative jet fuel delivered to the storage facility where fuel is stored before it is uploaded to an aircraft in California. Conventional jet fuel, including the conventional jet fuel portion of a blend, is not subject to the LCFS and must not be reported.

(2) In the Case of Transfer of Fuel Ownership. An entity transferring ownership of fuel is the “transferor” and an entity acquiring ownership of fuel is the “recipient”.

(A) Transferring Status as Credit or Deficit Generator. An entity can voluntarily transfer its status as a credit or deficit generator for a given amount of liquid fuel, with the ownership of the fuel, if the conditions set forth in subsections 1. through 4. below are met by the time ownership of fuel is transferred. If such a transfer occurs, the recipient also becomes the fuel reporting entity for the fuel while the transferor is still subject to reporting requirements pursuant to section 95491 and to any other requirement applicable to a fuel reporting entity under this subarticle.

1. The two entities agree by written contract that the recipient accepts all LCFS responsibilities of a fuel reporting entity and credit or deficit generator.

2. The transferor must provide the recipient a product transfer document that prominently states the information specified in section 95491.1(b)(1).

3. In the case of a deficit generating fuel, the transferor and recipient must meet the requirements specified in the subsection below:

a. By default, the transferor's annual credit and deficit balance, as set forth in section 95485(b)(2), will be updated to include the Deficits^{XD}_{Incremental} as defined and set forth in section 95489(b).

b. By default, the recipient's annual credit and deficit balance, as set forth in section 95485(b)(2), will be updated to include Deficits^{XD}_{Base}, as defined and set forth in section 95489(b).

c. Paragraphs a. and b. above notwithstanding, the transferor and recipient of deficit generating fuels may, by the time the ownership is transferred, specify by written contract which party is responsible for accounting for the base deficit and incremental deficit in the annual credits and deficits balance calculation set forth in section 95485(b)(2).

4. The credit or deficit generator status cannot be passed to a downstream entity acquiring ownership of liquid fuel below the rack.
5. An entity acquiring ownership of fuel below the rack is not required to report the fuel transaction in the LRT-CBTS unless it is a fuel exporter pursuant to section 95483(a)(4)(C).

(B) *Retaining Status as Credit or Deficit Generator.* An entity can retain its status as a credit or deficit generator for a given amount of liquid fuel, while transferring the ownership of the fuel, if the conditions set forth in subsections 1. through 2. below are met by the time ownership of fuel is transferred. If such a transfer occurs, the recipient also becomes a fuel reporting entity for the fuel while the transferor is still subject to reporting requirements pursuant to section 95491 and to any other requirement applicable to a fuel reporting entity under this subarticle.

1. The two entities agree by written contract that the recipient accepts all LCFS responsibilities of a fuel reporting entity and the transferor retains the responsibilities as a fuel reporting entity and credit or deficit generator.
2. The transferor must provide the recipient a product transfer document that prominently states the information specified in section 95491.1(b)(2).
3. An entity acquiring ownership of fuel below the rack is not required to report the fuel transaction in the LRT-CBTS unless it is a fuel exporter pursuant to section 95483(a)(4)(C).

(3) *Transfer Period.* For all liquid fuels, the period in which credit or deficit generator status can be transferred to another entity, for a given amount of fuel, is limited to two calendar quarters. This means that, for example, if an entity receives title to a fuel along with credit or deficit generator status in one calendar quarter, the status as credit or deficit generator for that amount of fuel can be transferred to another entity no later than the end of the following calendar quarter. After this period is over, the credit and deficit generator status for that amount of fuel cannot be transferred.

(4) *Designation of Fuel Exporter.* Entities responsible for reporting exports of fuel that has been previously reported in the LRT-CBTS are identified below:

- (A) When the fuel is sold or delivered above the rack for export, the entity holding title to the fuel as it crosses the California border on its way toward the first point of sale/delivery is responsible for reporting the export in the LRT-CBTS.
- (B) When the fuel is sold across the rack for export, the entity holding title to the fuel as the fuel crosses the rack is responsible for reporting the export in the LRT-CBTS.
- (C) When the fuel is diverted out-of-state below the rack, the entity holding title to the fuel, as it crosses the California border, is responsible for reporting the export in the LRT-CBTS.

(b) For Gaseous Fuels. Gaseous fuels refer to natural gas fuels (including CNG, LNG and L-CNG), propane and hydrogen.

(1) Designation of First Fuel Reporting Entities For Gaseous Fuels. The first fuel reporting entity for different gaseous fuels is identified in subsections (A) through (E) below. For gaseous fuels, subsection (2) below provides entities the ability to contractually designate another entity as the first fuel reporting entity for a given amount of gaseous fuel.

(A) Bio-CNG. For bio-CNG, including the bio-CNG portion of a blend with fossil CNG, the first fuel reporting entity is the producer or importer of the biomethane injected into the pipeline for delivery to the CNG dispensing station.

(B) Bio-LNG and Bio-L-CNG. For bio-LNG and bio-L-CNG, including the biomethane portion of any blend with fossil LNG and L-CNG, the first fuel reporting entity is the producer or importer of the biomethane injected into the pipeline for delivery to the LNG production facility.

(C) Renewable Propane. For renewable propane, including the renewable propane portion of a blend with fossil propane, the first fuel reporting entity is the producer or importer of the renewable propane.

(D) Fossil CNG, LNG, and L-CNG and Propane. For fossil CNG, LNG, L-CNG, and propane, including the fossil portion of any blend with a renewable fuel component, the first fuel reporting entity is the entity that owns the fueling equipment through which the fossil fuel is dispensed to motor vehicles for transportation use.

(E) Hydrogen. The first fuel reporting entity for hydrogen is the entity that operates the fueling equipment (“hydrogen station operator”).

through which hydrogen fuel is dispensed to motor vehicles for transportation use. Notwithstanding the above, the first fuel reporting entity for hydrogen used in fuel cell forklifts is the forklift fleet owner.

(2) Subsections (1)(A) through (1)(E) above notwithstanding, an entity may elect not to be the first fuel reporting entity for a given gaseous fuel, provided another entity has contractually agreed to be the first fuel reporting entity for the fuel on its behalf. In such cases the two entities must agree by written contract that:

(A) The original first fuel reporting entity per subsections (1)(A) through (1)(E) above will not generate credits or deficits in the LCFS and will instead provide the amount of fuel dispensed, and other required information pursuant to sections 95483.2(b)(8), 95491 and 95491.1, to the contractually designated entity for the purpose of LCFS reporting and credit or deficit generation.

(B) The contractually designated entity accepts all LCFS responsibilities as the first fuel reporting entity and as a credit or deficit generator, as applicable.

(c) *For Electricity Used as a Transportation Fuel.*

(1) *Residential EV Charging.* For on-road transportation fuel supplied for electric vehicle (EV) charging in a single- or multi-family residence, there are multiple possible credit generators:

(A) *Base Credits.* For residential EV charging, the EDU is the credit generator for base credits for EV charging in its service territory. The EDU must meet the requirements set forth in paragraphs 1. through 5. in section 95491(d)(3)(A).

(B) *Incremental Credits.* Any entity, including an EDU, is eligible to generate incremental credits (in addition to the base credits) for improvements in carbon intensity of electricity used for residential EV charging. An EDU that generates incremental credits must meet the requirements set forth in paragraphs 2. through 5. in section 95491(d)(3)(A).

(2) *Non-Residential EV Charging.* For electricity supplied for EV charging for on-road applications through non-residential charging equipment, an entity may generate credits as long as it meets the FSE registration requirements pursuant to section 95483.2(b)(8), reporting requirements pursuant to section 95491, recordkeeping and auditing requirements

pursuant to sections 95491.1, and no other entity is generating credits for the electricity dispensed through the same FSE.

(3) *Fixed Guideway Systems.* For electricity supplied as transportation fuel to a fixed guideway system, the transit agency operating the system is the fuel reporting entity and the credit generator for electricity used to propel the system. Upon submittal to, and approval by, the Executive Officer of the transit agency's written acknowledgment that it will not opt in and generate credits under this provision, the EDU becomes eligible to generate the credits for the electricity, and must meet the requirements set forth in sections 95491(d)(3)(A), paragraphs 3. through 5.

(4) *Electric Forklifts and Other Mobile Freight Equipment.*

(A) For transportation fuel supplied to electric forklifts and other mobile freight and goods movement equipment, the fleet operator is the fuel reporting entity and the credit generator for electricity supplied to a specified fleet.

(B) Subsection (A) above notwithstanding, the electric forklift fleet operator may elect not to be the credit generator and instead designate another entity to be the credit generator, if the two entities agree by written contract that:

1. The electric forklift fleet operator will not generate credits and will instead provide the electricity data to the designated entity for LCFS reporting pursuant to sections 95483.2(b)(8), 95491 and 95491.1.
2. The designated entity accepts all LCFS responsibilities as the fuel reporting entity and credit generator.
3. The EDU can generate credits for electricity supplied to electric forklift fleet used for EV charging in its service territory during a quarter if not claimed by any other entity under paragraphs 1. and 2., above. The EDU must meet the requirements in section 95491(d)(3)(A), paragraphs 3. through 5.

(5) *Electric Transport Refrigeration Units.*

(A) For electricity supplied to eTRU, the operator of the eTRU is the fuel reporting entity and the credit generator for electricity supplied to a specified unit.

(B) Subsection (A) above notwithstanding, the eTRU operator may elect not to be the credit generator and instead designate another entity to be the credit generator if the two entities agree by written contract that:

1. The eTRU operator will not generate credits and will instead provide the electricity data to the designated entity for LCFS reporting pursuant to sections 95483.1(b)(8), 95491 and 95491.1.

2. The designated entity accepts all LCFS responsibilities as the fuel reporting entity and credit generator.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95483.1. Opt-In Parties-Entities.

(a) ~~Eligibility. Only a person who~~ An entity that meets one or more of the following criteria ~~may~~ can elect to opt into the LCFS program, thereby becoming a credit generator ~~subject to the requirements of a regulated party in the LCFS program for a specified volume of fuel or crude oil.~~

(1) Opt-in Fuel Reporting Entity. An entity meeting any of the following criteria can opt into the LCFS program in a capacity of fuel reporting entity.

~~(1)(A)~~ A qualified fuel reporting entity who provides a fuel specified in section 95482(b) ~~and that~~ meets the requirements of section 95483(d), (e) or (f), whichever applies to that fuel, wherever applicable;

~~(2)(B)~~ An out-of-state producer of oxygenate for blending with CARBOB or gasoline, or biomass-based diesel for blending with CARB diesel, who is not otherwise already subject to the LCFS regulation as an importer. An credit generator out-of-sate producer under this subsection may retain the ability to generate credits or deficits ~~compliance obligation, for a specific volume quantity of fuel or blendstock, only if that person sells the fuel to a regulated party it~~ opts in as a first fuel reporting entity and meets the requirements of section 95483, wherever applicable.

~~(3)(C)~~ An entity that is in the distribution/marketing chain of imported fuel and is positioned on that chain between the producer under in subsection (2B) above and the importer (“intermediate entity”). The intermediate entity is subject to the following requirements.

The intermediate entity must provide written documentation demonstrating all the following requirements to the Executive Officer’s written satisfaction before opting into the LCFS:

~~(A)~~1. The person-entity received ownership of the fuel for which the person-entity is claiming to generate LCFS credits;

~~(B)~~2. Either:

~~1.a.~~ The person-entity received the LCFS compliance-obligation-fuel reporting entity status from a producer that opted in under section 95483.1; or

~~2.b.~~ The producer did not opt in under section 95483.1(a)~~(2)~~1.

~~(C)~~3. The person-entity actually delivered the fuel or caused the fuel to be delivered to California for use in California;

~~(E)~~4. The person-entity is not otherwise already subject to the LCFS regulation as a regulated party-fuel reporting entity.

~~(F)~~5. The demonstrations in subsections (A) paragraphs 1. through (E) 4. above must be made for the specific volume-quantity of fuel upon which the person-entity first elects to opt into the LCFS. For subsequent volumes-quantities of fuel for which the person-entity is claiming to be the credit-generator-fuel reporting entity pursuant to this subsection, the person-entity must retain documentation to support the demonstrations required in subsections (A) paragraphs 1. through (E) 4., above, and must submit such documentation to the Executive Officer within 30 calendar days upon request.

~~(4)~~ — The gas company, utility, or energy service provider that supplies natural gas (“natural gas supplier”) to a person that falls within the provisions of section 95483(d). The natural gas supplier must provide written documentation to the Executive Officer demonstrating all the following before opting into the LCFS:

- ~~(A) The person who falls within the provisions of section 95483(d) understands that it has the ability to opt into the LCFS program as a regulated party;~~
- ~~(B) The person has affirmatively elected not to become a credit generator in the LCFS program;~~
- ~~(C) The person understands and agrees that the above election is irrevocable unless otherwise specified in a written contract between that person and the natural gas supplier; and~~
- ~~(D) As a consequence of the above election, the person understands and agrees that all LCFS credits generated from the sale of CNG dispensed through that person's natural gas vehicle fueling equipment shall belong to the natural gas supplier, unless otherwise specified in a written contract between the person and the natural gas supplier.~~

~~(5)(2) Project Operators. An entity producer of crude oil that has an innovative production method has a project approved for crediting or is applying for approval by the Executive Officer under section 95489(d). A producer may simultaneously must apply to opt into and apply for approval of an innovative method pursuant to section 95489(d). the LCFS program as a credit generator.~~

(3) *Clearing Service Provider.*

- (A) An entity providing clearing services in which it takes only a temporary possession of LCFS credits for the purpose of clearing transactions between two entities with registered accounts in LRT-CBTS, may apply to opt in as a clearing service provider if the following conditions are met:
 - 1. The eligible entity must be a derivatives clearing organization as defined in the Commodities Exchange Act (7 U.S.C § 1a(9)) that is registered with the U.S. Commodity Futures Trading Commission pursuant to the Commodities Exchange Act (7 U.S.C. § 7a-1(a)).
 - 2. The entity must register in the LRT-CBTS pursuant to section 95483.2(b).
 - 3. The entity must be located in the United States, according to the registration information reported pursuant to section 95483.2(b).

(B) A clearing service provider cannot own credits but can hold LCFS credits up to five days for clearing purposes only.

(b) Opting in Procedure. ~~Opting into the LCFS program is available only to a person that is eligible under subsection (a), above.~~

(1) ~~Opting into the LCFS program becomes effective when the fuel provider or crude oil producer opt-in entity establishes an account in the Low Carbon Fuel Standard Reporting Tool and Credit Bank & Transfer System (LRT-CBTS), pursuant to section 95483.2. The opt-in credit generator entity may not report and generate credits and deficits based on transactions that precede the quarter in which the party entity opted in.~~

(2) ~~Establishing an account in the LRT-CBTS under subsection (b)(1) above as a regulated party means that the fuel provider or crude oil producer entity understands the requirements of the LCFS regulation and has agreed to be subject to all the requirements and provisions of the LCFS regulation as a regulated party, pursuant to section 95493, in exchange for gaining the ability to generate and trade LCFS credits.~~

(c) Opting Out Procedure. ~~A fuel provider or crude oil producer, who elected to become a credit generator by opting into the LCFS pursuant to subsection (a) above, may decide later to return to exempt status pursuant to this section. For a credit generator to elect to opt out of the LCFS regulation and for it to be effective, the credit generator must complete all actions specified below. The actions are to be completed and documentation to be submitted in the LRT-CBTS as specified below: An opt-in entity may decide later to opt out of the LCFS program by following the following procedure:~~

(1) 90 Days before Opt-Out Date. ~~For opt-out to be effective, the opt-in entity must complete all actions specified below:~~

(A) ~~Provide to the Executive Officer a 90-day notice of intent to opt out and a proposed effective opt-out date for the completion of the opt-out process;~~

(B) ~~Submit in the LRT-CBTS any outstanding quarterly progress fuel transactions or project reports up to the quarter in which the effective opt-out date falls and a final annual compliance reports (covering the year through the opt-out date); and~~

(C) ~~Identify in the 90-day notice any actions to be taken to eliminate any remaining deficits by the effective opt-out date.~~

(2) Effective Opt-Out Date Approval. ~~Prior to the effective opt-out date, the credit generator must submit a final quarterly progress report for the~~

~~quarter in which opt-out occurs, submit a final annual compliance report (covering the year through the opt-out date in which the opt-out is effective), and submit verification that any remaining deficits have been eliminated. The Executive Officer shall notify the credit generator opt-in entity of the final “approval” status of the opt-out request. Any credits that remain in the credit generator’s opt-in entity’s account at the time of the effective opt-out date shall be forfeited and the credit generator’s opt-in entity’s account in the LRT-CBTS shall be closed.~~

~~(d) *Recordkeeping Requirements.* The provisions and requirements in section 95491(b) through (e) shall apply to any credit generator that has opted into or out of the LCFS program.~~

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass’n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass’n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

~~§ 95483.2. Establishing a LCFS Reporting Tool Account~~

~~(a) *Eligibility and Restrictions.*~~

~~(1) To establish an account in the LRT-CBTS, a reporting party must qualify pursuant to section 95483 or 95483.1.~~

~~(2) A reporting party that desires to establish separate accounts for separate subsidiaries must register each subsidiary separately. Each company that receives a user account must file quarterly and annual reports and demonstrate compliance separately.~~

~~(b) *Requirements to Establish Account.*~~

~~(1) A reporting party, including a regulated or opt-in party, must register in the LRT-CBTS. The on-line application form requires:~~

~~(A) Organization Name, Address, State and Country, Date, and Place of Incorporation.~~

~~(B) Organization Federal Employer Identification Number (FEIN), Primary Contact Name, Business and Mobile Phone, E-mail Address, Username, and Password.~~

~~A letter on company letterhead stating the basis for qualifying for an account pursuant to sections 95483 or 95483.1 of the LCFS and naming the primary account administrator and at least one secondary account administrator. This letter must be signed by the business owner, a managing partner, or a corporate officer. A signed pdf copy must be uploaded in the LRT-CBTS to complete the application process. The original is to be mailed to:~~

~~California Air Resources Board
c/o Low Carbon Fuel Standard Program
P.O. Box 2815
Sacramento, CA 95812~~

~~(C) The name, title, and relationship to the reporting party for a primary and at least one secondary account administrator (e.g., "Primary account administrator is John Doe, Vice President for Fuels Marketing, Employee. Secondary account representative is Sue Smith, principal consultant, ABC Consulting Group, consultant to [Entity]").~~

~~(D) The primary account administrator and the secondary account administrator(s) must attest in writing, as follows:~~

~~1. "I certify under penalty of perjury under the laws of the State of California as follows: I was selected as the primary account administrator or the secondary account administrator, as applicable, by an agreement that is binding on all persons who have the legal right to control LCFS credits held in the account. I have all the necessary authority to carry out the duties and responsibilities contained in California Code of Regulations, title 17, sections 95480 et seq. on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Executive Officer or a court regarding the account."~~

~~2. The certification must be on the company letterhead and signed and dated by the account administrators. A pdf version must be uploaded into LRT-CBTS Organization Registration page and the original with signature must be mailed to address above.~~

~~(2) The primary and secondary account administrators can be changed by following steps set forth in section 95483.2 (b)(1)(C) and (D) above. Notwithstanding any such change, all representations, actions, inactions,~~

~~and submissions by the previous account administrators prior to the time and date when the Executive Officer receives the superseding information shall be binding on the registered party.~~

~~(3) Applicants may be denied registration:~~

~~(A) Based on information provided;~~

~~(B) If the Executive Officer determines the applicant has provided false or misleading information; or~~

~~(C) If the Executive Officer determines the applicant has withheld information material to its application.~~

~~(c) Account Management Roles and Duties:~~

~~(1) Account administrators are responsible for submitting quarterly and annual reports and making any changes to the company profile within LRT-CBTS.~~

~~(2) Account administrators may designate users within the company who can review data or review and upload data, but not submit reports.~~

~~(3) An account administrator can identify in the LRT-CBTS one or more employees to act as a Credit Facilitator.~~

~~(4) A Credit Facilitator is a reporting party employee, registered in the LRT-CBTS as a Credit Facilitator, who has permission to review all reports and data and can initiate and complete credit transfers, add credits to the listing of "Credits to Sell," and access the Incoming and Outgoing Credit Transfer Logs.~~

~~(5) A Broker is not a reporting party employee. Once registered by the Executive Officer and authorized in the LRT-CBTS by an account administrator, a Broker may represent the reporting party in LCFS credit transfers. The on-line Broker registration application form includes:~~

~~(A) Broker's Organization Name, Address, State and Country, Date, and Place of Incorporation, if applicable.~~

~~(B) Broker Organization's Federal Employer Identification Number (FEIN), Primary Contact Name, Business and Mobile Phone, E-mail Address, Username, and Password.~~

~~(C) Broker's statement attesting: "By submitting this Broker Registration Application to the LCFS Program for an account in the LRT-CBTS, I am submitting to the jurisdiction of the California~~

courts. I certify under penalty of perjury that I have not been convicted of a felony in the last five years.”

~~(d) — *Deadline to Establish an Account.*~~

- ~~(1) — Reporting parties who had LRT-CBTS accounts as of the date this section becomes effective must complete the steps set forth in subsection 95483.2(b), above, within 90 days of this subsection’s effective date. Failure to do so will result in account closure and forfeit of any credits.~~
- ~~(2) — All other regulated parties responsible for any transportation fuels pursuant to section 95483 must complete registration at least 30 days prior to the date for filing any report required under this subsection.~~
- ~~(3) — An opt-in party, other than one subject to the deadline in subsection (d)(1) above, can register anytime during a calendar year. All quarterly and annual reporting is then required, beginning with the quarter in which registration was approved.~~
- ~~(4) — Any Broker must register in LRT-CBTS prior to facilitating any LCFS credit trades.~~

~~(e) — *Account Approval.* The account is established when the Executive Officer approves the application.~~

§ 95483.2. LCFS Data Management System.

The LCFS Data Management System refers to all the online systems responsible for LCFS data management and program implementation.

The LCFS Data Management System comprises three interactive and secured web-based systems: Alternative Fuel Portal, LCFS Reporting Tool and Credit Bank and Transfer System, and LCFS Verification Portal.

(a) *Alternative Fuel Portal (AFP).* The AFP supports fuel pathway applications, certifications, and verifications. It also handles the registration of fuel production facilities and opt-in projects.

- (1) *Eligibility.* Any person who intends to be a fuel pathway applicant or an opt-in project operator can request to establish an account in the AFP.
- (2) *Requirements to Establish an Account in AFP.* To establish an account in the AFP, an entity must complete and submit the online AFP account registration form and provide the following:

- (A) Organization name, address, state and country, Organization Federal Employer Identification Number (FEIN), company EPA ID, if available, facility location(s).
- (B) A letter on company letterhead stating the basis for qualifying for an account pursuant to subsection (1) above. This letter must be signed by the company owner, a president, a managing partner, or a corporate officer. A scanned electronic copy of the signed letter must be uploaded in the AFP.
- (C) The registrant must designate a primary account representative and at least one alternate account representative. The primary account representative and the alternate account representative(s) must attest, as follows:

“I certify under penalty of perjury under the laws of the State of California as follows: I was selected as the primary account representative or the secondary account representative, as applicable, by an agreement that is binding on all persons who have the legal right to access the AFP account. I have all the necessary authority to carry out the duties and responsibilities contained in California Code of Regulations, title 17, sections 95480 et seq. on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Executive Officer or a court regarding the account.”

- (D) For each representative, name, title, relationship to the organization, business phone, e-mail address, username, and password.
- (E) The account representatives can be changed by following steps set forth in subsection (B) and (C) above. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representatives prior to the time and date when the Executive Officer receives the superseding information shall be binding on the entity.

(3) Account Approval.

- (A) The account is established when the Executive Officer approves the application.
- (B) Account registration application may be denied based on false, misleading, or missing information.

(4) Account Management Roles and Duties.

(A) The account representative is responsible for making any changes to the company profile within AFP.

(B) The account representative may designate users within the company who can access and manage the account.

(b) LCFS Reporting Tool and Credit Bank & Transfer System (LRT-CBTS). The LRT-CBTS is designed to support fuel transaction reporting, compliance demonstration, credit generation, banking, and transfers.

(1) Eligibility. The following entities can request to establish an account in the LRT-CBTS:

(A) A fuel reporting entity;

(B) An entity opting into LCFS, pursuant to section 95483 or 95483.1;
or

(C) An LCFS credit broker.

(2) Deadline to Establish LRT-CBTS Account.

(A) An entity responsible for reporting any transportation fuels pursuant to section 95483 must complete registration at least 30 days prior to the date for filing any required report.

(B) An opt-in entity can register anytime during a calendar year. All quarterly and annual reporting is then required, beginning with the quarter in which registration was approved, and continuing until any opt-out is completed.

(C) Any broker must register in LRT-CBTS prior to facilitating any LCFS credit trades.

(3) Requirements to Establish an Account in LRT-CBTS. A company owner, a president, a managing partner, or a corporate officer with legal binding authority must complete and submit the online LRT-CBTS account registration form and provide the following:

(A) Organization name, address, state and country, Organization Federal Employer Identification Number (FEIN), date and place of incorporation.

(B) A letter on company letterhead stating the basis for qualifying for an account pursuant to subsection (1) above. This letter must be

signed by the company owner, a president, a managing partner, or a corporate officer. A signed pdf copy must be uploaded in the LRT-CBTS to complete the application process.

- (C) The online LRT-CBTS registration form must designate a primary account representative and at least one alternate account representative. The primary account representative and the alternate account representative(s) must attest in writing, as follows:

“I certify under penalty of perjury under the laws of the State of California as follows: I was selected as the primary account representative or the secondary account representative, as applicable, by an agreement that is binding on all persons who have the legal right to control LCFS credits held in the account. I have all the necessary authority to carry out the duties and responsibilities contained in California Code of Regulations, title 17, sections 95480 et seq. on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Executive Officer or a court regarding the account.”

- (D) For each representative, name, title, relationship to the organization, business and mobile phone, e-mail address, username, and password.

- (E) The account representatives can be changed by following steps set forth in subsections (B) through (D) above. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representatives prior to the time and date when the Executive Officer receives the superseding information shall be binding on the entity.

- (F) A designated fuel reporting entity pursuant to section 95483(a)(2)(F) must also provide a written contractual agreement demonstrating it acquired the first fuel reporting entity status from another entity for each such entity.

- (G) *Clearing Service Providers.* In addition to requirements specified in 95483.2(b)(3)(A) through (E), a clearing service provider requesting to establish an LRT-CBTS account must provide documents demonstrating their eligibility pursuant to section 95483.1(a)(3).

- (4) *LCFS Credit Broker.* A broker may represent other LRT-CBTS account holders in LCFS credit transfers. To register a broker account, the broker must provide the following:

- (A) Broker's organization name, address, state and country, Organization Federal Employer Identification Number (FEIN), date, and place of incorporation, if applicable.
- (B) Broker's name, business and mobile phone, e-mail address, username, and password.
- (C) Broker's statement attesting: "By submitting this broker registration application to the LCFS program for a broker account in the LRT-CBTS, I am submitting to the jurisdiction of the California courts. I certify under penalty of perjury that I have not been convicted of a felony in the last five years."

(5) Account Approval.

- (A) The account is established when the Executive Officer approves the application.
- (B) Account registration application may be denied based on false, misleading or missing information.

(6) Account Management Roles and Duties.

- (A) The account representative is responsible for making any changes to the company profile within LRT-CBTS.
- (B) The account representative may designate users within the company who can access and manage the account.
- (C) The account representative is responsible for meeting the reporting requirements as set forth in section 95491.

(7) Account Closure.

- (A) An LRT-CBTS account is subject to suspension or closure based on any of the following:
 - 1. The account holder is no longer eligible to establish an LRT-CBTS account pursuant to section 95483.2(b)(1);
 - 2. The account holder fails to comply with requirements of section 95483.2(b); and
 - 3. The account holder intends to opt out pursuant to section 95483.1(c).

- (B) The account holder must provide a notice of intent to the LRT-CBTS Administrator to close the account within 90 days after any condition in subsection (A) above. The entity must submit a final quarterly report for the quarter in which the notice was provided, submit a final annual report, and submit verification that any remaining deficits have been eliminated. The Executive Officer shall notify the entity of the final account closure. Any credits that remain in the entity's account at the time of the closure will be placed in the Buffer Account.
- (C) Failure to provide notice pursuant to subsection (B) above will result in account closure and forfeit of any credits that remain in the entities account at the time of the closure.
- (D) When an entity requests to reopen the LRT-CBTS account that was previously closed, the entity must follow the requirements as set forth in section 95483.4(b) to reopen the account.
- (8) *Registration of Fueling Supply Equipment (FSE).* After establishing the LRT-CBTS account, fuel reporting entities for natural gas, electricity, propane, and hydrogen must register all fueling supply equipment in the LRT-CBTS using the FSE registration template available on the LRT-CBTS home page. The completed FSE registration template with supporting documents must be uploaded into the LRT-CBTS. Upon FSE registration, the applicant will receive a unique LCFS FSE ID that must be used for reporting fuel transactions in the LRT-CBTS pursuant to 95491. The following must be provided:
- (A) Federal Employer Identification Number (FEIN) for the entity registering, name of the facility at which FSE is situated, street address, latitude, and longitude of the FSE location.
- (B) Name and address of the entity that operates or owns the FSE, if different from the entity registering the FSE.
- (C) Fuel reporting entities for CNG must provide the natural gas utility meter number at the FSE location, name of the utility company, and a copy of the most recent utility bill.
- (D) Fuel reporting entities for LNG and propane must provide a unique identifier associated with the FSE used for their own fuel accounting or financial accounting or other purposes and copy of invoice or bill of lading for the most recent fuel delivery.

- (E) Fuel reporting entities for non-residential EV charging for on-road applications must provide the serial number assigned to the FSE by the original equipment manufacturer (OEM) and the name of OEM. If there are multiple FSEs at the same location, each unique piece of equipment must be registered separately.
- (F) Fuel reporting entities for metered residential EV charging must provide the serial number assigned to the FSE by the OEM and the name of the OEM.
- (G) Fuel reporting entities for non-metered residential EV charging and fixed guideway systems are exempt from subsection (A) above. The LRT-CBTS will assign FSE IDs for reporting purposes based on the information provided in the LRT-CBTS account registration form.
- (H) Fuel reporting entities for eTRU fueling must provide the serial number assigned to the unit by the OEM and the name of the OEM.
- (I) Fuel reporting entities for hydrogen must provide the FSE Dispenser ID as assigned by CARB or assigned under any other program or standard such as in National Renewable Energy Laboratory (NREL) National Fuel Cell Technology Evaluation Center's Hydrogen Station Infrastructure Data Template. If there are multiple FSEs at the same location, each unique piece of equipment must be registered separately.

(c) LCFS Verification Portal (LVP). The LVP is designed to support LCFS verification processes.

(1) Eligibility. Any entity providing verification services pursuant to section 95500 (Executive Officer accredited verification body) can request an account in LVP.

(2) Requirements to Establish an Account in LVP. A company owner, a president, a managing partner, a corporate officer, or any other person with binding legal authority must complete and submit the online LVP account registration form and provide the following:

(A) Organization name, address, state and country, Organization Federal Employer Identification Number (FEIN), date and place of incorporation.

(B) The online LVP registration form must designate a primary account representative and at least one alternate account representative.

The primary account representative and the alternate account representative(s) must attest in writing, as follows:

“I certify under penalty of perjury under the laws of the State of California as follows: I was selected as the primary account representative or the secondary account representative, as applicable, by an agreement that is binding on all persons who have the legal right to submit information on behalf of the verification body. I have all the necessary authority to carry out the duties and responsibilities contained in California Code of Regulations, title 17, sections 95480 et seq. on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Executive Officer or a court regarding the account.”

- (C) For each representative, name, title, relationship to the organization, business and mobile phone, e-mail address, username, and password.
- (D) The account representatives can be changed by following steps set forth in subsection (B) and (C) above. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representatives prior to the time and date when the Executive Officer receives the superseding information shall be binding on the entity.

(3) Account Approval.

- (A) The account is established when the Executive Officer approves the application.
- (B) Account registration application may be denied based on false, misleading or missing information.

(4) Account Management Roles and Duties.

- (A) The account representative is responsible for making any changes to the company profile within LVP.
- (B) The account representative may designate users within the company who can access and manage the account.
- (C) The account representative is responsible for meeting the requirements as set forth in section 95500 through 95502.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95483.3. Change of Ownership or Operational Control.

If an entity or a facility registered in LRT-CBTS, the AFP, or the LVP undergoes a change of ownership or operational control, the following requirements apply.

- (a) CARB Notifications. Prior to the change of ownership or operational control, the previous owner or operator of the regulated entity and the new owner or operator of the entity must provide the following information to CARB:
- (1) The previous owner or operator must notify CARB in writing of the ownership or operational control change, including the name of the new owner or operator and the date of the ownership or operational control change.
 - (2) The new owner or operator must notify CARB in writing of the ownership or operational control change, including the following information:
 - (A) Previous owner or operator;
 - (B) New owner or operator;
 - (C) Date of ownership or operator change;
 - (D) Name of new account representatives pursuant to section 95483.2 for the affected entity's account in the LRT-CBTS, AFP or LVP.
 - (3) The first owner must give the Executive Officer direction regarding the disposition of net credits in the first owner's LRT-CBTS account and the certified fuel pathways associated with the first owner's AFP account.
- (b) Reporting Responsibilities. The owner or operator of record at the time of a reporting or verification deadline specified in this subarticle has the responsibility for complying with the requirements of this subarticle, including submitting quarterly and annual reports, certifying that the reports are accurate and complete, obtaining verification services, and completing verification.
- (1) Reported data must not be split or subdivided for a reporting period, based on ownership. A single reporting period data report must be submitted for the entity by the current owner or operator. This report must represent required data for the entire reporting period.

- (2) Previous owners or operators are required to provide data and records to new owners or operators that is necessary and required for preparing quarterly and annual reports required by this article.
- (c) New Owner Responsible for Net Deficits. The new owner, when filing the annual report, is responsible for demonstrating compliance pursuant to section 95485.
- (d) Bankruptcy. Deficits constitute regulatory obligations under California law. Deficits do not constitute claims dischargeable in a bankruptcy proceeding. Credits are not assets or any other form of property and thus cannot be distributed by a bankruptcy court.
- (e) Fate of Credits After an Entity Dissolves. The Executive Officer will place into the Buffer Account any net credits in the account of a party that dissolves or otherwise ceases to exist without notifying the Executive Officer pursuant to paragraph (3) of subdivision (a) of this section.
- (f) Fate of Deficits After an Entity Dissolves. Prior to dissolution, a fuel reporting entity is responsible for retiring credits equal to any net deficits in its LRT-CBTS account and fulfill account closure requirements as set forth in section 95483.2(b)(7).

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95484. ~~Average Annual Carbon Intensity Requirements~~ Benchmarks.

- (a) ~~Starting January 1, 2011, and for each year thereafter, a regulated party must meet the average~~The Executive Officer's credit and deficit calculations, as described in Sections 95486 and 95486.1, will use the appropriate annual carbon intensity ~~benchmarks requirements~~ set forth in Tables 1, and Table 2, and 3 of this section for its transportation gasoline and diesel fuel, respectively, in each calendar year.
- (b) ~~Requirements~~ Benchmarks for Gasoline and Fuels used as a Substitute for Gasoline.

Table 1. ~~LCFS Compliance Schedule~~ Carbon Intensity Benchmarks for 2011 to ~~2020-2030~~ for Gasoline and Fuels Used as a Substitute for Gasoline.

<i>Year</i>	<i>Average Carbon Intensity (gCO₂e/MJ)</i>	<i>Year</i>	<i>Average Carbon Intensity (gCO₂e/MJ)</i>
2010	Reporting Only		
2011*	95.61	<u>2021</u>	<u>91.22</u>
2012	95.37	<u>2022</u>	<u>89.97</u>
2013**	97.96	<u>2023</u>	<u>88.72</u>
2014	97.96	<u>2024</u>	<u>87.47</u>
2015	97.96	<u>2025</u>	<u>86.22</u>
2016***	96.50	<u>2026</u>	<u>84.97</u>
2017	95.02	<u>2027</u>	<u>83.72</u>
2018	93.55	<u>2028</u>	<u>82.48</u>
2019****	<u>91.08-93.72</u>	<u>2029</u>	<u>81.23</u>
2020 and subsequent years	<u>88.62-92.47</u>	<u>2030 and subsequent years</u>	<u>79.98</u>

* The ~~average carbon intensity requirements benchmarks~~ for years 2011 and 2012 reflect reductions from base year (2010) CI values for CaRFG (95.85) calculated using the CI for crude oil supplied to California refineries in 2006.

** The ~~average carbon intensity requirements benchmarks~~ for years 2013 to 2015 reflect reductions from revised base year (2010) CI values for CaRFG (98.95) calculated using the CI for crude oil supplied to California refineries in 2010.

*** In 2015 the LCFS was readopted and the CI modeling updated. ~~The average carbon intensity requirements benchmarks~~ for years 2016 to ~~2020~~18 reflect reductions from revised base year (2010) CI values for CaRFG (98.47).

**** The benchmarks for years 2019 to 2030 reflect reductions from revised base year (2010) CI values for CaRFG (99.97).

(c) ~~Requirements~~ Benchmarks for Diesel Fuel and Fuels used as a Substitute for Diesel Fuel.

Table 2. LCFS Compliance Schedule Carbon Intensity Benchmarks for 2011 to 2020-2030 for Diesel Fuel and Fuels Used as a Substitute for Diesel Fuel.

<i>Year</i>	<i>Average Carbon Intensity (gCO₂e/MJ)</i>	<i>Year</i>	<i>Average Carbon Intensity (gCO₂e/MJ)</i>
2010	Reporting Only		
2011*	94.47	<u>2021</u>	<u>92.12</u>
2012	94.24	<u>2022</u>	<u>90.86</u>
2013**	97.05	<u>2023</u>	<u>89.59</u>
2014	97.05	<u>2024</u>	<u>88.33</u>
2015	97.05	<u>2025</u>	<u>87.07</u>
2016***	99.97	<u>2026</u>	<u>85.81</u>
2017	98.44	<u>2027</u>	<u>84.55</u>
2018	96.91	<u>2028</u>	<u>83.28</u>
2019****	94.36-94.64	<u>2029</u>	<u>82.02</u>
2020 and subsequent years	91.81-93.38	<u>2030 and subsequent years</u>	<u>80.76</u>

* The ~~average carbon intensity requirements benchmarks~~ for years 2011 and 2012 reflect reductions from base year (2010) CI values for ULSD (94.71) calculated using the CI for crude oil supplied to California refineries in 2006.

** The ~~average carbon intensity requirements benchmarks~~ for years 2013 to 2015 reflect reductions from revised base year (2010) CI values for ULSD (98.03) calculated using the CI for crude oil supplied to California refineries in 2010.

*** In 2015 the LCFS was re-adopted and the CI modeling updated. ~~The average carbon intensity requirements benchmarks~~ for years 2016 to 2020~~18~~ reflect reductions from revised base year (2010) CI values for ULSD (102.01).

**** The benchmarks for years 2019 to 2030 reflect reductions from revised base year (2010) CI values for ULSD (100.95).

(d) *Benchmarks for Fuels used as a Substitute for Conventional Jet Fuel.*

Table 3. LCFS Carbon Intensity Benchmarks for 2019 to 2030 for Fuels Used as a Substitute for Conventional Jet Fuel.

<i>Year</i>	<i>Average Carbon Intensity (gCO₂e/MJ)</i>
<u>2019*</u>	<u>84.23</u>

<u>Year</u>	<u>Average Carbon Intensity (gCO₂e/MJ)</u>
<u>2020</u>	<u>83.10</u>
<u>2021</u>	<u>81.98</u>
<u>2022</u>	<u>80.86</u>
<u>2023</u>	<u>79.73</u>
<u>2024</u>	<u>78.61</u>
<u>2025</u>	<u>77.49</u>
<u>2026</u>	<u>76.36</u>
<u>2027</u>	<u>75.24</u>
<u>2028</u>	<u>74.12</u>
<u>2029</u>	<u>73.00</u>
<u>2030 and subsequent years</u>	<u>71.87</u>

* The benchmarks reflect reductions from base year (2010) CI values for conventional jet fuel (89.84).

~~(d)(e)~~ Carbon Intensity Requirements-Benchmarks for an Alternative Fuel Other Than a Biomass-Based Diesel Fuel Intended for Use in a Single-Fuel Vehicle.

- (1) ~~A regulated party must use the average carbon intensity value.~~ The Executive Officer will use the benchmarks for gasoline set forth in section 95484(b) for credit and deficit calculations for any its alternative fuel, other than biomass-based diesel fuel, if the alternative fuel is used or intended to be used in any single-fuel light- or medium-duty vehicle.
- (2) ~~A regulated party must use the average carbon intensity value.~~ The Executive Officer will use the benchmarks for diesel fuel set forth in section 95484(c) for credit and deficit calculations for its any alternative fuel, other than biomass-based diesel fuel, that is used or intended to be used in any single-fuel application not identified in section 95484(d)(1).

~~(e)(f)~~ Carbon Intensity Requirements-Benchmarks for Biomass-Based Diesel Fuel Provided for Use in a Single-Fuel Vehicle. ~~A regulated party must use the average carbon intensity value.~~ The benchmark for diesel fuel, set forth in section 95484(c), applies to if its biomass-based diesel fuel is used or intended to be used in any single-fuel:

- (1) light-, medium-, or heavy-duty vehicle;
- (2) off-road transportation application;
- (3) off-road equipment application;
- (4) locomotive or commercial harbor craft application; or
- (5) non-stationary source application not otherwise specified in subsections (1) through (4) above.

~~(f)~~(g) *Carbon Intensity ~~Requirements~~ Benchmarks for Transportation Fuels Intended for Use in Multi-Fuel Vehicles.*

- (1) ~~For an~~ The Executive Officer's credit and deficit calculations involving alternative fuel provided for use in a multi-fueled vehicle, a regulated party must use:
 - (A) ~~the average carbon intensity value~~ benchmarks for gasoline set forth in section 95484(b) if one of the fuels used in the multi-fuel vehicle is gasoline; or
 - (B) ~~the average carbon intensity value~~ benchmarks for diesel fuel set forth in section 95484(c) if one of the fuels used in the multi-fuel vehicle is diesel fuel.
- ~~(2) For an alternative fuel provided for use in a multi-fueled vehicle (including a bi-fuel vehicle) that does not use gasoline or diesel fuel, a regulated party must use:~~
 - ~~(A) the average carbon intensity value for gasoline set forth in section 95484(b) if that alternative fuel is used or intended to be used in a light- or medium-duty vehicle.~~
 - ~~(B) the average carbon intensity value for diesel set forth in section 95484(c) if that alternative fuel is used or intended to be used in an application not identified in section 95484(f)(2)(A).~~

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95485. Demonstrating Compliance.

(a) *Compliance Demonstration.*

(1) A regulated party's fuel reporting entity must demonstrate that it met its annual compliance obligation is met when the regulated party demonstrates via its by submitting an annual compliance report, showing that it possessed and has retired a number of credits from its credit account that is equal to its compliance obligation.

(2) Mandatory Retirement of Credits for the Purpose of Compliance. At the time of annual compliance report submission, for a fuel reporting entity that possesses credits and has also incurred deficits, the LRT-CBTS will retire a sufficient number of credits so that:

(A) Enough credits are retired to completely meet the fuel reporting entity's compliance obligation for that compliance period, or

(B) If the total number of credits available in entity's account is less than the total number of deficits incurred, all the credits within entity's possession will be retired.

(b) *Calculation of Credit Balance and Annual Compliance Obligation.*

(1) *Compliance Period.* Beginning in 2011 and every year thereafter, the annual compliance period is January 1st through December 31st of each year.

(2) *Calculation of Compliance Obligation and Credit Balance at the End of a Compliance Period.* A regulated party must calculate the The Executive Officer will calculate each LRT-CBTS account holder's compliance obligation and credit balance at the end of a compliance period as follows:

$$ComplianceObligation = Deficits^{Generated} + Deficits^{CarriedOver}$$

$$CreditBalance = (Credits^{Gen} + Credits^{Acquired} + Credits^{CarriedOver}) - (Credits^{Retired} + Credits^{Sold} + Credits^{OnHold} + Credits^{Exported})$$

$$\begin{aligned} CreditBalance &= (Credits^{Generated} \\ &+ Credits^{Acquired} + Credits^{Released} + Credits^{CarriedOver}) \\ &- (Credits^{Retired} + Credits^{Sold} + Credits^{OnHold} \\ &+ Credits^{CCMPledge} + Credits^{Adjustments}) \end{aligned}$$

where:

Deficits^{Generated} are the deficits generated pursuant to sections 95486 and 95489 in the current compliance period;

Deficits^{CarriedOver} are the deficits carried over from the previous compliance period and not deferred pursuant to section 95485(c);

~~*Credits^{Gen}*~~ *Credits^{Generated}* are the credits generated pursuant to sections 95486 and 95489 in the current compliance period;

Credits^{Acquired} are the credits purchased or otherwise acquired in the current compliance period, including ~~carry-back~~ carryback credits acquired pursuant to section 95486;

Credits^{Released} are the credits released from the hold due to enforcement or administrative action;

Credits^{CarriedOver} are the credits carried over from the previous compliance period;

Credits^{Retired} are the credits retired within the LCFS in the current compliance period;

Credits^{Sold} are the credits sold or otherwise transferred in the current compliance period; ~~and~~

Credits^{OnHold} are the credits placed on hold due to enforcement ~~or~~ administrative action. While on hold these credits cannot be used for meeting an annual compliance obligation;

~~*Credits^{Exported}*~~ are the credits exported to programs outside the LCFS in the current compliance period.

Credits^{CCMPledge} are the credits pledged for the Credit Clearance Market and withheld from the ongoing LCFS market; and

Credits^{Adjustments} are the credits adjusted or invalidated due to administrative or enforcement action.

(c) *Credit Clearance Market.*

- (1) If a ~~regulated party~~ fuel reporting entity does not retire sufficient credits to meet its year-end compliance obligation under section 95485(a), that party must purchase its pro-rata share of credits in the Credit Clearance Market, if one occurs.

~~(A) *Definition of Ongoing LCFS Credit Market.* The Ongoing LCFS credit market is defined as the routine LCFS market that operates throughout the year in which regulated parties and credit generators exchange LCFS credits. It is not the Credit Clearance Market.~~

~~(A)(B)~~ *If the Credit Clearance Market occurs, a regulated party fuel reporting entity that fails to comply with section 95485(a) is nevertheless in compliance if the party:*

1. Retires all credits in its LRT-CBTS account;
2. Acquires its Pro-Rata Obligation in the Credit Clearance Market and retires that number of credits by July 31st of the year subsequent to the compliance year in question; and
3. Retires the remaining balance of its annual obligation, with interest, within five years.

~~(B)(C)~~ *If no Credit Clearance Market occurs, the Executive Officer will record any party's entity's unmet compliance obligation in that party's Accumulated Deficits account, and the regulated party fuel reporting entity will be deemed in compliance for that year, provided that it has retired all credits in its account, and retires credits equivalent to the Accumulated Deficits retires that Accumulated Deficit balance, with interest as explained in section 95485(c)(4)(E) below, within five years.*

(2) *Acquisition of "Clearance Market" Credits to Meet an Annual Compliance Obligation.*

(A) *Clearance Market Period.* From June 1st to July 31st, a regulated party fuel reporting entity subject to section 95485(c)(1) must acquire credits pledged into the Credit Clearance Market to be retired toward compliance in the previous compliance year. Credits acquired for this purpose are defined as "Clearance Market" credits.

(B) *Use of Clearance Market Credits.* A Clearance Market credit can only be used for the purpose of meeting the regulated party's fuel reporting entity's compliance obligation from an immediate prior year.

~~(C) *Applicability.* To qualify for compliance via the Credit Clearance Market, the regulated party must meet both of the following conditions:~~

- ~~1. The regulated party must have retired for compliance all of the credits in its possession; and~~
- ~~2. The regulated party must have unmet compliance obligations for the prior year, as reported to the Executive Officer on the Annual Compliance Report.~~

(3) *Procedure for Selling in the Clearance Market.*

- (A) *Call for Credits.* On the first Monday in April, the Executive Officer shall issue to all ~~regulated party~~ fuel reporting entities and credit generators a call for credits to be pledged for sale in the Clearance Market. When calling for credits, the Executive Officer will inform ~~regulated parties~~ fuel reporting entities of that year's Maximum Price for Credits (i.e., ~~\$200 plus inflation~~) as determined in subsection (C) below.
- (B) *Pledging Credits for Sale into the Clearance Market.* ~~Regulated parties~~ Fuel reporting entities and credit generators pledging credits for sale into the Clearance Market must report to the Executive Officer in the Annual Compliance Report (on or before April 30th) the ~~quantity~~ number of ~~any~~ credits they are pledging for sale.
- (C) *Calculation of the Maximum Price for Credits in the Clearance Market.* The maximum price for credits acquired, purchased or transferred via the Credit Clearance Market shall be set by the following formula:
 1. \$200/credit (MTCO_{2e}) in 2016.
 2. ~~This price shall be adjusted in subsequent years by a Consumer Price Index (CPI) deflator in all years subsequent to 2016 to keep pace with inflation and remain at a constant price, in real terms.~~ This per credit price shall be adjusted annually by the rate of inflation as measured by the most recently available twelve months of the Consumer Price Index for All Urban Consumers.
 3. ~~The CPI deflator shall be the rate of inflation as measured by the most recently available twelve months of the Consumer Price Index for All Urban Consumers.~~ "Consumer Price Index for All Urban Consumers" means a measure that examines the changes in the price of a basket of goods and services purchased by urban consumers, and is published by the U.S. Bureau of Labor Statistics.

(D) *Eligibility to Sell.* Only ~~regulated parties~~ fuel reporting entities and ~~credit generators~~ that demonstrated compliance pursuant to section 95485(a) for the prior year can pledge credits for sale into the Clearance Market. ~~Regulated parties~~ Fuel reporting entities that have an Accumulated Deficit obligation cannot pledge credits for sale into the Clearance Market.

(E) *Selling in the Clearance Market.* By pledging credits for sale in the Clearance Market, ~~regulated parties and credit generators~~ agree to the following provisions:

1. ~~Regulated parties and credit generators~~ Parties pledging credits agree to withhold those credits from sale in the ongoing LCFS credit market until the Executive Officer determines whether a Clearance Market will occur and, if a Clearance Market will occur, until August 1st.
2. The Executive Officer will announce whether a Clearance Market will occur by May 15th of each year.
3. If the Executive Officer announces that a Clearance Market will not be held that year, ~~regulated parties~~ who have pledged credits to the Clearance Market shall be released from their agreement to withhold those credits from sale in the ongoing LCFS credit market.
4. If a Clearance Market does occur, ~~regulated parties~~ agree to sell or transfer credits at or below the Maximum Price for the pertinent year, until the Clearance Market closes on July 31st.
5. ~~Regulated p~~Parties that have pledged credits to sell into the Clearance Market cannot reject an offer to purchase pledged credits at the Maximum Price, provided they have not sold or contractually agreed to sell those pledged credits.

(4) *Clearance Market Operation.* The Executive Officer will inform each ~~regulated party~~ fuel reporting entity that failed to meet the Annual Compliance obligation under section 95485(a) of its pro-rata share of credits available into the Clearance Market by June 1st.

(A) *Calculation of p*~~Pro-r~~Pro-Rata s~~Shares.~~ Each ~~regulated party's~~ fuel reporting entity's pro-rata share of credits available in the Clearance Market will be calculated by the following formula:

~~Regulated Party~~ Fuel reporting entity A's pro-rata share =

$$\left[\frac{(A's \text{ deficit})}{(total \text{ deficits})} \right] \times [lesser \text{ of: } (pledged \text{ credits}) \text{ or } (total \text{ deficits})]$$

where:

deficit refers to one ~~regulated party's~~ fuel reporting entity's obligation for the compliance year that has not been met pursuant to section 95485(a);

total deficits refers to the sum of all ~~regulated parties'~~ fuel reporting entities' obligations for the compliance year that have not been met pursuant to section 95485(a); and

pledged credits means the sum of all credits pledged pursuant to section 95485(c)(3).

- (B) *Publishing a ~~List of parties~~ Entities ~~Participating in the Clearance Market~~.* On or before June 1st, the Executive Officer will post the following information on the LCFS web site:
1. The name of each ~~party~~ entity that did not meet the requirement of section 95485(a) and the number of credits that each ~~party~~ entity is obligated to acquire as their pro-rata share; and
 2. ~~†~~The name of each ~~party~~ entity that has pledged to provide credits for sale in the credit clearance market and the number of credits that each party has agreed to provide.
- (C) *Clearance Market Operation Period.* If the Executive Officer has determined the Clearance Market will occur, the Clearance Market will operate from June 1st through July 31st.
- (D) *Submission of Amended Annual Compliance Reports.* ~~Regulated parties~~ Fuel reporting entities that purchased credits in the Clearance Market must submit to the Executive Officer an Amended Annual Compliance Report by August 31st that accounts for the acquisition and retirement of their pro-rata share of Clearance Market credits, and for all deficits carried over as Accumulated Deficits.
- (E) *Accumulated Deficits.* If, after purchasing its pro-rata share of credits and retiring those credits, a ~~Regulated Party~~ fuel reporting entity retains an unmet compliance obligation, the Executive Officer shall record remaining ~~unmet~~ deficits from that compliance year in

~~an Accumulated Deficit account for that regulated party~~ the entity's account.

(5) *Rules Governing Accumulated Deficits.*

- (A) *Compound Interest on Accumulated Deficits.* ~~Regulated Parties-Fuel reporting entities~~ with an Accumulated Deficit will be charged interest to be applied annually to all deficits in a ~~regulated party's-fuel reporting entity's~~ Accumulated Deficit account. Interest will be applied on Accumulated Deficit from previous compliance years in terms of additional deficits that must be retired pursuant to section 95485(c)(1)(A)(B), ~~above~~, at a rate of 5 percent annually, applied on each ~~May~~ September 1st.
- (B) *Repayment of Accumulated Deficits.* ~~Regulated Parties-Fuel reporting entities~~ that participate in the Clearance Market in order to meet their compliance obligations must repay all ~~unmet~~ deficits, plus interest no later than five years from the end of the compliance period in which any such deficit was incurred.
- (C) *Restrictions on the Repayment of Accumulated Deficits.* ~~Regulated Parties-Fuel reporting entities~~ may repay ~~unmet~~ Accumulated ~~d~~Deficits as part of a subsequent annual report. However, no repayment of any ~~a~~ Accumulated ~~d~~Deficits is allowed unless the ~~regulated party-fuel reporting entity~~ meets 100 percent of its current compliance obligation.
- (D) *Prohibitions on Credit Transfers.* ~~Regulated Parties-Fuel reporting entities~~ that have an Accumulated Deficit obligation cannot transfer or sell credits to another ~~regulated party-fuel reporting entity~~.

~~(d) Limitations on the Use of Credits produced pursuant to sections 95489(f) and (g) (Related to Credits for the Refinery Investment Credit and the Renewable Hydrogen Refinery Credit).~~

- ~~(1) A regulated party may use credits created pursuant to section 95489(f) to meet no more than 20 percent of its annual obligation.~~
- ~~(2) A regulated party may use credits created pursuant to section 95489(g) to meet no more than 10 percent of its annual obligation.~~
- ~~(3) Use of credits created pursuant to sections 95489(f) and (g) to retire deficits incurred pursuant to section 95489(c) shall not count against the limitations established in sections 95485(d)(1) and (2).~~

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air*

Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95486. Generating and Calculating Credits and Deficits.

(a) *Generation and Acquisition of Transferrable Credits.*

- (1) *Credit and Deficit Issuance.* Upon submission and acceptance of a timely ~~quarterly reports~~ required by this subarticle, the total number of credits and deficits generated through the supply of fuels or blendstocks with carbon intensity values below that of the applicable standard will be ~~issued deposited in a credit~~ the LRT-CBTS account of the applicable regulated party or credit or deficit generator. Once ~~banked~~ issued, credits may be retained indefinitely, retired to meet a compliance obligation, or transferred to other ~~regulated party or credit generators~~ entities through the LRT-CBTS. The Executive Officer will issue the credits in the LRT-CBTS if:
 - (A) The credit generator met all the reporting requirements pursuant to this subarticle;
 - (B) The credit generator reconciled its data with business partners by the quarterly reporting deadline, if applicable;
 - (C) The activity is not prohibited pursuant to section 95486(a)(2) or any other provision of this subarticle.
- (2) *No Retroactive Credit-Generation Claim.* Unless expressly provided elsewhere in this subarticle, no credit generator may generate or claim credits retroactively may be generated or claimed based on section 95489 provisions, supplying electricity for transportation, or any transaction or activity regarding a transportation fuel for any act occurring in a quarter period for which the quarterly-reporting deadline has passed. Similarly, no deficit generator may eliminate deficits retroactively for a period for which the reporting deadline has passed. ~~Notwithstanding this section, the Executive Officer may remove a credit's provisional status at any time, pursuant to section 95488 (d) and (e). Where an application or demonstration pursuant to sections 95488 or 95489 has been completed but not yet approved, the applicant may report transactions in the LRT-CBTS. When the Executive Officer approves the section 95488, or 95489 application or demonstration, the Executive Officer will recognize any credits generated during the quarter in which the approval takes place, and one previous quarter, provided that the application was complete during that previous quarter.~~

(3) Buffer Account. The Executive Officer may create an LRT-CBTS account under the control of the Executive Officer. In this account, the Executive Officer may place:

- (A) An equivalent number of credits for any LCFS credits that could have been claimed (or deficits that could have been eliminated) if reported timely, if not for the prohibition on retroactive credit claims in section 95486(a)(2).
- (B) An equivalent number of credits representing the difference between the reported CI and the verified operational CI from annual Fuel Pathway Reports for each fuel pathway code reported with transaction types “Production in California”, “Production for Import”, and “Import” during a compliance year. These credits will be placed in the buffer account after August 31st for the prior compliance year and will be calculated according to the following equation:

$$\begin{aligned} & \text{Credits}_{CI\ difference}^{FPC} (MT) \\ & = (\text{Credits}_{verified\ operational\ CI}^{FPC} (MT) - \text{Credits}_{reported\ CI}^{FPC} (MT)) \end{aligned}$$

If $\text{Credits}_{CI\ difference}^{FPC} > 0$

where:

$\text{Credits}_{CI\ difference}^{FPC}$ is the number of credits representing the difference between the reported CI and verified operational CI for each fuel pathway code;

$\text{Credits}_{verified\ operational\ CI}^{FPC}$ is the number of credits calculated using $CI_{verified\ operational}^{XD}$ instead of $CI_{reported}^{XD}$ in the equation in section 95486.1(a)(1). $CI_{verified\ operational}^{XD}$ is determined by the Executive Officer on the basis of the annual Fuel Pathway Reports pursuant to section 95488.10 for each fuel pathway code; and

$\text{Credits}_{reported\ CI}^{FPC}$ is the number of credits calculated using equation in section 95486.1(a)(1) for each fuel pathway code;

- (C) Contribution from CCS projects pursuant to the CCS Protocol.
- (D) All net credits remaining in any deactivated LRT-CBTS accounts.
- (E) The Executive Officer may retire credits in the Buffer Account to address the invalidation of credits, pursuant to section 95495, if the

person responsible for the invalidated credits no longer exists or is otherwise unavailable to reimburse the program.

~~(3)~~(4) The Executive Officer may, at the time of credit ~~creation~~generation or credit transfer, assign a unique identification number to each credit. Credits are subject to review and audit by the Executive Officer or his designee, and credits may be ~~reversed~~invalidated or adjusted as necessary pursuant to section 95495.

~~(4)~~(5) *Acquisition of "Carryback" Credits to Meet Obligation.*

(A) ~~Extended Carryback Credit Acquisition Period.~~ A ~~regulated party-fuel reporting entity~~ may acquire, via purchase or transfer, additional credits between January 1st and ~~March 31st~~April 30th ("~~extended carryback period~~") to be used for meeting the compliance obligation of the year immediately prior to the ~~extended carryback period~~. Credits acquired for this purpose are defined as "carryback" credits. All carryback credit transfers must be initiated in the LRT-CBTS by ~~March 31st~~April 30th and completed by the buyer within ~~405~~ days as specified in section 95487(b)(1)(C)1. in order to be valid for meeting the compliance obligation of the year immediately prior.

(B) *Use of Carryback Credits.* A carryback credit may be used for the purpose of meeting the compliance of an immediate prior year if all of the conditions below are met:

1. The ~~additional~~-credit was acquired during the ~~extended carryback period~~;
2. The ~~additional~~-credit was generated in a compliance year prior to the ~~extended carryback period~~;
3. A ~~regulated party-fuel reporting entity~~ electing to use carryback credits must identify the number ~~and source of~~ credits it desires to use as carryback credits in its annual compliance report submitted to the Executive Officer no later than April 30th of the year in which the ~~additional carryback~~ credits were obtained; and
4. A ~~regulated party-fuel reporting entity~~ electing to use carryback credits must:
 - a. ~~a~~Acquire and retire a sufficient amount of carryback and other credits to meet 100 percent of its compliance obligation in the prior compliance year, or

- b. ~~Minimize its compliance shortfall by retiring all credits in its possession at the end of the previous compliance year, as well as all credits purchased during the extended carryback period that are eligible to be used as carry back carryback credits.~~

(b) Calculation of Credits and Deficits Generated. The Executive Officer will calculate the number amount of credits and deficits generated in a compliance period for an LCFS fuel will be calculated within the LRT-CBTS using the methods specified in sections 95486.1 and section 95489. The total credits and deficits generated are used in determining the overall credit balance for a compliance period, pursuant to section 95485. All credits and deficits are denominated in units of metric tons (MT) of carbon dioxide equivalent.

- (1) All LCFS fuel quantities used for credit calculation ~~must be using fuel pathways~~ are in energy units of megajoules (MJ).

Fuel quantities denominated in other units, such as those shown in Table 34, ~~must be are~~ converted to MJ in the LRT-CBTS by multiplying by the corresponding energy density¹:

Table 34. Energy Densities and Conversion Factors for of LCFS Fuels and Blendstocks.

<i>Fuel (units)</i>	<i>Energy Density</i>
CARBOB (gal)	119.53 (MJ/gal)
CaRFG (gal)	115.83 (MJ/gal)
Diesel fuel (gal)	134.47 (MJ/gal)
Pure Methane (ft³)	1.02 (MJ/ft³)
Natural Gas (ft³)	1.04 (MJ/ft³)
LNG (gal)	78.83 (MJ/gal)
<u>CNG (Therms)</u>	<u>105.5 (MJ/Therm)</u>
Electricity (KWh)	3.60 (MJ/KWh)
Hydrogen (kg)	120.00 (MJ/kg)
Undenatured Anhydrous Ethanol	80.53 (MJ/gal)

¹ Energy density factors are based on the lower heating values of fuels in CA-GREET 2.0 using BTU to MJ conversion of 1055.06 J/Btu.

Denatured Ethanol (gal)	81.51 (MJ/gal)
FAME Biodiesel (gal)	126.13 (MJ/gal)
Renewable Diesel (gal)	129.65 (MJ/gal)
<u>Alternative Jet Fuel (gal)</u>	<u>126.37 (MJ/gal)</u>
<u>Propane (gal)</u>	<u>88.89 (MJ/gal)</u>

- (2) The total credits and deficits generated by a regulated party credit or deficit generator in a compliance period must will be calculated as follows:

$$Credits^{Gen}(MT) = \sum_i^n Credits_i^{gasoline} + \sum_i^n Credits_i^{diesel}$$

$$\begin{aligned} Credits^{Gen}(MT) &= \sum_i^n Credits_i^{gasoline} + \sum_i^n Credits_i^{diesel} + \sum_i^n Credits_i^{jet} \\ &+ \sum_i^n Credits_i^{projects} \end{aligned}$$

$$Deficits^{Gen}(MT) = \sum_i^n Deficits_i^{gasoline} + \sum_i^n Deficits_i^{diesel}$$

where:

$Credits^{Gen}$ represents the total credits (a zero or positive value), in units of metric tons (MT), for all fuels and blendstocks determined from the credits generated under either or both of the gasoline, and diesel, and jet fuel average annual carbon intensity requirements benchmarks, and from opt-in projects, if applicable;

$Deficits^{Gen}$ represents the total deficits (a negative value), in MT, for all fuels and blendstocks determined from the deficits generated under either or both of the gasoline and diesel fuel average annual carbon intensity benchmarks requirements;

i is the finished fuel or blendstock index; and

n is the total number of finished fuels and blendstocks provided by a regulated party credit or deficit generator in a compliance period.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95486.1. Generating and Calculating Credits and Deficits Using Fuel Pathways.

~~(3)~~(a) General Calculation of Credits and Deficits Using Fuel Pathways. LCFS credits or deficits for each fuel or blendstock for which a fuel reporting entity is the credit or deficit generator will supplied by a regulated party must be calculated according to the following equations:

$$\text{(A)(1) } Credits_i^{XD} / Deficits_i^{XD} (MT) = (CI_{standard}^{XD} - CI_{reported}^{XD}) \times E_{displaced}^{XD} \times C$$

where:

$Credits_i^{XD} / Deficits_i^{XD} (MT)$ is either the amount number of LCFS credits generated (a zero or positive value), or deficits incurred (a negative value), in metric tons, by a fuel or blendstock under the average carbon intensity requirement for gasoline ($XD = \text{"gasoline"}$), or diesel ($XD = \text{"diesel"}$), or jet fuel ($XD = \text{"jet"}$);

$CI_{standard}^{XD}$ is the average carbon intensity requirement of either gasoline ($XD = \text{"gasoline"}$), or diesel fuel ($XD = \text{"diesel"}$), or jet fuel ($XD = \text{"jet"}$) for a given year as provided in sections 95484(b), and (c) and (d), respectively;

$CI_{reported}^{XD}$ is the adjusted carbon intensity value of a fuel or blendstock, in gCO_{2e}/MJ, calculated pursuant to section ~~95486(b)(3)(B)~~ 95486.1(a)(2);

$E_{displaced}^{XD}$ is the total amount quantity of gasoline ($XD = \text{"gasoline"}$), or diesel ($XD = \text{"diesel"}$), or jet ($XD = \text{"jet"}$) fuel energy displaced, in MJ, by the use of an alternative fuel, calculated pursuant to section ~~95486(b)(3)(C)~~ 95486.1(a)(3); and

C is a factor used to convert credits to units of metric tons from gCO_{2e} and has the value of:

$$C = 1.0 \times 10^{-6} \frac{(MT)}{(gCO_2e)}$$

$$\text{(B)(2) } CI_{reported}^{XD} = \frac{CI_i}{EER^{XD}}$$

where:

CI_i is the carbon intensity of the fuel or blendstock, measured in $\text{gCO}_2\text{e/MJ}$, determined by a CA-GREET pathway or a custom pathway and incorporates a land use modifier (if applicable); and

EER^{XD} is the dimensionless Energy Economy Ratio (EER) relative to gasoline ($XD = \text{"gasoline"}$) ~~or diesel fuel~~ ($XD = \text{"diesel"}$), or jet fuel ($XD = \text{"jet"}$) as listed in Table 45. For a vehicle-fuel combination not listed in Table 45, $EER^{XD} = 1$ must be used.

~~(C)~~(3) $E_{displaced}^{XD} = E_i \times EER^{XD}$

where:

E_i is the energy of the fuel or blendstock, in MJ, determined from the energy density conversion factors in Table 34, except as noted in subsection 95486(b)(3)(D)(4) below.

~~(D)~~(4) For Fixed Guideway Systems and Forklifts:

$$E_{displaced}^{XD} = E_i$$

where:

E_i is the energy of the fuel used to propel fixed guideway systems, electric forklifts, and hydrogen fuel cell forklifts. For fixed guideway system expansion beyond 2010, and for electric and hydrogen fuel cell forklifts with model year 2011 or later, the formula for displaced energy in section 95486(b)(3)(C)-95486.1(a)(3) may be used with Executive Officer approval.

Table 45. EER Values for Fuels Used in Light- and Medium-Duty, and Heavy-Duty Applications.

<i>Light/Medium-Duty Applications (Fuels used as gasoline replacement)</i>		<i>Heavy-Duty/Off-Road Applications (Fuels used as diesel replacement)</i>		<i>Aviation Applications (Fuels used as jet fuel replacement)</i>	
<i>Fuel/Vehicle Combination</i>	<i>EER Values Relative to Gasoline</i>	<i>Fuel/Vehicle Combination</i>	<i>EER Values Relative to Diesel</i>	<i>Fuel/Vehicle Combination</i>	<i>EER Values Relative to Conventional Jet</i>
Gasoline (incl. E6 and E10) Or E85 (and other ethanol blends)	1.0	Diesel fuel Or Biomass-based diesel blends	1.0	<u>Jet fuel</u> or <u>Biomass-based jet fuel blends</u>	<u>1</u>
CNG/ICEV	1.0	CNG or LNG (Spark-Ignition Engines) CNG or LNG (Compression-Ignition Engines)	0.9 1.0		
Electricity/BEV, or PHEV	3.4	Electricity/BEV, or PHEV* Truck Electricity/BEV or PHEV* Bus Electricity/Fixed Guideway, Heavy Rail Electricity/Fixed Guideway, Light Rail	2.7 4.2 <u>5.0</u> 4.6 3.3		
<u>On-Road Electric Motorcycle</u>	<u>4.4</u>	Electricity/Trolley Bus, Cable Car, Street Car Electricity Forklifts <u>Electric TRU</u>	3.1 3.8 <u>3.4</u>		
H2/FCV	2.5	H2/FCV	1.9		

		H2 Fuel Cell Forklifts	2.1	
Propane	1.0	Propane	0.9	

*BEV = battery electric vehicle, PHEV= plug-in hybrid electric vehicle, FCV = fuel cell vehicle, ICEV = internal combustion engine vehicle.

~~(b)(e) Credit and Deficit Generation Frequency Using Fuel Pathways. Beginning 2011 and every year afterwards, a regulated party may generate credits quarterly after the quarterly report has been submitted in the LRT-CBTS. Regulated parties shall reconcile their data with their business partners before submission. Unless expressly provided elsewhere in this subarticle, credits and deficits for fuel transactions reported each quarter will be generated in LRT-CBTS accounts upon completion of the reporting period for the given quarter, if all the conditions set forth in section 95486(a)(1) are met.~~

(c) Calculation of Credits for EV Charging Using Fuel Pathways.

(1) Base Credits to EDUs. “Base Credit” refers to the credit generated by an EDU for electricity using carbon intensity values provided in the Lookup Table pathway for California Average Grid Electricity and the credit calculation in 95486.1(a).

(A) Determining Quantity of Electricity. For calculating base credits to EDUs, the quantity of electricity must be determined as follows:

1. For Non-Metered Residential EV Charging. The Executive Officer will use the following method to calculate the quantity of electricity used for non-metered residential charging:

$$\text{Electricity}_{\text{Non metered}}^{\text{EV}} = \frac{N_{\text{Non metered}}^{\text{EV}} \times \text{Electricity}_{\text{Daily Average}}^{\text{EV}} \times T_{\text{reporting period}}^{\text{days}}}{1}$$

where:

Electricity_{Non metered}^{EV} is the total estimated electricity use in kWh of non-metered residential plug-in electric vehicles within a given EDU service area for the compliance period;

N_{Non metered}^{EV} is the number of non-metered residential EVs within a given EDU service area for the compliance period;

Electricity_{Daily Average}^{EV} is the quantity in kWh of electricity used daily for residential charging of EVs, based upon the best data available to the Executive Officer, during the compliance period;

$T_{reporting\ period}^{days}$ is the total number of days in the compliance period.

2. For Metered Residential EV Charging. The EDU may demonstrate the quantity of electricity for the purposes of calculating the base credits for metered charging at residences through timely submission of Quarterly Fuel Transaction Reports based on meter records.

(B) Calculation of Base Credits. The Executive Officer will use the quantity of electricity as determined in subsection (A) above to calculate the base credit using the Lookup Table pathway CI value for California Average Grid Electricity and the credit generation equation provided in section 95486.1(a).

(C) Credits calculated and generated pursuant to subsection (B) above are exempt from the credit generation requirements pursuant to sections 95486(a)(2) and 95486.1(b).

(2) Incremental Credits for Residential EV Charging. "Incremental Credit" refers to any credits generated in addition to the base credits generated by an EDU pursuant to subsection (1)(B) above, for the same electricity, using the calculation in subsection (2)(B), below.

(A) Quantity of Electricity.

1. Non-Metered Residential EV Charging. The Executive Officer shall use the formula in 95486.1(c)(1)(A) for calculating the quantity of electricity eligible to generate incremental credits for each residence that has an electric vehicle that is not separately metered and is shown to receive low-CI electricity.

2. Metered Residential EV Charging for Incremental Credits. Any entity generating incremental credit for metered residential EV charging must supply the quantity of low-CI electricity through timely submission of Quarterly Fuel Transaction Reports based on meter records.

(B) Calculation of Incremental Credits. Incremental credits for electricity used for EV charging, including low-CI electricity and time-of-use pathways, must be calculated according to the following equation:

$$Credits_i(MT) = (CI_{grid\ average} - CI_{reported}) \times Electricity \times C$$

where:

$Credits_i(MT)$ is the number of incremental LCFS credits generated (a zero or positive value), in metric tons, for improvements in carbon intensity of electricity supplied as transportation fuel compared to the grid-average carbon intensity;

$CI_{grid\ average}^{XD}$ is the carbon intensity of California Average Grid Electricity pathway certified by the Executive Officer for a given year;

$CI_{reported}^{XD}$ is the adjusted carbon intensity of electricity, in gCO_2e/MJ , as calculated for a certified Tier 2 pathway or a Lookup Table pathway, including time-of-use pathways;

$Electricity$ is the total quantity of low-CI electricity supplied for EV charging, in MJ, determined from the energy density conversion factors in Table 4; and

C is a factor used to convert credits to units of metric tons from gCO_2e and has the value of:

$$C = 1.0 \times 10^{-6} \frac{(MT)}{(gCO_2e)}$$

(d) Calculation of Credits for Non-Residential EV Charging Using Fuel Pathways. The base and incremental framework does not apply to non-residential EV charging. Only one entity per FSE may claim credits for non-residential metered EV charging, pursuant to the framework described in subsections (1) and (2) below.

(1) An entity may generate credits for Non-Residential EV charging using a carbon intensity from the Lookup Table in section 95488.5, or a carbon intensity value certified through the Tier 2 pathway application process, and the credit calculation in 95486.1(a).

(2) Time-of-Use Pathways for EV Charging. An entity can generate credits, in addition to credits generated pursuant to subsection (1), above, for improvements in the CI of electricity used for EV charging due to time of use pursuant to section 95488.5, and the credit calculation in section 95486.1(c)(2)(B).

(e) Calculation of Credits for Hydrogen Using Fuel Pathways.

- (1) An entity may generate credits for hydrogen used as a transportation fuel pursuant to section 95486.1(a), using a carbon intensity found in the Lookup Table in section 95488.5 or a carbon intensity value certified through the Tier 2 pathway application process, and the credit calculation in 95486.1(a).
- (2) Time-of-Use Pathways for Hydrogen Production. An entity can generate credits, in addition to credits generated pursuant to subsection (1), above, for improvements in the CI of electricity used for electrolysis to produce hydrogen due to time of use pursuant to section 95488.5 and the credit calculation in section 95486.1(c)(2)(B), where:

Electricity is the total quantity of low-CI electricity supplied to the electrolyzer for hydrogen production.

NOTE: Authority cited: Sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95487. Credit Transactions.

- (a) *General.* LCFS credits shall not constitute instruments, securities, or any other form of property.
- (1) A regulated ~~party~~entity may:
- (A) ~~retain~~ LCFS credits without expiration for use within the LCFS market; ~~and~~
- (B) ~~acquire~~ or transfer LCFS credits. A third-party ~~entity~~, which is not a regulated ~~party~~entity or acting on behalf of a regulated ~~party~~entity, may not hold, purchase, sell, or trade LCFS credits, except as otherwise specified in section 95483 ~~subsection (C), below; and~~
- ~~(C) export credits for compliance with other greenhouse gas reduction initiatives including programs established pursuant to AB 32 (Nunez, Stats. 2006, ch. 488), subject to the authorities and requirements of those programs.~~
- (2) A regulated ~~party~~entity may not:

- (A) ~~u~~Use credits in the LCFS program that are generated outside the LCFS program, including credits generated in other AB-32-tradeable emission credit programs administered by the California Air Resources Board.
- (B) ~~b~~Borrow or use credits from anticipated future carbon intensity reductions.
- (C) ~~g~~Generate LCFS credits from fuels exempted from the LCFS under section 95482(d) or are otherwise not eligible pursuant to one of the transportation fuels specified in section 95482(a).

~~(b) — Mandatory Retirement of Credits for the Purpose of Compliance.~~

- ~~(1) — At the end of a compliance period, a regulated party that possesses credits and has also incurred deficits must retire a sufficient number of credits so that:~~
 - ~~(A) — Enough credits are retired to completely meet the regulated party's compliance obligation for that compliance period, or~~
 - ~~(B) — If the total number of credits is less than the total number of deficits, the regulated party must retire all credits within its possession.~~
- ~~(2) — Credit Retirement Hierarchy. The process developed in the LRT-CBTS to retire credits for purposes of meeting a compliance obligation will use the following default hierarchy:~~
 - ~~(A) Credits acquired during the extended credit carryback purchase period of January 1st to March 31st following the prior compliance period and designated for carryback will be retired first;~~
 - ~~(B) Credits acquired during a previous compliance period (in order of earliest completed transfer "recording date" first) will be retired next;~~
 - ~~(C) Credits generated in a previous compliance year (in order of the earliest quarter first in which the credits were generated) will be retired last.~~

~~(e)(b) Credit Transfers between Parties.~~

- ~~(1) A regulated party entity that who wishes to sell or transfer credits ("the Seller") and a regulated party entity that who wishes to purchase or acquire a credit ("the Buyer") may enter into an agreement to transfer credits. Any such agreement must be fully documented in the LRT-CBTS pursuant to section 95487(b)(1)(B) and (C).~~

- (A) *General Requirements for Credit Transfers.* The Seller may transfer credits provided the number of credits to be transferred by the Seller does not exceed the number of total credits in the Seller's credit account defined as follows:

$$\text{Total Credits} = \text{Credits}^{\text{Gen}} + \text{Credits}^{\text{Acquired}} - \text{Sum of } (\text{Credits}^{\text{Retired}} + \text{Credits}^{\text{OnHold}} + \text{Credits}^{\text{Sold}} + \text{Credits}^{\text{Exported}})$$

$$\text{Total Credits} = \text{Credits}^{\text{Gen}} + \text{Credits}^{\text{Acquired}} - \text{Sum of } (\text{Credits}^{\text{Retired}} + \text{Credits}^{\text{OnHold}} + \text{Credits}^{\text{Sold}} + \text{Credits}^{\text{Exported}} + \text{Credits}^{\text{CCMPledge}})$$

where:

Credits^{Gen}, *Credits*^{Acquired}, *Credits*^{Retired}, *Credits*^{OnHold}, *Credits*^{Sold}, ~~and~~ *Credits*^{Exported}, and *Credits*^{CCMPledge} have the same meaning as those in section 95485(b).

- (B) The credit transfer request must identify the type of transaction agreement for which the transfer request is being submitted, selecting one of the following types:

1. Over-the-counter agreement for the sale or transfer of LCFS credits for which delivery will take place no more than 10 days from the date of the transaction agreement.
2. Over-the-counter agreement for the sale or transfer of LCFS credits for which delivery is to take place more than 10 days from the date of transaction agreement or that involve multiple transfers of LCFS credits over time.
3. Agreements for the sale of LCFS credits through any contract arranged through a clearing service provider.

- (C)(B) *Credit Seller Requirements.* ~~When a credit transfer agreement has been reached~~ From the date of the credit transaction agreement, within ~~40 business~~ 5 days the Seller must initiate the documentation by completing and posting for the Buyer's review an online Credit Transfer Form (CTF) provided in the LRT-CBTS. The CTF shall contain the following fields:

1. *Date of Transaction Agreement.* The date on which the Buyer and Seller reached the transaction agreement;

2. Names of the Seller and Buyer Companies as registered in the LRT-CBTS;
3. The Federal Employer Identification Numbers (FEIN) of the Seller and Buyer Companies as registered in the LRT-CBTS;
4. First Name, and Last Name, and contact information of the person who performed the transaction on behalf of the Seller Company;
- ~~5. Contact information of the person who performed the transaction on behalf of the Seller Company;~~
- ~~65. First Name, and Last Name, and contact information of the person who is anticipated to performed the transaction on behalf of the Buyer Company;~~
- ~~7. Contact information of the person who performed the transaction on behalf of the Buyer Company;~~
- ~~86. The number of credits proposed to be transferred and any credit identification numbers assigned to the credits by the Executive Officer; and~~
- ~~97. The price or equivalent value of the consideration (in U.S. dollars) to be paid per credit proposed for transfer, excluding any fees. If the transaction agreement does not specify the price for LCFS credits, the seller may select one of the following options:~~
 - ~~a. The proposed transfer is to reflect an adjustment in CI value of fuel transacted between Seller and Buyer;~~
 - ~~b. The proposed transfer incorporates a credit trade along with the sale or purchase of other product, and does not specify a price or cost basis for the sale of the credits alone. In such cases, Seller should provide a brief description of the pricing method.~~
- ~~8. Additional Information for Agreements that Include Future Credit Transfers. If the transaction agreement contains terms or obligations for credit transfers that extend beyond credits to be transferred upon the buyer's confirmation within 5 days, then the seller must specify the following:~~

- a. The length of the agreement, including the date by which all transfers are to be completed;
- b. The total number of credits that the Seller is obligated to transfer under the agreement;
- c. If periodic transfers are included in the agreement the number of credits and schedule, by quarter, for those transfers;
- d. The specific price, or other pricing mechanism specified in the agreement for future transfers;
- e. If the agreement is terminated or amended prior to its full execution as provided in paragraph a. above, the Seller must notify the CARB within 5 days, using the appropriate forms in the LRT-CBTS.

(D)(G) *Credit Buyer Requirements.*

- 1. ~~Confirmation of Agreement for Credit Incoming Transfer.~~ Within ~~405~~ days of receiving the CTF from the Seller, the Buyer must confirm the accuracy of the information therein by signing and dating the CTF. The LRT-CBTS will capture the electronic signatures from the Seller and Buyer in the CTF and archive the completed CTF. If the Buyer and Seller have not fulfilled the requirements of this subsection 95487(b) within ~~2010~~ days of reaching an agreement, the Executive Officer will deem the transaction void.
- 2. *Reporting to the Executive Officer.* The Buyer shall submit the Credit Transfer Form with all of the required information to the Executive Officer in the LRT-CBTS.

(E)(D) ~~Recording a Credit Transfer.~~ ~~The Executive Officer will record the transfer request, and will update the account balance of the Seller and Buyer to reflect the proposed transfer. Within five business days of Upon receiving a fully-completed CTF, the Executive Officer shall, either:~~

- 1. Process and approve the transfer request and update the account balances of the Seller and Buyer to reflect the ~~proposed credit~~ transfer, provided the Executive Officer determines all required information was submitted, and it accurately reflects the parties' positions at the time of the proposed transfer; or

2. Notify the parties that the proposed credit transfer is infeasible and identify the reasons for rejecting the transfer.

(F) The Executive Officer may cancel or reverse a credit transfer that is pending or completed if the Executive Officer finds the transfer request is not in compliance with this subarticle. The Executive Officer shall notify the parties and identify the reasons for cancelling or reversing a credit transfer.

(2) Credit Transfer for an Agreement executed through a Clearing Service Provider. A transfer request submitted for an agreement executed through a clearing service provider must provide the following information:

(A) Identify the exchange through which the transaction is conducted;

(B) Identify the contract description code assigned by the exchange to the contract;

(C) Date of close of trading for the contract;

(D) Price at close of trading for the contract;

(E) Date of delivery of LCFS credits covered by the contract.

~~(2)~~(3) *Facilitation of Credit Transfer.* A Seller or Buyer may elect to use a third-party broker as defined in section 95481 to facilitate the transfer of credits. A broker cannot ~~own~~ acquire credits. A broker who will document transfers in LRT-CBTS must register in the LRT-CBTS, and the ~~Buyer,~~ Buyer, ~~Seller,~~ Seller, or both must document, using the LRT-CBTS, authorization for broker to act on their behalf. A broker may, with the consent of the parties, conduct a "blind transaction" where the Buyer of the credit does not know the identity of the Seller, and/or the Seller of the credit does not know the identity of the Buyer. ~~The broker may include, but is not limited to, a credit transfer service agency or broker who assists in arranging the transfer of credits.~~

~~(3)~~(4) *Correcting Credit Transfer Errors.* A regulated ~~party~~ entity is responsible for the accuracy of information submitted to the Executive Officer. If a regulated ~~party~~ entity discovers an error in the information reported to the Executive Officer or recorded by the Executive Officer, the regulated ~~party~~ entity must inform the Executive Officer in writing within five (5) ~~business~~ days of the discovery and request a correction. Each submitted request is subject to Executive Officer review and approval. If the Executive Officer determines that the regulated party was responsible for the error, the regulated party must submit a corrected Credit Transfer Form. ~~If the~~

Executive Officer determines that the error occurred during the recording of the credit by Board staff, the Executive Officer will make the correction and no additional re-submissions are required.

~~(d)~~(c) *Public Disclosure of Credit and Deficit Balances and Credit Transfer Information.*

- (1) The Executive Officer shall, no less frequently than quarterly, provide to the public ~~a~~ reports containing a summary of credit generation and transfer information including, but not limited to:
 - (A) Total deficits and credits generated or incurred in the most recent quarter for which data are available, including information on the types and quantities of fuels used to generate credits.
 - (B) Total deficits and credits generated or incurred in all previous quarters of the most recent year for which data are available, including information on the types and quantities of fuels used to generate credits.
 - (C) Total credits in ~~possession of regulated parties~~ entities' accounts and the total number of outstanding deficits carried over by regulated ~~parties~~ entities from a previous compliance year.
 - (D) Information on the credits transferred during the most recent quarter for which data is available including the total number of credits transferred, the number of transfers, the number of parties making transfers, and the monthly average credit price for transfers that reported a price.
 - ~~(E) Total credits transferred and used as carry-back credits during the first quarter of the current compliance period.~~
- (2) The Executive Officer shall provide reports, no less frequently than monthly, to regulated ~~parties~~ entities and the public containing information necessary or helpful to the functioning of a credit market. Such reports may include recent information on credit transfer volumes, credit prices and price trends, and other information determined by the Executive Officer to be of value to market participants and the public. The Executive Officer shall establish, and may periodically modify, a schedule for the routine release of these reports.

~~(e)~~(d) *Prohibited Transactions.* A trade involving, related to, or associated with any of the following ~~are~~ is prohibited:

- (1) Any manipulative or deceptive device;

- (2) A corner or an attempt to corner the market for credits;
- (3) Fraud, or an attempt to defraud any other entity;
- (4) A false, misleading or inaccurate report concerning information or conditions that affects or tends to affect the price of a credit;
- (5) An application, report, statement, or document required to be filed pursuant to this subarticle which is false or misleading with respect to a material fact, or which omits to state a material fact necessary to make the contents therein not misleading. A fact is material if it is reasonably likely to influence a decision by a counterparty, the Executive Officer, the Board, or the Board's staff; or
- (6) Any trick, scheme, or artifice to falsify or conceal a material fact, including use of any false statements or representations, written or oral, or documents made by or provided to an entity through which transactions in credits are settled, or are cleared.

NOTE: Authority cited: Sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

~~§ 95488. Obtaining and Using Fuel Pathways.~~

- ~~(a) *Applicability.* The requirements set forth in this section shall apply to Regulated Parties and other entities that obtained fuel pathway certifications or registrations under the provisions of the previous LCFS regulation order, and to Regulated Parties and other entities that are seeking fuel pathway certifications under the provisions set forth in section 95488(c) of this regulation order. Except as provided in section 95488(a)(1) below, any fuel pathway certification that was approved under the former LCFS and any use of a fuel pathway by a fuel producer who registered under the former LCFS is automatically deactivated on the effective date of this subarticle. All fuel providers that initiate the process of securing a LCFS fuel pathway, as set forth in section 95488(c) of this regulation order on or after the effective date of this regulation order shall be bound by the provisions of this regulation order. Subsections (1) and (2), below, apply to entities that had obtained Method 1 registrations, or obtained or applied for fuel pathway certifications prior to the effective date of this regulation order.~~
- ~~(1) A fuel pathway certification or a registered fuel provider's use of a fuel pathway that is described in subsections (A), (B), or (C) and was in effect on December 31, 2015, may remain valid for as long as one year after the~~

~~effective date of this subsection, and shall then be automatically deactivated. The Executive Officer may revoke or modify the fuel pathway certification or a registered fuel producer's use of the pathway during the year after the effective date if the producer fails to follow operational conditions or reporting requirements in the pathway approval or under former section 95486(f). Fuel producers may apply for new certifications as set forth in section 95488(c) to replace pathway certifications that will be deactivated or request recertification of legacy pathways as set forth in section 95488(a)(2) below. The following pathway certifications and registered fuel producer use of pathways are eligible for the deactivation schedule in this subsection:~~

~~(A) Fuel pathways that were registered under the voluntary Biofuel Producer Registration system prior to the effective date of this regulation order. This provision applies to pathways obtained under the Method 1 provisions of the former LCFS (former sections 95486(a) and (b)), or the Method 2 provisions of the former LCFS (former section 95486(f)), and then subsequently registered under the voluntary Biofuel Producer Registration system.~~

~~(B) Fuel pathways that were certified under the Method 2 provisions of the former LCFS (former section 95486(f)) prior to the effective date of this regulation order.~~

~~(2) *Recertification of legacy pathways.* Fuel providers may apply for recertification as set forth below to replace pathway certifications subject to being deactivated.~~

~~(A) Applicants seeking to recertify a legacy pathway shall begin the application process by completing the online account registration process and submitting an electronic New Pathway Request Form prior to February 1, 2016, indicating that they are seeking recertification of a legacy pathway.~~

~~(B) Recertifications will be processed by the Executive Officer using information previously supplied to the Executive Officer under the provisions of the former LCFS regulation order, provided such information was complete pursuant to the former LCFS regulation's requirements. The requirements of subsections 95488(c)(3) through (5) and subsection 95488(e) are not applicable to recertifications, unless the Executive Officer specifically requests such information from an applicant.~~

~~(C) The Executive Officer will determine the classification of each recertification under the tier structure described in subsection 95488(b).~~

- ~~(D) The result of the Executive Officer's decisions on recertifications shall be final and not subject to further appeal. Denied applicants may submit New Pathway Request Forms pursuant to section 95488.~~
- ~~(3) "Batch" processing in 2016. Applications to recertify fuel pathway certifications, registrations that were approved under the previous LCFS (and still in effect on the date this regulation goes into effect), and new applications for fuel pathways in 2016 will, to the extent feasible, be processed in groups based on fuel type in the following order of priority: ethanol, biodiesel, renewable diesel, compressed natural gas, liquefied natural gas, and all others.~~
- ~~(b) Primary Alternative Fuel Pathway Classifications. For purposes of fuel pathway carbon intensity determination, proposed LCFS fuel pathways shall fall into one of two tiers, as described below.~~
- ~~(1) Tier 1. Conventionally produced alternative fuels of a type that has been in full commercial production, excluding start-up or ramp-up phase, for at least three years, and for which certified LCFS pathways have existed for at least three years shall be classified into Tier 1. The term "conventionally produced" means that the fuel was produced using grid electricity, natural gas, and/or coal for process energy; and production processes that do not include the innovative methods described in subsection 95488(b)(2)(F). Tier 1 includes, but is not limited to, the following conventionally produced fuels:~~
- ~~(1) Starch- and sugar-based ethanol;~~
- ~~(B) Biodiesel produced from conventional feedstocks (including but not limited to plant oils, tallow and related animal wastes, and used cooking oil);~~
- ~~(C) Renewable Diesel produced from conventional feedstocks (including but not limited to plant oils, tallow and related animal wastes, and used cooking oil);~~
- ~~(D) Natural Gas; and~~
- ~~(E) Biomethane from landfill gas.~~
- ~~(2) Tier 2. The Tier 2 classification includes all fuels not included in Tier 1. Tier 2 fuels include, but are not limited to:~~
- ~~(A) Cellulosic alcohols;~~

- ~~(B) — Biomethane from sources other than landfill gas;~~
 - ~~(C) — Hydrogen;~~
 - ~~(D) — Electricity, whether from the public grid or from dedicated, low-CI sources;~~
 - ~~(E) — Drop-in fuels (renewable hydrocarbons) except for renewable diesel produced from conventional feedstocks (including but not limited to plant oils, tallow and related animal wastes, and used cooking oil); and~~
 - ~~(F) — Tier 1 fuels produced using one or more innovative production methods. Innovative production methods include, but are not limited to:
 - ~~1. — Use of one or more low-CI process energy sources. In order to qualify as an innovative, low-CI process energy source, energy from that source must be directly consumed in the production process. No indirect accounting mechanisms, such as the use of renewable energy certificates, can be used to reduce an energy source's CI. Innovative, low-CI energy sources include, but are not limited to renewable electricity from a dedicated (non-grid) form of generation, such as wind turbines and photovoltaic arrays.~~
 - ~~2. — Use of unconventional feedstocks such as algae oil;~~
 - ~~3. — Carbon capture and sequestration; and~~
 - ~~4. — Production process innovations that improve production efficiency such that resulting CI is at least 20 percent lower due to the process innovation.~~~~
- ~~(3) — For both Tier 1 and Tier 2 classifications, the following specific information needs to be provided for any fuel pathway carbon intensity determination:~~
- ~~(A) — Fuel Type (renewable diesel, ethanol, etc.);~~
 - ~~(B) — Direct carbon intensity;~~
 - ~~(C) — An indirect land use change modifier (appropriate iLUC value from Table 5) or other indirect carbon intensity (if applicable); and~~

- ~~(D) Total pathway carbon intensity calculated as a sum from subsections 95488(b)(3)(B) and (C), above.~~
- ~~(e) *Specific Requirements and Procedures.* Any person may apply to the Executive Officer for the establishment of a transportation fuel pathway under the LCFS.~~
- ~~(1) Applicants seeking to obtain a CI under either the Tier 1 or Tier 2 provisions of this regulation order shall begin the application process by completing the online account approval process and completing the electronic New Pathway Request Form, available through the LRT-CBTS web portal (<http://www.arb.ca.gov/lcfsrt>). The New Pathway Request Form contains the following fields. All that apply are required.~~
- ~~(A) Production company name and full mailing address.~~
- ~~(B) USEPA Company ID for fuels covered by the U.S. Environmental Protection Agency's RFS2 program. For fuels not covered by the RFS2 program, the LRT-CBTS system will generate a Company ID.~~
- ~~(C) Company contact person's contact information.~~
- ~~1. Name~~
 - ~~2. Title or position~~
 - ~~3. Phone number~~
 - ~~4. Mobile phone number~~
 - ~~5. Facsimile number~~
 - ~~6. Email address~~
 - ~~7. Web site URL~~
- ~~(D) Facility name (or names, if more than one facility is covered by the proposed pathways).~~
- ~~(E) Facility address (or addresses, if more than one facility is covered by the proposed pathways).~~
- ~~(F) USEPA Facility ID for fuels covered by the U.S. Environmental Protection Agency's RFS2 program. For fuels not covered by the RFS2 program, the LRT-CBTS system will generate a Facility ID.~~
- ~~(G) Facility geographical coordinates (for each facility covered by the proposed pathways). Coordinates can be reported using either the latitude and longitude or the Universal Transverse Mercator coordinate systems.~~
- ~~(H) Facility contact person's contact information.~~

1. Name
2. Title or position
3. Phone number
4. Mobile phone number
5. Facsimile number
6. Email address

(I) Facility nameplate production capacity in million gallons per year. This information is required for each facility covered by the proposed pathways.

(J) Consultant's contact information

1. Name
2. Title or position
3. Legal company name
4. Phone number
5. Mobile phone number
6. Facsimile number
7. Email address
8. Web site URL

(K) *Pathway Tier (Tier 1 or 2)*. The applicant must declare whether the proposed fuel pathway falls under the Tier 1 or Tier 2 provisions of this regulation. Once the New Pathway Request Form has been submitted, the Executive Officer will evaluate the applicant's Tier declaration and either approve or reverse it. The Executive Officer will notify the applicant in writing of the results of the evaluation process. The Executive Officer's decision shall be final and not subject to further appeal.

(L) *Tier 2 Pathway Type*. Tier 2 applicants may seek a pathway under the Tier 2 Lookup Table, Method 2A, or Method 2B provisions of this regulation. Applicants must declare whether they are seeking a Method 2A, Method 2B, or Tier 2 Lookup Table pathway. Applicants seeking Tier 2 Lookup Table pathways must report the Fuel Pathway Code of the Tier 2 Lookup Table pathway for which they are applying. The Tier 2 Lookup Table, and Methods 2A and 2B are not available to Tier 1 applicants.

(M) *Reference Pathway Information*. Tier 2, Method 2A applicants must specify the reference pathway (or pathways, if applicable) for their proposed pathways. Method 2A pathways must improve upon the reference pathway CI by an amount specified in the substantiality requirements in subsection (c)(4)(G)2. For purposes of this regulation, a reference pathway is defined as: the pathway

~~from the Tier 2 Lookup Table (Table 6 in section 95488(c)(4)(F)) to which the proposed Method 2A pathway most closely corresponds, as specified in section 95488(c)(4)(C), or a Method 2 pathway for which the applicant previously obtained certification, as set forth in section 95488(c)(4)(G).~~

~~The following reference pathway information must be supplied.~~

- ~~1. Fuel Pathway Code;~~
- ~~2. Fuel Type (renewable diesel, ethanol, etc.);~~
- ~~3. Direct carbon intensity;~~
- ~~4. Indirect land use change or other indirect carbon intensity (Table 5); and~~
- ~~5. Total pathway carbon intensity.~~

~~(N) For Tier 2 Lookup Table applications, the Tier 2 Lookup Table pathway for which the applicant is applying must be identified using the following information:~~

- ~~1. Fuel Pathway Code;~~
- ~~2. Fuel Type (renewable diesel, ethanol, etc.);~~
- ~~3. Direct carbon intensity;~~
- ~~4. Indirect land use change or other indirect carbon intensity (Table 5); and~~
- ~~5. Total pathway carbon intensity;~~

~~(O) The following information about the proposed Method 2A or 2B pathway (or pathways) must be provided:~~

- ~~1. Feedstock~~
- ~~2. Direct CI~~
- ~~3. Indirect land use or other indirect CI~~
- ~~4. Total CI~~
- ~~5. Brief pathway description~~
- ~~6. Annual quantity of fuel produced under proposed pathway. If the fuel is a gasoline substitute, quantities shall be reported in units of gasoline-gallon equivalents; if the fuel is a diesel substitute, quantities shall be reported in units of diesel-gallon equivalents.~~
- ~~7. If the plant is not currently operating at full production capacity, the date on which it is expected to reach full production capacity.~~
- ~~8. Will the full production volume be met by a single or multiple facilities?~~
- ~~9. If the full production volume will be met by multiple facilities will all facilities be owned by the same company?~~

10. Lower heating value (LHV) of the fuel to be produced.
11. Range of production volumes over which the proposed CI(s) are valid.

~~(2) Once a New Pathway Request Form has been submitted, a record for the proposed fuel pathway will be created in the LRT-CBTS system. That record will be placed into pending status, and will not be available for compliance reporting purposes until the applicant or other interested party submits, via the LRT-CBTS web portal, all information required under sections 95488(c)(3) or (4), and the Executive Officer certifies the proposed pathway. Required for all applications under both sections is a LCFS Fuel Producer Attestation Letter. Once the proposed pathway has been certified and both an electronic and paper copy of the LCFS Fuel Producer Attestation Letter have been received and approved by the Executive Officer, the LRT-CBTS record created upon submission of the New Pathway Request form will be activated. The LCFS Fuel Producer Attestation Letter shall attest to the veracity of the information in the application packet and declare that the information submitted accurately represents the long-term, steady state operation of the fuel production process described in the application packet. It shall, in addition, make the following specific attestations:~~

~~(A) No products, co-products, by-products, or wastes undergo additional processing, such as drying, distillation, or clean-up, once they leave the production facility, except as explicitly included in the pathway life cycle analysis and pathway CI.~~

~~(B) The fuel that will be reported under the newly certified pathway will conform to the fuel pathway described in the Tier 1 or Tier 2 application in all areas, including, but not limited to the following:~~

1. Feedstocks used to produce the fuel;
2. Fuel and feedstock production technology;
3. Regions in which feedstocks and finished fuel are produced;
4. Modes used to transport feedstocks and finished fuel and the transport distances involved;
5. Types and amounts of thermal and electrical energy consumed in both feedstock and finished fuel production;
6. Full life cycle carbon intensity, which must be no higher than the carbon intensity specified in the Tier 1 or Tier 2 application; and
7. Fuel production operations, which shall conform at all times with the fuel pathway described in the Tier 1 or Tier 2 application.

~~(C) The LCFS Fuel Producer Attestation Letter shall:~~

Table 5. Summary of iLUC Values

Biofuel	iLUC (gCO ₂ /MJ)
Corn Ethanol	19.8
Sugarcane Ethanol	11.8
Soy Biodiesel	29.1
Canola Biodiesel	14.5
Sorghum Ethanol	19.4
Palm Biodiesel	71.4

~~(3) Tier 1 Pathways.~~

~~(A) Once an applicant has submitted a New Pathway Request form, and been notified by the Executive Officer that the pathway described in the New Pathway Request Form falls under the Tier 1 provisions found at section 95488(b)(1), the applicant shall calculate its pathway carbon intensities using the CA-GREET 2.0 Tier 1 calculator (CA-GREET2.0-T1) found at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm> and submit the following information to the Executive Officer for processing and verification.~~

~~1. A CA-GREET2.0-T1 model with the Tier 1 calculator interface completed. The Tier 1 calculator interface requires the applicant to enter information including, but not limited to feedstock transport modes and distances, fuel production energy use, electrical generation energy mixes, and finished fuel transport modes and distances. All applicants using grid electricity must choose electrical generation energy mixes from among the 26 subregions in the ninth edition of the U.S. EPA's Emissions and Generation Resource Integrated Database (eGRID). CA-GREET2.0-T1 contains these eGRID subregional energy mixes.~~

~~2. Invoices and receipts for all forms of energy consumed in the fuel production process, all fuel sales, all feedstock purchases, and all co-products sold. Invoices shall be submitted in electronic form. Each set of invoices shall be accompanied by a spreadsheet summarizing the invoices. Every invoice submitted shall appear as a record in the summary. Each record shall, at a minimum, specify in a~~

~~separate column the period covered by the purchase, the quantity of energy purchased during that period, the invoice amount, and any special information that applies to that record (the special information column need not be populated for every record). For each form of energy consumed, the two-year total and average consumption shall be reported in the spreadsheet. These two-year totals and averages shall be used to calculate the per-million-Btu and per-megajoule energy consumption inputs used to calculate the life cycle CI of the fuel pathway.~~

a. ~~*Period Covered.* The period covered shall be the most recent two-year period of relatively typical operation.~~

b. ~~*Production Processes Covered.* The invoices submitted under this provision shall cover the energy consumed in all unit operations devoted to feedstock handling and pre-processing; fuel production; co-product handling and processing; waste handling, processing, and treatment; the handling, processing and use of chemicals, enzymes, and organisms; the generation of process energy, including the generation, handling and processing of combustion fuels; and all plant monitoring and control systems. If the fuel produced or any by products or co-products receive additional processing after they leave site, such as additional distiller's grains drying or fuel distillation, invoices covering the energy consumed for those processes must also be submitted. If the fuel production facility is co-located with one or more unrelated facilities, and energy consumption invoices are not separately available for the fuel production process, the applicant shall obtain a third-party energy audit sufficient to establish the long-term, typical energy consumption patterns of the fuel production facility.~~

3. ~~In lieu of receipts or invoices for energy consumption, fuel sales, feedstock purchases, or co-product sales, the applicant may seek Executive Officer approval to submit audit reports prepared by independent, third-party auditors that document energy consumption, fuel sales, feedstock purchases, or co-product sales.~~

4. ~~RFS2 Third Party Engineering Report. A copy of the federal Renewable Fuel Standard 2 (RFS2) Third Party Engineering Review Report required pursuant to 40 CFR 80.1450, if available, is required.~~
 5. ~~A signed LCFS Fuel Producer Attestation Letter, as set forth in section 95488(c)(2).~~
- (B) ~~Upon verifying the applicant's pathway carbon intensity, the Executive Officer will certify the application by posting it to the LCFS Fuel Pathway Certification web page (<http://www.arb.ca.gov/fuels/lcfs/2a2b/2a-2b-apps.htm>), and activate the inactive record created for the pathway upon submission of the New Pathway Request Form (as set forth in section 95488 (c)(2)). If the Executive Officer cannot verify the applicant's pathway carbon intensity, he or she will deny the pathway without prejudice, and notify the applicant in writing of that denial.~~
- (4) ~~Tier 2 Pathways. An applicant may apply for a Tier 2 pathway using either the Tier 2 Lookup Table or Method 2, as set forth in this section.~~
- (A) ~~All fuel pathways certified under Method 2 are available for inspection on the LCFS Fuel Pathway web page, which can be accessed at this address:
<http://www.arb.ca.gov/fuels/lcfs/fuelpathways/fuelpathways.htm>.~~
- (B) ~~A regulated party for CARBOB, gasoline, or diesel fuel must use the Tier 2 Lookup Tables, as set forth in section 95488(c)(4)(C), to determine the carbon intensity of the CARBOB, gasoline, or diesel for which it is responsible.~~
- (C) ~~Tier 2 Lookup Table Pathways. The provisions set forth in this section apply exclusively to proposed LCFS fuel pathways that do not fall under the Tier 1 provisions found in section 95488(c)(3). An applicant may apply for a Tier 2 fuel pathway using the Tier 2 Lookup Table if the Tier 2 Lookup Table (Table 6 in section 95488(c)(4)(F)) contain fuel pathways that closely correspond to the regulated party's actual physical fuel production pathways. A regulated party's actual physical fuel production pathway corresponds closely with a Tier 2 Lookup Table pathway when it is consistent with the Tier 2 Lookup Table pathway in all the following areas:~~
1. ~~Feedstocks used to produce the fuel;~~
 2. ~~Fuel and feedstock production technology;~~

- ~~3. Regions in which feedstocks and finished fuel are produced;~~
- ~~4. The modes used to transport feedstocks and finished fuel and the transport distances involved;~~
- ~~5. The types and amounts of thermal and electrical energy consumed in both feedstock and finished fuel production. This applies both to the energy consumed in the production process, but also to the upstream energy consumed (e.g., fuels used to generate electricity; energy consumed to produce natural gas, etc.); and~~
- ~~6. The CI of the regulated party's product must be lower than or equal to the Tier 2 Lookup Table pathway CI. If the Executive Officer determines that the regulated party's product has an actual CI that is likely to be higher than the Tier 2 Lookup Table pathway CI, the regulated party shall prepare a Method 2A or 2B application for a pathway-specific CI.~~

~~(D) Tier 2 Lookup Table Pathway Application Submission Requirements.~~

- ~~1. Energy Invoices. The applicant shall submit Invoices, as set forth in section 95488(c)(3)(A)2., covering a period of no less than two years for all forms of energy consumed in the fuel production process.~~
- ~~2. RFS2 Third Party Engineering Report. A copy of the federal Renewable Fuel Standard 2 (RFS2) Third Party Engineering Review Report required pursuant to 40 CFR 80.1450, if available, is required.~~
- ~~3. A signed LCFS Fuel Producer Attestation Letter, as set forth in section 95488(c)(2).~~

~~(E) An applicant's choice of carbon intensity value from the Tier 2 Lookup Table is subject in all cases to Executive Officer approval, as specified in this section.~~

- ~~1. If the Executive Officer has reason to believe that the regulated party's choice is not the value that most closely corresponds to its fuel pathway CI, the Executive Officer shall choose a carbon intensity value from the Tier 2 Lookup Table for the fuel, which the Executive Officer determines is the one that most closely corresponds to the pathway for that fuel.~~

~~2. If the Executive Officer has reason to believe that the Tier 2 Lookup Table does not contain a fuel pathway that closely corresponds with the regulated party's fuel pathway, as specified in subsection (4)(C), above, the regulated party will not be allowed to use the Tier 2 Lookup Table to obtain a LCFS fuel pathway.~~

~~(F) A carbon intensity value can be used under the provisions set forth in subsections (C) through (E) above only if it appears in the Tier 2 Lookup Table (Table 6). To generate the values appearing in Table 6, the Executive Officer shall use~~

~~1. One of the following:~~

~~a. The Tier 1 California-modified GREET model, version 2.0 (CA-GREET2.0 T1, September 29, 2015), which is incorporated herein by reference,~~

~~b. The Tier 2 California-modified GREET model, version 2.0 (CA-GREET2.0 T2, September 29, 2015), which is incorporated herein by reference, or~~

~~c. Another model determined by the Executive Officer to be equivalent or superior to CA-GREET 2.0, and~~

~~2. An indirect land use change modifier from Table 5, when applicable.~~

~~The Carbon Intensity Lookup Table, shown below, specifies the carbon intensity values for the enumerated fuel pathways that are described in the following supporting documents, all of which are incorporated herein by reference:~~

~~Industrial Strategies Division, Air Resources Board. December 15, 2014. Low Carbon Fuel Standard (LCFS) Pathway for the Production of Biomethane from the Mesophilic Anaerobic Digestion of Wastewater Sludge at a Publicly-Owned Treatment Works (POTW). Version 2.0. Pathways CNG020 and CNG021.~~

~~Industrial Strategies Division, Air Resources Board. December 15, 2014. Low Carbon Fuel Standard (LCFS) Pathway for the Production of Biomethane from High Solids Anaerobic Digestion (HSAD) of~~

~~Organic (Food and Green) Wastes. Version 2.0. Pathway CNG005.~~

~~Industrial Strategies Division, Air Resources Board. December 15, 2014. Detailed CA-GREET Pathway for Ultra Low Sulfur Diesel (ULSD) from Average Crude Refined in California. Version 3. Pathway ULSD001.~~

~~Industrial Strategies Division, Air Resources Board. December 15, 2014. Detailed CA-GREET Pathway for California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB) from Average Crude Refined in California. Version 3. Pathway CBOB001.~~

~~Industrial Strategies Division, Air Resources Board. December 15, 2014. Detailed CA-GREET Pathway for California Average and Marginal Electricity. Version 3. Pathway ELC002.~~

~~Industrial Strategies Division, Air Resources Board. December 15, 2014. Detailed CA-GREET Pathway for Compressed Gaseous Hydrogen from North American Natural Gas. Version 3. Pathways HYG001, HYG002, HYG003, HYG004, and HYG005.~~

Table 6. Tier 2 Lookup Table for Gasoline and Diesel and Fuels that Substitute for Gasoline and Diesel.

Fuel	Pathway Identifier	Pathway Description	Carbon Intensity Values (gCO ₂ e/MJ)		
			Direct Emissions	Land Use or Other Indirect Effect	Total
CARBOB ¹	CBOB001	CARBOB – based on the average crude oil supplied to California refineries and average California refinery efficiencies	99.78	0	99.78
Diesel ¹	ULSD001	ULSD – based on the average crude oil supplied to California refineries and average California refinery efficiencies	102.01	0	102.01
Compressed Natural Gas	CNG005	Biomethane produced from the high-solids (greater than 15 percent total solids) anaerobic digestion of food and green wastes; compressed in CA	-22.93	0	-22.93
	CNG020	Biomethane produced from the mesophilic anaerobic digestion of wastewater sludge at a California publicly owned treatment works; on-site, high speed vehicle fueling or injection of fuel into a pipeline for off-site fueling; export to the grid of surplus co-generated electricity.	7.75	0	7.75
	CNG021	Biomethane produced from the mesophilic anaerobic digestion of wastewater sludge at a California publicly owned treatment works; on-site, high speed vehicle fueling or injection of fuel into a pipeline for off-site fueling.	30.92	0	30.92
Electricity	ELC002	California grid electricity	105.16	0	105.16
Hydrogen	HYGN001	Compressed H ₂ from central reforming of NG (includes liquefaction and re-gasification steps)	151.01	0	151.01
	HYGN002	Liquid H ₂ from central reforming of NG	143.51	0	143.51
	HYGN003	Compressed H ₂ from central reforming of NG (no liquefaction and re-gasification steps)	105.65	0	105.65
	HYGN004	Compressed H ₂ from on-site reforming of NG	105.13	0	105.13
	HYGN005	Compressed H ₂ from on-site reforming with renewable feedstocks	88.33	0	88.33

¹The numbers appeared in this table are adjusted by EER at the LRT reporting stage for gasoline (CARBOB) or diesel (ULSD) substitute. These pathways are available to Tier 2 applicants only.

~~(G) The provisions set forth in this subsection 95488(c)(4)(G) apply exclusively to proposed LCFS fuel pathways that do not fall under the Tier 1 provisions found in 95488(c)(3). If no reference pathway meeting the requirements set forth in 95488(c)(1)(L) exists, or if the CI associated with the reference pathway is higher than the applicant's pathway CI by an amount that satisfies the substantiality requirements set forth in 95488(c)(4)(G)2, the applicant may use either Method 2A or Method 2B to establish a producer-specific pathway. The following sections set forth the requirements which apply to Method 2A and Method 2B applications:~~

~~1. *Scientific Defensibility Requirements.* For a proposed Method 2A or 2B pathway to be approved by the Executive Officer, the applicant must demonstrate that the life cycle analysis prepared in support of the pathway application is scientifically defensible.~~

~~For purposes of this regulation, "scientifically defensible" means the method for calculating the fuel's carbon intensity has been demonstrated to the Executive Officer as being at least as valid and robust as the process used to generate the carbon intensity values appearing in the Tier 2 Lookup Table (Table 6, subsection 95488(c)(4)(F)). Proof that a proposed method is scientifically defensible may rely on, but is not limited to, publication of the proposed pathway in a major, well-established and peer-reviewed scientific journal (e.g., the International Journal of Life Cycle Assessment, The Journal of Cleaner Production, Biomass and Bioenergy, and Chemie International).~~

~~2. *Substantiality Requirements.* For proposed Method 2A pathways to be certified, the applicant must demonstrate, to the Executive Officer's satisfaction, that the proposed Method 2A pathways meet both of the following substantiality requirements for each of the fuel pathways for which an applicant is proposing to use Method 2A:~~

~~a. The source-to-tank carbon intensity of the fuel under the proposed Method 2A pathway meets one of the following two criteria. "Source-to-tank" means all the steps involved in feedstock production and transport, and finished fuel production, transport, and dispensing. A source-to-tank CI does not include the carbon intensity associated with the use of the fuel in a vehicle; "source-to-tank" is also referred to as "well-to-tank."~~

- ~~i. For proposed Method 2A pathways with source-to-tank carbon intensities greater than 20 gCO₂e/MJ, that source-to-tank carbon intensity must be at least 5.5 percent lower than the source-to-tank carbon intensity of the reference pathway; or~~
 - ~~ii. For proposed Method 2A pathways with source-to-tank carbon intensities of 20 gCO₂e/MJ or less, that source-to-tank carbon intensity must be at least 1 gCO₂e/MJ less than the source-to-tank carbon intensity of the reference pathway.~~
 - ~~b. The applicant can demonstrate that all providers of the fuel covered by the applicant's proposed pathway will supply the California market with at least 10 million gasoline-gallon equivalents (1.1583 x 10⁹ megajoules) of that fuel.~~
- ~~3. *Designation of Confidential Business Information.* The definition of "confidential business information," for the purposes of this section, is the same as the definition of "trade secret" found in Government Code, section 6254.7. All documents (including spreadsheets and other items not in a standard document format) that the applicant has designated as containing confidential business information (CBI) must prominently display the phrase "Contains Confidential Business Information" above the main document title and in a running header. Additionally, a separate, redacted version of such documents must also be submitted. The redacted versions must be approved by the applicant for posting to a public LCFS web site. Within redacted documents, specific redactions must be replaced with the phrase "The Applicant has Redacted Confidential Business Information." This phrase must be displayed clearly and prominently wherever CBI has been redacted. If the applicant claims that information it submits is confidential, it must also provide contact information required by California Code of Regulations, title 17, section 91011.~~
- ~~4. *Public Disclosure of Application Materials and Use of Application Materials in the LRT-CBTS System.*~~

- a. ~~All information not identified as trade secrets are subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022 and the California Public Records Act (Government Code §§ 6250 et seq.); and~~
 - b. ~~If the application is certified by the Executive Officer, the carbon intensity values, certain associated parameters, and other fuel pathway-related information obtained or derived from the application will be incorporated into the LRT-CBTS system for use by regulated parties using the applicant's certified fuel pathway.~~
5. ~~*Submittal File Formats.* All applications and supporting documents shall be in electronic form unless the Executive Officer has approved or requested in writing another submission format. Documents such as receipts, which are available in paper form only, shall be scanned into an electronic file for submittal. The LCFS Fuel Producer Attestation Letter required under section 95488(c)(2) shall be submitted as an original copy on paper and as a scanned electronic copy.~~
6. ~~*Additional Submission and File Format Requirements.* An applicant proposing Method 2A or 2B for a fuel's carbon intensity value must meet all the following requirements:~~
- a. ~~All relevant data, calculations, and other documentation in subsection (A) above must be uploaded through the LRT-CBTS web portal (<http://www.arb.ca.gov/lcfsrt>);~~
 - b. ~~The applicant must not convert spreadsheets, including CA-GREET 2.0 spreadsheets into other file formats, or otherwise take steps to prevent the Executive Officer from examining the contents of all cells in those spreadsheets;~~
 - c. ~~The applicant must demonstrate that the fuel that will be produced under the proposed pathway would comply with all applicable ASTM or other generally recognized national consensus standards;~~

- d. ~~The applicant must demonstrate that the fuel that will be produced under the proposed pathway is not exempt from the LCFS under section 95482(c).~~

~~(H) Selection of Methods 2A and 2B.~~

~~1. Method 2A: Applicants shall use Method 2A if~~

- a. ~~A reference pathway meeting the requirements set forth in section 95488(c)(1)(L) exists either in the Tier 2 Lookup Table (Table 6), or among the certified Method 2 pathways currently in use by the applicant, and~~

- b. ~~If the applicant's CI is lower than the CI of the reference pathway's CI by an amount that is equal to or greater than the substantiality threshold established in section 95488(c)(4)(G)2.~~

~~2. A Method 2A pathway CI shall be calculated using as a baseline the inputs that were used to calculate the reference pathway's CI. The Method 2A CI shall be calculated by changing one or more of the inputs used to calculate the reference pathway's CI. All changed inputs used to calculate a Method 2A CI must be clearly identified in the Method 2A application. The Executive Officer must be able to make the changes identified by the applicant to the inputs used to calculate to reference pathway's CI, and arrive at the same proposed Method 2A CI.~~

~~3. Method 2B: Method 2B pathways are not subject to the substantiality requirements set forth in section 95488(c)(4)(G)2. Applicants shall use Method 2B if~~

- a. ~~No reference pathway meeting the requirements set forth in subsection 1. above exists in the Tier 2 Lookup Table (Table 6), or among the certified Method 2 pathways currently being used by the applicant; or~~

- b. ~~An available pathway, as set forth in subsection 1., above, matches the applicant's production pathway, but has a lower CI than the applicant's pathway. This CI differential could be due to factors such as transport distances or electrical energy generation mixes. In this case, the applicant would be subject to~~

the Method 2B provisions set forth in this section, but could utilize the available Tier 2 Lookup Table or certified Method 2 pathway as a reference pathway.

~~(l) *Specific Method 2A and 2B Fuel Pathway Application Requirements.* Unless otherwise noted, all applicants for a certified Method 2A or 2B fuel pathway shall submit the items specified in this section.~~

~~1. *A Life Cycle Analysis Report.* A life cycle analysis report describes the full fuel life cycle, and describes in detail the calculation of the fuel pathway CI. The report shall contain sufficient detail to allow staff to replicate the CI calculated by the applicant. All inputs to, and outputs from, the fuel production process that contribute to the life cycle CI must be described in the life cycle analysis report. These inputs and outputs must then be fully accounted for in the calculation of the fuel pathway CI. The life cycle analysis report shall include the following information:~~

~~a. A detailed description of the full fuel production process. The description shall include:~~

~~i. A description of the full well-to-wheels fuel life cycle, including the locations where each primary step in the fuel life cycle occurs. This description shall identify where the system boundary was established for the purposes of performing the life cycle analysis on the proposed pathway. The discussion of the system boundary shall be accompanied by a schematic depicting the system boundary. That schematic shall show all feedstock and fuel production units that are included in the system boundary, as well as all material and energy flows across the system boundary. Any feedstock or fuel production units that have been excluded from the system must be shown on the schematic, and must be explicitly discussed in the narrative description of the full fuel life cycle.~~

~~ii. A description of all fuel production feedstocks used, including all pre-processing to which feedstocks are subject. For fuels utilizing agricultural crops for feedstocks, the~~

~~description shall include the agricultural practices used to produce these crops. This discussion shall cover energy and chemical use, typical crop yields, feedstock harvesting, transport modes and distances, storage, and pre-processing (such as drying or oil extraction).~~

- ~~iii. A description of all material inputs to the production process not covered in ii., above. These include, but are not limited to enzymes, nutrients, chemicals, and microorganisms.~~
- ~~iv. A description of the transportation modes used throughout the fuel life cycle. This discussion must identify origins and destinations, cargo-carrying capacities, fuel shares, and the distances traveled in each case.~~
- ~~v. A description of all facilities and process units involved in the production of fuel under the proposed pathway.~~
- ~~vi. A list of all combustion-powered equipment, along with their respective capacities, sizes, or rated power, and type and amount of fuel combusted, throughout all phases of the fuel life cycle over which the applicant exercises control.~~
- ~~vii. A quantitative discussion of the thermal and electrical energy consumption that occurs throughout all phases of the fuel life cycle over which the applicant exercises control. All fuels used (natural gas, biogas, coal, biomass, etc.) must be identified and use rates quantified. The regional electrical energy generation fuel mix used in the CA-GREET2.0-T2 analysis must be identified. Internally generated power such as cogeneration and combined heat and power must also be described. All applicants using grid electricity must choose electrical generation energy mixes from among the 26 subregions in the ninth edition of the U.S. EPA's Emissions and Generation Resource Integrated Database (eGRID).~~

CA-GREET2.0 T2 contains these eGRID subregional energy mixes.

~~viii. A description of all co-products, byproducts, and waste products associated with production of the fuel. That description shall extend to all processing, such as drying of distiller's grains, applied to these materials after they leave the fuel production process, including processing that occurs after ownership of the materials passes to other parties. Moreover, if a co-product credit is claimed for a co- or by-product, that credit must reflect all post-fuel production processing steps covered by this section.~~

~~b. A detailed description of the calculation of the pathway CI. This description must provide clear, detailed, and quantitative information on process inputs and outputs, energy consumption, greenhouse gas emissions generation, and the final pathway carbon intensity, as calculated using the approved version of CA-GREET. Important intermediate values in each of the primary life cycle stages shall be shown. These stages include but are not limited to feedstock production and transport; fuel production, transport, and dispensing; co-product production, transport and use; waste generation, treatment and disposal; and fuel use in a vehicle. This description shall include, at a minimum:~~

~~i. A table showing all CA-GREET2.0 T2 input values entered by the applicant. The worksheet, row, and column locations of the cells into which these inputs were entered shall be identified. In combination with the inputs identified in subsection b.ii. below, this table shall enable the Executive Officer to enter the reported inputs into a copy of CA-GREET2.0 T2 and to replicate the carbon intensity results reported in the application.~~

~~ii. A detailed discussion of all modifications other than those covered by subsection b.i. above, made to the CA-GREET2.0 T2 spreadsheet. This discussion shall allow the Executive~~

~~Officer to duplicate all such modifications and, in combination with the inputs identified in subsection b.i. above, replicate the carbon intensity results reported in the application.~~

~~iii. Documentation of all CA-GREET2.0 T2 values used in the carbon intensity calculation process.~~

~~iv. A detailed description of all supporting calculations that were performed outside of the CA-GREET2.0 T2 spreadsheet.~~

~~c. Descriptions of all co-located facilities, which in any way utilize outputs from, or provide inputs to the fuel production facility. Such co-located facilities include but are not limited to cogeneration facilities, facilities that otherwise provide heat or electrical energy to the fuel production process, facilities that process or utilize co-products such as distillers grains with solubles, and facilities which provide or pre-process feedstocks or thermal energy fuels. If energy is supplied to the fuel production facility by a co-located cogeneration plant and that plant also supplies energy to other facilities, those other facilities must be identified and described.~~

~~d. A list of references covering all information sources used in the preparation of the life cycle analysis. All reference citations in the life cycle analysis report shall include standard in-text parenthetical citations stating the author's last name and date of publication. Each in-text citation shall correspond to complete publication information provided in the list of references. Complete publication information shall at a minimum, identify the author(s), title of the referenced document (and of the article within that document, if applicable), publisher, publication date, and pages cited. For internet citations, the reference shall include the universal resource locator (URL) address of the citation, as well as the date the web site was last accessed.~~

~~2. Except as specified in section 95488(d)(2), the applicant shall submit receipts and invoices, as set forth in section~~

~~95488(c)(3)(A)2., covering a period of no less than two years for:~~

- ~~a. All forms of energy consumed in the fuel production process.~~
 - ~~b. All fuel sales.~~
 - ~~c. All feedstock purchases.~~
 - ~~d. All co-product sales.~~
- ~~3. In lieu of receipts or invoices for energy consumption, fuel sales, feedstock purchases, or co-product sales, the applicant may seek Executive Officer approval to submit audit reports prepared by independent, third-party auditors that document energy consumption, fuel sales, feedstock purchases, or co-product sales.~~
 - ~~4. The geographical coordinates of fuel production facility. Geographical coordinates can be reported either as the longitude and latitude or as the Universal Transverse Mercator coordinates.~~
 - ~~5. A copy of the CA-GREET2.0 T2 spreadsheet prepared for the life cycle analysis of the proposed fuel pathway. All Method 2A and 2B pathway carbon intensities must be calculated using CA-GREET2.0 T2 unless the Executive Officer has approved the use of a method that is at least equivalent to the calculation methodology used by CA-GREET2.0 T2.~~
 - ~~6. One or more process flow diagrams that, singly or collectively, depict the complete fuel production process. Each piece of equipment or stream appearing on the process flow diagram shall include data on its energy and materials balance, along with any other critical information such as operating temperature, pH, rated capacity, etc.~~
 - ~~7. All applicable air pollution control permits issued by the local air pollution control jurisdiction. If air pollution control permits are not required, the life cycle analysis report shall fully explain why this requirement does not exist.~~
 - ~~8. A copy of the federal Renewable Fuel Standard 2 (RFS2) Third Party Engineering Review Report required pursuant to 40 CFR part 80.1450, if available. If the RFS2 engineering report is not available, the Life Cycle Analysis Report shall explain why it is not available.~~

9. ~~Copies of the federal Renewable Fuel Standard 2 (RFS2) Fuel Producer Co-products Report as required pursuant to 40 CFR 80.1451(b)(1)(ii)(M)-(N). The period covered by the Co-products Report submittal to the Executive Officer shall coincide with the period covered by the energy receipts submitted under subsection 2. above.~~
10. ~~A signed LCFS Fuel Producer Attestation Letter, as set forth in section 95488(c)(2).~~

~~(5) *Certification Process*~~

- ~~(A) *Applicability.* Except where other applicability provisions are set forth, the provisions in section 95488(c)(5) shall apply to all Tier 1 and all Tier 2 Method 2A and Method 2B fuel pathway applications. These provisions shall not apply to Tier 2 Lookup Table applications.~~
- ~~(B) After receipt of an application designated by the applicant as ready for formal evaluation, the Executive Officer shall advise the applicant in writing either that the application is complete or incomplete. If it is deemed to be incomplete, the Executive Officer shall identify which of the requirements enumerated in this section have not been met. Applicants advised that their applications are incomplete may submit additional information in response to the Executive Officer's findings, and request a new completeness evaluation. If the Executive Officer again deems the application to be incomplete, the applicant may again submit additional information, and again request a new completeness determination. This process may repeat until the application is deemed to be complete, or 180 calendar days have elapsed from the date on which the Executive Office received the initial application, whichever occurs first. If the applicant is unable to achieve a complete application within this 180 calendar day period, the application shall be denied and the applicant shall be informed in writing of that denial.~~
- ~~(C) Once an application is deemed to be complete, the Executive Officer will evaluate that application to determine whether it has met all requirements necessary for certification.~~
- ~~(D) At any point, and from time to time, during the formal evaluation process, the Executive Officer may request in writing additional information or clarification from the applicant.~~

- ~~(E) If the Executive Officer is unable to reach a certification determination, as provided in this subsection, the application will be denied without prejudice. Applications denied without prejudice may be revised and resubmitted for a new certification evaluation.~~
- ~~(F) The Executive Officer will evaluate all applications against the following criteria:~~
- ~~1. The Executive Officer will first attempt to replicate the applicant's carbon intensity calculations. Replication will proceed as follows:
 - ~~i. Starting with a copy of CA-GREET2.0-T2 that had not previously been used for calculations associated with the proposed pathway, the Executive Officer will enter all the inputs reported by the applicant.~~
 - ~~ii. The Executive Officer will then apply all CA-GREET2.0-T2 modifications reported by the applicant.~~
 - ~~iii. If the Executive Officer is able to duplicate the applicant's CA-GREET2.0-T2 results, the Executive Officer will proceed to subsection (F)2. below. If the Executive Officer is not able to duplicate the applicant's CA-GREET2.0-T2 results, the application shall be denied.~~~~
 - ~~2. Using the energy purchase and fuel production data obtained from the receipts and invoices submitted by the applicant, the Executive Officer will verify the energy consumption inputs to the CA-GREET2.0-T2 carbon intensity calculations that were submitted by the applicant. If the Executive Officer is unable to verify the applicant's CA-GREET2.0-T2 energy consumption inputs by calculating them from energy receipt data and fuel production volumes, the application shall be denied.~~
 - ~~3. The Executive Officer will evaluate the validity of all inputs not directly related to energy consumption used to calculate the applicant's CI. If any of those inputs are found to be invalid, the application shall be denied.~~
- ~~(G) Once the Executive Officer has deemed that a Tier 1 application or an application to replace any pathway subject to deactivation under section 95488(a) has met all requirements for certification, the pathway will be certified and posted to the LCFS fuel pathway certification web page.~~

- ~~(H) For a new Tier 2 Method 2A or 2B pathway application, once the Executive Officer has deemed that the application has met all requirements necessary for certification, it will be posted to the LCFS fuel pathway comments web site for public comment. Comments will be accepted for 10 business days following the date on which the application was posted. Only comments related to potential factual or methodological errors will require responses from the applicant. The Executive Officer will forward to the applicant all comments identifying potential factual or methodological errors. In response, the applicant shall either:~~
- ~~1. Make revisions to its application that respond to the comments received and submit those revisions to the Executive Officer. The revised application packet must include a detailed discussion of the revisions made. The discussion must clearly delineate how each comment is related to a responsive revision. The revisions submitted must be approved by the Executive Officer before the application can be certified.~~
 - ~~2. Submit a detailed written response to the Executive Officer explaining why no revisions are necessary. The response submitted by the applicant must be approved by the Executive Officer before the application can be certified.~~
 - ~~3. As specified in subsection 1., revise portions of the application in response to a subset of the comments received, and, as specified in subsection 2., submit a written response explaining why the remaining comments do not warrant revisions.~~
 - ~~4. Withdraw the application.~~
- ~~(I) The Executive Officer will evaluate the applicant's responses to the comments received, and determine whether they have adequately addressed the potential factual or methodological errors identified in those comments. If the applicant's responses are deemed to have adequately addressed the comments received, those responses will be posted to the LCFS fuel pathway comments web site, and the pathway (as revised, if revisions were necessary) will be certified and posted to the LCFS fuel pathway certification web page. If the applicant's responses are deemed to have inadequately addressed the potential factual or methodological errors identified in the comments received, or if the applicant fails to~~

~~submit responses to those comments, the application will be denied.~~

~~(J) If no public comments are received, the application will be certified and moved to the LCFS fuel pathway certification web page.~~

~~(K) Fuel pathways that are certified and posted to the LCFS Fuel Pathway Certification web page will be accompanied by a certification statement, prepared by the Executive Officer, setting forth all limitations and operational conditions to which the new pathway will be subject.~~

~~(L) If the Executive Officer at any time determines that a certified fuel pathway does not meet the operational conditions specified in the certification statement issued by the Executive Officer as specified in subsection (K), above, the Executive Officer shall revoke or modify the certification as is necessary to assure that no fuel that does not meet all applicable operational conditions, including the specified fuel life cycle carbon intensity, is produced for sale in California under that pathway. The Executive Officer shall not revoke or modify a prior certification order without first affording the applicant an opportunity for a hearing in accordance with CCR, title 17, sections 60055.1 through 60055.43.~~

~~(6) *Relationship of Pathway Carbon Intensities to Units of Fuel Sold in California.*~~

~~(A) LCFS CIs represent the life cycle greenhouse gas emissions, expressed in a per-megajoule of finished-fuel-energy basis, associated with long-term, steady-state fuel production operations. Actual CIs vary over time due to a variety of factors, including but not limited to seasonality, feedstock properties, plant maintenance, and unplanned interruptions and shutdowns. A fuel production operation will not be found to be in violation of its operating conditions unless a CI calculated from production data covering a full year of operations is higher than the certified CI reported for that fuel in the LRT-CBTS system. Fuel producers labeling fuel sold in California with LCFS CIs (in product transfer or similar documents), and regulated parties reporting those CIs in the LRT-CBTS system, must ensure, therefore, that the fuel so-labeled and so-reported will be found to have a life cycle CI, as calculated from production data covering a year of operations, that is equal to or less than the CIs reported in the LRT-CBTS system and on product transfer documents. Regulated parties shall not report fuel sales under any LCFS CI unless they have determined that the actual CI of that fuel, calculated as described in this section, is equal to or less than the~~

~~LCFS CI under which sales of that fuel are reported in the LRT-CBTS system.~~

- ~~(B) Sellers of fuels covered by this regulation order must associate a CI with each unit of fuel sold in California. In general, all units of fuel produced while a given set of production parameters is in effect shall be assigned the same CI, regardless of whether those units will be sold in California. Under the following two sets of conditions, portions of the fuel produced while a given set of production parameters is in effect may be assigned different CIs. Those conditions are:~~
- ~~1. Two or more feedstocks are being simultaneously fed into the production process. A renewable diesel production facility may, for example, be feeding a mixture of soy oil, tallow, and used cooking oil into its production process.~~
 - ~~2. Two or more co-products are being produced simultaneously. A corn ethanol plant may, for example, be drying only a portion of the distiller's grains it produces. A portion of the distiller's grains produced is sold dry, and the remainder is sold wet.~~
- ~~(C) When two or more feedstocks are being simultaneously fed into the production process, the producer shall associate a portion of the fuel produced with each feedstock, using the producer's average feedstock-specific mass-based fuel yield values. Each feedstock-specific subdivision of the total fuel produced shall be labeled with the certified CI associated with that feedstock.~~
- ~~(D) When two or more co-products are being simultaneously produced, the producer may label the fuel associated with those co-products one of two ways:~~
- ~~1. If the production facility has available to it a single CI reflective of the current set of operational conditions (including the production of two or more co-products, in the proportions currently being produced), the facility may label its entire production run of fuel with that CI.~~
 - ~~2. If the production facility has available to it separate CIs associated with the production of each co-product, it may label portions of the fuel produced with the certified CIs associated with each co-product. The proportion of the total fuel produced that is labeled with each co-product-specific CI shall reflect the proportions of the total co-product stream~~

that each co-product comprises. Co-product proportions shall be calculated on a mass-based, dry-matter basis.

- ~~(E) Unless either or both of the two conditions specified in subsection (B), above are in effect, all units of fuel produced while a given set of production parameters is in effect shall be assigned the same certified CI, regardless of whether those units will be sold in California. A different certified CI may be assigned only when one or more production parameters changes. Following that change, all units produced while the new set of production parameters is in effect shall be assigned the new CI, regardless of whether those units will be sold in California.~~
- ~~(F) Except when either or both of the two conditions specified in subsection (B), above are in effect, a producer shall at no time label those units of fuel destined for the California market with a CI that is different from the CI of the units not destined for the California market. A producer that uses both biogas and natural gas as process fuel, for example, shall not label the units destined for the California market with a CI associated only with the use of biogas. All units produced, regardless of where they are sold, shall have associated with them a single CI that reflects the mix of process fuels that was used to produce those units. The portion of the units sold in California shall be labeled with that single CI.~~

~~(7) *Recordkeeping.*~~

- ~~(A) Each fuel provider that has been certified to use a fuel pathway pursuant to subsection (c) must maintain records identifying each facility at which it produces a transportation fuel for sale in California under the certified fuel pathway. For each such facility, the entity must retain records showing:~~
- ~~1. The volume of fuel produced and subsequently sold in California under the certified fuel pathway. Sales invoices, contracts, and bills of lading for those fuel sales shall be retained.~~
 - ~~2. The amounts of feedstocks purchased to produce the fuel specified in subsection 1. above. Invoices from the sellers and purchase contracts shall be retained.~~
 - ~~3. The quantity of all forms of energy consumed to produce the fuel covered in subsection 1. above. All invoices for the purchase of process fuel, and all receipts for the sale of the applicant's finished fuel shall be maintained.~~

4. ~~The quantities of all products co-produced with the fuel covered by certified LCFS pathway. Copies of invoices, contracts, and bills of lading covering those sales shall be retained. In addition, copies of the federal Renewable Fuel Standard 2 Fuel Producer Co-products Report described in section 95488(c)(4)(l)9. shall be retained. If the amount of co-product produced exceeds the amount sold by five percent or more, full documentation of the fate of the unsold fractions shall be maintained.~~

(B) ~~These records shall be submitted to the Executive Officer within 20 calendar days from the date that a written request is received from the Executive Officer or his/her designee.~~

(d) ~~Special Circumstances~~

(A) ~~Temporary FPCs for Fuels with Indeterminate CIs. The requirements set forth in this section apply to all fuels with indeterminate CIs that are reported in the LRT-CBTS.~~

(A) ~~A regulated party who has purchased a fuel, but is unable to determine the carbon intensity of that fuel, must petition the Executive Officer to use a temporary Fuel Pathway Code and carbon intensity value for reporting purposes. The term “unable to determine or indeterminate” is defined, for purposes of this provision, as follows:~~

1. ~~The production facility cannot be identified at that time, or~~
2. ~~The production facility is known but there is no approved fuel pathway application.~~

(B) ~~Pursuant to subsection (A) above, the Executive Officer may grant regulated parties permission to use the following carbon intensities for gasoline and diesel substitute fuels respectively:~~

Table 7. Temporary FPCs for Fuels with Indeterminate CIs

Fuel	Feedstock	Process Energy	FPC	CI (gCO ₂ e/MJ)
Ethanol	Corn	Grid electricity, natural gas, and/or renewables	ETH100T	75.97
	Sorghum	Grid electricity, natural gas, and/or renewables	ETH101T	83.49

Fuel	Feedstock	Process Energy	FPC	CI (gCO ₂ e/MJ)
	Sugar Cane and molasses	Bagasse and straw only; no grid electricity	ETH102T	56.66
	Any starch or sugar feedstock	Any another	ETH103T	98.47
	Corn Stover	As specified in CA-GREET 2.0	ETH104T	41.05
Biodiesel	Any feedstock derived from animal fats	Grid electricity, natural gas, and/or renewables	BIOD200T	37.54
	Any feedstock derived from plant oils	Grid electricity, natural gas, and/or renewables	BIOD201T	56.95
	Any feedstock	Any other	BIOD202T	102.01
Renewable Diesel (UOP process)	Any feedstock derived from animal fats	Grid electricity, natural gas, and/or renewables	RNWD300T	32.26
	Any feedstock derived from plant oils	Grid electricity, natural gas, and/or renewables	RNWD301T	53.21
	Any feedstock	Any other	RNWD302T	102.01
Fossil CNG	Petroleum Natural Gas	N/A	CNG400T	78.37
Fossil LNG	Petroleum Natural Gas	N/A	LNG401T	94.42
Fossil L-CNG	Petroleum Natural Gas	N/A	LCNG402T	97.33
Biomethane-CNG	Landfill or digester gas	Grid electricity, natural gas, and/or parasitic load	CNG500T	46.42
Biomethane-LNG	Landfill or digester gas	Grid electricity, natural gas, and/or parasitic load	LNG501T	64.63
Biomethane-L-CNG	Landfill or digester gas	Grid electricity, natural gas, and/or parasitic load	LCNG502T	67.18
Electricity	Natural gas, dams, wind, etc.	CA mix average	EL600T	110.42
Hydrogen	Centralized reforming of fossil L-CNG	Any	HYDN700T	191.25
	Centralized reforming of fossil LNG		HYDN701T	176.58

Fuel	Feedstock	Process Energy	FPC	CI (gCO ₂ e/MJ)
	Centralized reforming of fossil CNG		HYDN702T	113.38
	On-site reforming of CNG		HYDN703T	112.48
	On-site reforming of CNG made with renewable feedstocks		HYDN704T	98.05
Any gasoline-substitute-feedstock-fuel combination not included above	Any	Any	SG800T	98.47
Any diesel-substitute-feedstock-fuel combination not included above	Any	Any	SD801T	102.01

(C) ~~Based on timely reports using temporary FPCs, the regulated party may generate credits.~~

(D) ~~A temporary FPC approved for use by the Executive Officer will be permitted for LRT-CBTS reporting purposes for up to two quarters. Reporting will be granted only for the quarter during which a temporary FPC is approved for use and the subsequent full quarter.~~

(E) ~~A request to use a temporary FPC must be submitted online using the Temporary FPC Request Form in the LRT-CBTS.~~

(2) ~~*Provisional Pathways.* As set forth in sections 95488(c)(3) and (c)(4)(l)2., LCFS fuel pathways are generally developed for fuels that have been in full commercial production for at least two years. In order to encourage the development of innovative fuel technologies, however, applicants may submit New Pathway Request Forms, as set forth in section 95488(c)(1), covering Tier 1 and Tier 2 facilities that have been in full commercial operation for less than two years, provided they have been in full commercial production for at least one full calendar quarter. If that form is subsequently approved by the Executive Officer, as set forth in section 95488(c)(2), the applicant shall submit operating records covering all prior periods of full commercial operation, provided those records cover at least one full calendar quarter. The following subsections govern the development, evaluation, and post-certification monitoring of such provisional pathways.~~

~~Following the provisional certification of a fuel pathway application, the applicants shall submit copies of receipts for all energy purchases each calendar quarter until the Executive Officer is in possession of receipts covering two full calendar years of commercial production. At any time during those two years, the Executive Officer may revise as appropriate the plant's actual operational CI based on those receipts. Based on timely reports, the applicant may generate provisional credits. Until the Executive Officer has adjusted the CI or informed the producer that the provisional CI has been successfully corroborated by operational records covering a full two years of commercial operation, the Executive Officer may adjust the number of credits or reverse any provisional credit in the producer's account without a hearing, notwithstanding the requirements of section 95495.~~

~~(A) — If, after a plant has been in full commercial production for more than two years, the plant's operational CI is higher than the provisionally-certified CI, the Executive Officer will replace the certified CI with the operational CI in the LRT-CBTS system and adjust the producer's credit balance accordingly.~~

~~(B) — If the plant's operational CI appears to be lower than the certified CI, the Executive Officer will take no action. The applicant may, however, petition the Executive Officer for a provisional CI reduction to reflect operational data. In support of such a petition, the applicant must submit a revised application packet that fully documents the requested reduction.~~

~~(e) — *Evidence of Fuel Transport Mode.* A regulated party may not generate credits pursuant to section 95486 unless it has demonstrated to the Executive Officer that a fuel transport mode exists, for each of the transportation fuels for which it is responsible under the LCFS regulation, and that each fuel transport mode has been approved by the Executive Officer pursuant to this section. Transactions associated with fuels for which a fuel transport mode has not yet been approved must be reported using a fuel transport mode code PHY10 in the LRT-CBTS. Electricity used as a transportation fuel is exempt from this requirement. For purposes of this provision, "demonstrated" and "demonstration" include any combination of either (i) a showing by the regulated party using its own documentation; or (ii) a showing by the regulated party that incorporates by reference documentation voluntarily submitted by another regulated party or a non-regulated party fuel producer that accurately represents the regulated party's transportation fuel.~~

~~A regulated party must submit the demonstration of a fuel transport mode to the Executive Officer within 90 days of providing a fuel in California unless an initial demonstration of fuel transport mode was previously submitted and approved.~~

under the provisions of the previous LCFS regulation order. The Executive Officer shall not approve a fuel transport mode demonstration unless it meets the following requirements:

- ~~(1) *Initial Demonstration of Delivery Methods.* The regulated party must initially demonstrate the delivery methods comprising the fuel transport mode for each of the regulated party's fuels. The demonstration must include documentation in sufficient detail for the Executive Officer to verify the existence of the fuel transport mode's delivery methods.~~

~~The documentation must include a map(s) that shows the truck/rail lines or routes, pipelines, and other delivery segments that, together, comprise the fuel transport mode. If more than one company is involved in the delivery, each segment on the map must be linked to a specific company that is expected to transport the fuel through each segment of the fuel transport mode. The regulated party must provide the contact information for each such company, including the contact name, mailing address, phone number, and company name.~~

- ~~(2) *Initial Demonstration of Fuel Introduced Into the Fuel Transport Mode.* For each transportation fuel for which LCFS credit is being claimed, the regulated party must show that a specific volume of that fuel was introduced into the fuel transport mode identified in subsection (1), above. The showing may include a written purchase contract or transfer document for the volume of fuel that was introduced or otherwise delivered into the fuel transport mode.~~

~~Initial demonstrations covering biomethane conveyed to California by pipeline for the purpose of earning credits under the LCFS shall include statements from the biomethane suppliers and marketers attesting to the fact that that biomethane is not being used to earn credits under any other state or federal program, with the sole exception of the federal Renewable Fuel Standard program (RFS2).~~

- ~~(3) *Initial Demonstration of Fuel Removed From the Fuel Transport Mode.* For each specific transportation fuel identified in subsection (2), above, the regulated party must show that the same volume fuel was removed from the fuel transport mode in California by the regulated party and provided for transportation use in California. The showing may include a written sales contract or transfer document for the volume of blendstock or alternative fuel that was removed from or otherwise extracted out of the fuel transport mode in California.~~

- ~~(4) *Subsequent Demonstration of Fuel Transport Mode.* Once the Executive Officer has approved the initial demonstrations specified in subsections (1) through (3) above, the regulated party does not need to resubmit the~~

~~demonstrations for Executive Officer approval in any subsequent year, unless there is a material change to any of the information submitted under subsections (1) through (3) involving a change in the fuel's basic mode of transport. For example, if an approved transport mode using rail transport is changed to add to or replace the rail with truck or ship transport, that change would be deemed a material change. In the case of biomethane, "material change" also means that the fuel is being claimed for credit under another state or federal program, other than the federal RFS2.~~

~~If there is a material change to an approved fuel transport mode, the regulated party must notify the Executive Officer in writing within 30 business days after the material change has occurred, and the previously approved fuel transport mode shall become invalid 30 business days after the material change has occurred. A regulated party that wishes to generate credits after an approved fuel transport mode has become invalid must submit for Executive Officer approval a new initial demonstration, pursuant to subsections (1) through (3) above. Biomethane that is being claimed for credit under another state or federal program, other than the RFS2, may not seek a new fuel transport mode demonstration under the LCFS.~~

~~(5) *Submittal and Review of and Final Action on Submitted Demonstrations.*~~

~~(A) Once the Executive Officer has approved the fuel transport mode demonstration, the regulated party may generate credits based on timely reporting, provided that the requirements of section 95488(c) and (d) have also been met.~~

~~(B) After receipt of a fuel transport mode demonstration, the Executive Officer shall determine whether the fuel transport mode demonstration is complete and notify the regulated party accordingly. If incomplete, the Executive Officer shall notify the regulated party and identify the information needed to complete the demonstrations identified in subsections (1) through (3) above. Once the Executive Officer deems the demonstrations to be complete, the Executive Officer shall take final action to either approve or disapprove a fuel transport mode demonstration and notify the regulated party.~~

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488. Entities Eligible to Apply for Fuel Pathways.

- (a) Any person may apply to the Executive Officer for fuel pathway carbon intensity certification for the purpose of credit or deficit generation.
- (b) *Joint Applicants.* Multiple entities may contribute site-specific data to a single pathway application. In these cases, the parties involved may either designate a single entity as the pathway applicant, or designate multiple entities as joint applicants on a single pathway. Applying as joint applicants allows each entity to maintain control of confidential data for the portions of the pathway they submit.
- (1) Each joint applicant is subject to all requirements for pathway application, attestations, validation and verification, recordkeeping, pursuant to this subarticle, for the portion of the pathway they control.
- (2) A single entity designated to submit data on behalf of multiple entities within a pathway does not relieve any other entity in the pathway from responsibility for ensuring that the data submitted on its behalf is accurate.
- (c) *Transition to CA-GREET3.0.*
- (1) *Existing certified pathways.* In the first quarter of 2021, the Executive Officer will deactivate all fuel pathway codes in the LRT-CBTS for fuel pathways that were certified pursuant to a prior version of this subarticle, which used the CA-GREET2.0 model to determine CI, for the purpose of reporting fuel transactions that occurred after December 31, 2020. Fuel pathway holders seeking to generate credits from these pathways after that date must follow the pathway application and certification process outlined in this subarticle to receive a certified pathway.
- (A) *Existing Lookup Table Pathways.* Fuel reporting entities using Lookup Table pathways that do not require an application pursuant to section 95488.1(b)(1) will be automatically updated in the LRT-CBTS to the values in Table 7-1 on the effective date of this subarticle.
- (2) *New Pathway Applications.* Beginning in 2019 or the effective date of this subarticle, new fuel pathway applications using CA-GREET2.0 will not be processed. The requirement to obtain a third-party validation statement is effective for all pathway applications pending or submitted on or after January 1, 2020. All new pathway applications certified in 2019 will be validated by the Executive Officer.

NOTE: Authority cited: Sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution*

Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.1. Fuel Pathway Classifications.

(a) For purposes of fuel pathway carbon intensity determination, all new LCFS fuel pathways certified after January 1, 2019 (or the effective date of this regulation) shall be classified as either a:

- (1) Lookup Table pathway;
- (2) Tier 1 pathway; or
- (3) Tier 2 pathway, as described below.

(b) *Lookup Table Classification.* Pathways falling under this classification are the simplest pathways to use. The Board's staff develops Lookup Table pathway CI values using the CA-GREET3.0 model. Input variables and assumptions are provided in the CA-GREET3.0 Lookup Table Pathways – Technical Support Documentation (March 6, 2018), which is incorporated herein by reference.

(1) *Lookup Table Pathways That Do Not Require a Fuel Pathway Application.* The following pathways are developed using average values for inputs into the CA-GREET3.0 model, which are not expected to vary significantly across providers of the fuel. Entities seeking to generate credits under the pathways listed in 95488.1(b)(1)(A) through (E) may report fuel transactions directly in the LRT-CBTS without taking any action in the AFP.

- (A) California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB)
- (B) California Ultra-low Sulfur Diesel (ULSD)
- (C) Compressed Natural Gas
- (D) Propane
- (E) Electricity (California average grid)

(2) *Lookup Table Pathways That Require a Fuel Pathway Application.* Fuel pathway applicants for renewable electricity and all hydrogen Lookup Table pathways must register in the AFP and meet the application requirements of section 95488.5(b). Fuel pathway applicants may then report fuel transactions in the LRT-CBTS for the fuel pathways listed in 95488.1(b)(2)(A) through (F).

- (A) Electricity (100 percent solar or wind)
- (B) Electricity associated with time-of-use pathways for EV charging and hydrogen production through electrolysis

- (C) Hydrogen (gaseous and liquefied) from central SMR of North American fossil-based natural gas
- (D) Hydrogen (gaseous and liquefied) from central SMR of biomethane
- (E) Hydrogen (gaseous) from electrolysis using California grid-average electricity
- (F) Hydrogen (gaseous) from electrolysis using solar- or wind-generated electricity

(c) Tier 1 Classification. The Tier 1 pathway classification applies to fuel pathway categories that the Board's staff has extensive experience evaluating. This classification includes fuel pathways for which the Executive Officer has identified a discrete set of site-specific inputs that can be modified to achieve CI changes. CI values for Tier 1 fuel pathways are determined using Board-approved Simplified CI Calculators. The Simplified CI Calculators provide a framework for applicants to enter monthly operational data inputs that are combined with emission factors and life cycle inventory data from the CA-GREET3.0 model to calculate the pathway CI. The Tier 1 classification includes, but is not limited to, the following fuel pathways:

- (1) Ethanol derived from starch or fiber in corn kernels, grain sorghum, and sugarcane;
- (2) Biodiesel produced from feedstocks including but not limited to oilseed crop-derived oils; rendered animal fat, distiller's corn oil, and used cooking oil;
- (3) Renewable Diesel produced by hydrotreatment of feedstocks in a stand-alone reactor, including but not limited to oilseed crop-derived oils, rendered tallow, distiller's corn oil, and used cooking oil;
- (4) LNG and L-CNG from North American fossil natural gas; and
- (5) Biomethane from North American landfills.

(d) Tier 2 Classification. The Tier 2 pathway classification shall apply to fuel pathways that the Board's staff has limited experience evaluating and certifying, including fuel pathways that are not currently in widespread commercial production. The Tier 2 classification includes all fuel pathways not included in Tier 1 or the Lookup Table pathways. The Tier 2 classification includes, but is not limited to the following fuel pathways:

- (1) Cellulosic alcohols;
- (2) Biomethane from sources other than landfill gas;
- (3) Hydrogen pathways not found in the Lookup Table;

- (4) Electricity pathways not found in the Lookup Table;
- (5) Drop-in fuels (renewable hydrocarbons) except for renewable diesel produced from feedstocks described in section 95488.1(c)(3). This category includes fuels produced from low carbon feedstocks co-processed with fossil feedstocks in petroleum refineries;
- (6) Any fuel produced from unconventional feedstocks, such as algae oil;
- (7) Pathways classified as Tier 1 that are produced using innovative production methods, which cannot be accurately modeled using the Simplified CI Calculators. Such pathways must meet the substantiality requirements of 95488.9(a). Innovative production methods include, but are not limited to:
 - (A) Use of one or more low-CI process energy sources.
 - (B) Use of carbon capture and sequestration. (Projects that utilize carbon capture and sequestration are subject to the provisions of section 95490).

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.2. Relationship Between Pathway Registration and Facility Registration.

After establishing an account in the Alternative Fuels Portal, per the requirements of section 95483.2(a), fuel pathway applicants must begin the application process by completing the facility and pathway registration through the AFP web portal. The provisions of 95488.2 do not apply to entities seeking to report fuel transactions for the fuel pathways listed in 95488.1(b)(1).

- (a) *Production and Intermediate Facility Registration.* All production facilities and intermediate facilities from which site-specific operational data is relied upon in determining the CI score for a pathway must be registered in the AFP. All of the following fields that apply are required:
 - (1) Production company name and full mailing address.

- (2) U.S. EPA Company ID for fuels covered by the federal RFS program. For fuels not covered by the RFS program, the AFP system will generate a Company ID.
- (3) Company contact person's contact information.
- (A) Name
 - (B) Title or position
 - (C) Phone number
 - (D) Mobile phone number
 - (E) Email address
 - (F) Company web site URL
- (4) The fuel production facility name and address, for each proposed pathway.
- (A) For biomethane to vehicle fuel pathways, the fuel production facility is the upgrading facility that purifies or otherwise produces biomethane that meets the applicable standards for pipeline or vehicle-quality natural gas.
- (5) The names and addresses of any intermediate facilities, for each proposed pathway.
- (A) For biomethane to vehicle fuel pathways, intermediate facilities that must be registered include the liquefaction facility, and the location where biogas or other biomethane feedstock is produced, if that location is not also the upgrading facility that is registered as the fuel production facility.
 - (B) For any feedstock whose supplier applies using site-specific CI data, the feedstock-processing facility must be registered as an intermediate facility for the fuel pathway in which the feedstock is utilized.
- (6) U.S. EPA Facility ID for fuels covered by the federal RFS program. For fuels not covered by the RFS program, the LRT-CBTS system will generate a Facility ID.
- (7) Facility geographical coordinates (for each facility covered by the proposed pathways). Coordinates can be reported using either the latitude and longitude or the Universal Transverse Mercator coordinate systems.
- (8) Facility contact person's contact information.

- (A) Name
- (B) Title or position
- (C) Phone number
- (D) Mobile phone number
- (E) Email address

(9) Facility nameplate production capacity, or maximum expected throughput, in million gasoline gallon equivalents per year or other appropriate units. This information is required for each facility contributing site-specific data to the proposed pathways, including intermediate facilities in the supply chain.

(b) Pathway Registration. All of the following fields that apply are required.

(1) Consultant's contact information

- (A) Name
- (B) Title or position
- (C) Legal company name
- (D) Phone number
- (E) Mobile phone number
- (F) Email address
- (G) Web site URL

(2) Fuel type (renewable diesel, ethanol, etc.)

(3) Feedstock

(4) Brief pathway description (one to two sentences describing the technology, transport mode, and any non-standard co-products)

(5) Proposed pathway carbon intensity value

(6) Estimated annual fuel production quantity under the proposed pathway (estimated minimum, maximum, and average), in the applicable units specified for reporting in 95491(d)(1) through (5).

(7) Classification. The fuel pathway applicant must declare whether the proposed fuel pathway falls under the Lookup Table, Tier 1 or Tier 2 provisions of this regulation as specified in section 95488.1. The Executive Officer will evaluate the fuel pathway applicant's classification declaration and either approve or change it. The Executive Officer's decision shall be final and not subject to further appeal.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference:

Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.3. Calculation of Fuel Pathway Carbon Intensities.

- (a) *Calculating Carbon Intensities.* Fuel pathway applicants and the Executive Officer will evaluate all pathways based on life cycle greenhouse gas emissions per unit of fuel energy, or carbon intensity, expressed in gCO₂e/MJ. For this analysis, the fuel pathway applicant must use CA-GREET3.0 model (including the Simplified CI Calculators derived from that model) or another model determined by the Executive Officer to be equivalent or superior to CA-GREET3.0.
- (b) *CA-GREET3.0.* The CA-GREET3.0 model (March 6, 2018) contains emission factors for calculating greenhouse gas emissions from site-specific inputs to fuel pathways and standard values for parts of the life cycle not included in applicant-specific data submission. The model is open source and publicly available at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm> and is incorporated herein by reference. CA-GREET3.0 includes contributions from the Oil Production Greenhouse Gas Estimator (OPGEE2.0) model (for emissions from crude extraction) and Global Trade Analysis Project (GTAP-BIO) together with the Agro-Ecological Zone Emissions Factor (AEZ-EF) model for land use change (LUC).
- Tier 1 Simplified CI Calculators, which incorporate emission factors and life cycle inventory data from the CA-GREET3.0 model, are used to calculate carbon intensities for Tier 1 pathways. The five Simplified CI Calculators listed below (March 6, 2017) are publicly available at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm> and are incorporated herein by reference:
- (1) Tier 1 Simplified CI Calculator for Starch and Corn-Fiber Ethanol
 - (2) Tier 1 Simplified CI Calculator for Sugarcane-derived Ethanol
 - (3) Tier 1 Simplified CI Calculator for Biodiesel and Renewable Diesel
 - (4) Tier 1 Simplified CI Calculator for LNG and L-CNG from North American Natural Gas
 - (5) Tier 1 Simplified CI Calculator for Biomethane from North American Landfills
- (c) *OPGEE2.0.* The OPGEE2.0 model is used to generate carbon intensities for crude oil used in the production of ultra-low sulfur diesel (ULSD) and California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB).
- (d) *Accounting for Land Use Change.* The Executive Officer calculates LUC effects for certain crop-based biofuels using the GTAP model (modified to include agricultural data and termed GTAP-BIO) and the AEZ-EF model. LUC values for

six feedstock/finished biofuel combinations are provided in Table 6 below. The Executive Officer may use the same modeling framework to assess LUC values for other fuel or feedstock combinations, not currently found in Table 6, as part of processing a pathway application. Alternatively, the Executive Officer may require a fuel pathway applicant to use one of the values in Table 6, if the Executive Officer deems that value appropriate to use for a fuel or feedstock combination not currently listed in Table 6.

Table 6. Land Use Change Values for Use in CI Determination

<u>Biofuel</u>	<u>LUC (gCO₂/MJ)</u>
<u>Corn Ethanol</u>	<u>19.8</u>
<u>Sugarcane Ethanol</u>	<u>11.8</u>
<u>Soy Biomass-Based Diesel</u>	<u>29.1</u>
<u>Canola Biomass-Based Diesel</u>	<u>14.5</u>
<u>Grain Sorghum Ethanol</u>	<u>19.4</u>
<u>Palm Biomass-Based Diesel</u>	<u>71.4</u>

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.4. Relationship of Pathway Carbon Intensities to Units of Fuel Sold in California.

- (a) LCFS CIs represent the life cycle greenhouse gas emissions, expressed in a per-megajoule of finished-fuel energy basis, associated with long-term, steady-state fuel production operations. Actual CIs vary over time due to a variety of factors, including but not limited to seasonality, feedstock properties, plant maintenance, and unplanned interruptions and shutdowns. A fuel production operation will not be found to be in violation of its certified pathway based on CI unless a CI calculated from production data covering 24 months of operations is higher than the certified CI reported for that fuel in the LRT-CBTS system. A fuel pathway applicant may add a conservative margin of safety, of a magnitude determined by the applicant, to increase the certified CI above the operational CI calculated based on the data submitted in the initial fuel pathway application, to account for potential process variability and diminish the risk of non-compliance with the

certified CI. Fuel producers labeling fuel sold in California with LCFS CIs (in product transfer or similar documents), and fuel reporting entities using those CIs to report the fuel in the LRT-CBTS system, must ensure that the fuel so labeled and so reported will be found to have a life cycle CI, as calculated from production data covering 24 months of operation, that is equal to or less than the CIs reported in the LRT-CBTS system and on product transfer documents. Fuel reporting entities shall not report fuel sales under any LCFS CI unless the actual CI of that fuel, calculated as described in this subarticle, is equal to or less than the LCFS CI under which sales of that fuel are reported in the LRT-CBTS system.

- (b) *General Rule.* Except as provided in subdivision (c) below, fuel producers and fuel reporting entities covered by this regulation order must associate a CI with each unit of fuel sold in California. In general, fuel producers and fuel reporting entities shall assign all units of fuel produced while a given set of production parameters is in effect the same CI, regardless whether those units will be sold in California. For example, where a producer uses both biogas and natural gas as process fuel, the producer shall assign all units produced a single CI that reflects the mix of process fuels used to produce those units; the producer shall not assign the units destined for the California market a CI associated only with the use of biogas.

A producer or fuel reporting entity may assign a different certified CI only when one or more production parameters changes. Following that change, all units produced while the new set of production parameters is in effect have the new CI, regardless of whether those units will be sold in California.

- (c) *Exceptions.* Under the following two sets of conditions, a producer or fuel reporting entity may assign different CIs to portions of the fuel produced while a given set of production parameters is in effect. Those conditions are:
- (1) Two or more feedstocks are being simultaneously fed into the production process. For example, a renewable diesel production facility may feed a mixture of soy oil, tallow, and used cooking oil into its production process. Or a hydrogen production facility may use both natural gas and renewable natural gas as feedstock for steam methane reformation.
 - (2) Two or more co-products are being produced simultaneously. For example, a corn ethanol plant may dry only a portion of the distiller's grains it produces; a portion of the distiller's grains produced is sold dry, and the remainder is sold wet.
- (d) *How to Use the Multiple Feedstock Exception.* When two or more feedstocks are being simultaneously fed into the production process, the producer or fuel reporting entity shall associate a portion of the fuel produced with each feedstock, using the production facility's average production yield and one of the

methods provided in section 95491(d)(1)(C). The producer or fuel reporting entity must then label each feedstock-specific subdivision of the total fuel quantity produced with the certified CI associated with that feedstock.

(e) *How to use the Multiple Co-Product Exception.* When two or more co-products are being simultaneously produced, the producer or fuel reporting entity may label the fuel associated with those co-products one of two ways:

(1) If the production facility has available to it a single CI reflective of the current set of operational conditions (including the production of two or more co-products, in the proportions currently being produced), the producer or fuel reporting entity may label the facility's entire production run with that CI.

(2) If the production facility has available to it separate CIs associated with the production of each co-product, the producer or fuel reporting entity may label portions of the fuel produced with the certified CIs associated with each co-product, in proportion to the co-product stream fraction that each co-product comprises. The producer or fuel reporting entity shall calculate the co-product proportions on an appropriate basis to conform to the life cycle approach used for the fuel pathway.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.5. Lookup Table Fuel Pathway Application Requirements and Certification Process.

(a) *Applicability.* A fuel reporting entity may use a Lookup Table pathway if the Lookup Table (Table 7-1 in section 95488.5(e)) contains a fuel pathway that closely corresponds to the actual physical fuel production pathways used to produce the fuel in question. A fuel's actual physical fuel production pathway corresponds closely with a Lookup Table pathway when it is consistent with the Lookup Table pathway in all the areas listed in (1) through (6) below:

(1) Feedstocks used to produce the fuel;

(2) Fuel and feedstock production technology;

(3) Regions in which feedstocks and finished fuel are produced;

- (4) The modes used to transport feedstocks and finished fuel and the transport distances involved;
 - (5) The types and amounts of thermal and electrical energy consumed in both feedstock and finished fuel production. This applies both to the energy consumed in the production process and to the upstream energy consumed (e.g., fuels used to generate electricity; energy consumed to produce natural gas, etc.); and
 - (6) The CI of the fuel pathway applicant's product must be lower than or equal to the Lookup Table pathway CI. If the Executive Officer determines the product has an actual CI that is likely to be higher than the Lookup Table CI value, the applicant may apply for a Tier 2 pathway.
- (b) *Lookup Table Pathway Application Requirements.* Entities seeking approval to report fuel transactions using the fuel pathways listed in 95488.1(b)(2)(A) through (F) (solar or wind electricity, time-of-use, and all hydrogen Lookup Table pathways) must submit the fuel pathway applicant attestation letter pursuant to the requirements of 95488.8(a) and meet the following requirements:
- (1) The following information must be submitted with applications for the Lookup Table pathway for electricity generated from solar or wind supplied to EVs and time-of-use electricity supplied to EVs or hydrogen electrolyzers:

 - (A) For directly supplied renewable electricity, an applicant must indicate the locations of renewable electricity generation equipment, meters, meter ID numbers, and identify any other users of the electricity.
 - (B) For electricity supplied using book-and-claim accounting, contracts and invoices are required to demonstrate that the solar- or wind-generated electricity meets the requirements of section 95488.8(i)(1).
 - (C) For time-of-use electricity, records demonstrating the quantity of electricity dispensed during each time-of-use window for the latest quarter.
 - (2) The following information shall be submitted with applications for any hydrogen Lookup Table pathways:

 - (A) Submittal of the fuel pathway applicant attestation letter affirms that the applicant has reviewed and understood the pathway conditions described in the Lookup Table Pathways – Technical Support Documentation specified in section 95488.5(e), and attests that

their actual physical pathway is consistent with the Lookup Table pathway in the areas listed in 95488.5(a). Any exceptions, whether likely to result in a higher or lower CI, must be noted in the attestation letter.

(B) The completed NREL National Fuel Cell Technology Evaluation Center's Hydrogen Station Infrastructure Data Template covering three months of operation, if available, is required.

(3) The following information must be submitted with all Lookup Table pathway applications for renewable hydrogen:

(A) Contracts and invoices meeting the requirements of 95488.8(h), or 95488.8(i), are required to substantiate type and source of renewable input used to produce the fuel.

(c) *Completeness Check for Lookup Table Fuel Pathway Applications.* For the Lookup Table pathways listed in 95488.1(b)(2)(A) through (F), the Executive Officer will evaluate submitted information for completeness. The Executive Officer shall contact the applicant regarding any lack of required information or clarification of submitted information. If the fuel pathway applicant does not provide a satisfactory response to address the request within 15 business days, the Executive Officer will reject the pathway application. Applicants whose applications are rejected may submit a new application that addresses deficiencies highlighted during the earlier review.

(d) *Updates to Electricity Pathways.*

(1) *Annual Update to California Average Grid Electricity Pathway.* In order to reflect the rapidly evolving portfolio of electricity generating resources in California, the Executive Officer will update the "California Average Grid Electricity Supplied to Electric Vehicles" Lookup Table pathway CI value on an annual basis. The Executive Officer will use the methodology described in the supporting document specified in section 95488.5(e) to determine the carbon intensity. The CA-GREET3.0 model inputs and data sources used to calculate the CI will be posted for 45 days for public comment prior to certification. If these comments require significant revision of the originally published pathway, an updated pathway will be posted for public comment. The updated Lookup Table pathway CI value will be available for reporting in the quarter in which it is certified.

(2) *Update to Time-of-Use Electricity Pathways.* In order to reflect the seasonal variation of electricity generating resources in California and to maintain accounting consistency with the CI of the California Average Grid Electricity pathway, the Executive Officer will use the methodology described in the supporting document specified in section 95488.5(e) and

the public comment process described in 95488.5(d)(2) to update the time-of-use pathway CIs in Table 7-2.

(e) The following supporting document, which is incorporated herein by reference, describes the methodology and data sources used to determine the carbon intensity values for the fuel pathways, shown below in Table 7-1, and the hourly windows for time-of-use electricity pathways, shown below in Table 7-2:

Industrial Strategies Division, California Air Resources Board. March 6, 2018. CA-GREET3.0 Lookup Table Pathways Technical Support Documentation.

Table 7-1. Lookup Table for Gasoline and Diesel and Fuels that Substitute for Gasoline and Diesel²

<u>Fuel</u>	<u>Fuel Pathway Code</u>	<u>Fuel Pathway Description</u>	<u>Carbon Intensity Values (gCO₂e/MJ)</u>
<u>CARBOB</u>	<u>CBOB</u>	<u>CARBOB - based on the average crude oil supplied to California refineries and average California refinery efficiencies</u>	<u>101.43</u>
<u>Diesel</u>	<u>ULSD</u>	<u>ULSD - based on the average crude oil supplied to California refineries and average California refinery efficiencies</u>	<u>100.95</u>
<u>Compressed Natural Gas</u>	<u>CNGF</u>	<u>Compressed Natural Gas from Pipeline Average North American Fossil Natural Gas</u>	<u>79.03</u>
<u>Propane</u>	<u>PRPF</u>	<u>Fossil LPG from crude oil refining and natural gas processing used as a transport fuel</u>	<u>83.38</u>
<u>Electricity</u>	<u>ELCG</u>	<u>California average grid electricity supplied to electric vehicles in California</u>	<u>93.42 (and subject to annual updates)</u>
	<u>ELCR</u>	<u>Electricity that is generated from 100 percent solar or wind supplied to electric vehicles in California</u>	<u>0.00</u>
	<u>ELCT</u>	<u>Electricity supplied under the time-of-use provision with a CI based on curtailment probability</u>	<u>(See Table 7-2)</u>

² For comparison on an equivalent basis (gCO₂e per MJ of conventional fuel displaced), the CIs listed in Tables 7-1 and 7-2 must be divided by the EER in Table 5 for the appropriate fuel-vehicle combination. The EER-adjustment is made when fuel quantities are reported in the LRT-CBTS to calculate the correct number of credits or deficits, using the equations in 95486.1(a).

<u>Fuel</u>	<u>Fuel Pathway Code</u>	<u>Fuel Pathway Description</u>	<u>Carbon Intensity Values (gCO₂e/MJ)</u>
Hydrogen	<u>HYF</u>	<u>Compressed H2 produced in California from central SMR of North American fossil-based NG</u>	<u>121.43</u>
	<u>HYFL</u>	<u>Liquefied H2 produced in California from central SMR of North American fossil-based NG</u>	<u>173.42</u>
	<u>HYB</u>	<u>Compressed H2 produced in California from central SMR of biomethane (renewable feedstock) from North American landfills</u>	<u>103.36</u>
	<u>HYBL</u>	<u>Liquefied H2 produced in California from central SMR of biomethane (renewable feedstock) from North American landfills</u>	<u>155.34</u>
	<u>HYEG</u>	<u>Compressed H2 produced in California from electrolysis using California average grid electricity</u>	<u>164.02</u>
	<u>HYER</u>	<u>Compressed H2 produced in California from electrolysis using solar- or wind-generated electricity</u>	<u>10.48</u>

(f) Time-of-Use Lookup Table Pathways. The Executive Officer calculates a TOU carbon intensity Lookup Table each quarter for California grid electricity that may be used for reporting electric vehicle charging and hydrogen produced via electrolysis.

Table 7-2 below specifies the carbon intensity values for the time-of-use electricity pathways. Updates to this table will be provided quarterly on the LCFS web site.

Table 7-2. Calculated Time-of-Use Carbon Intensities*

<u>TOU Window</u>	<u>CI (gCO₂e/MJ)</u>			
	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>
<u>12:01 AM – 1:00 AM</u>	95.69	103.32	101.96	96.61
<u>1:01 AM – 2:00 AM</u>	95.01	104.94	102.09	96.85
<u>2:01 AM – 3:00 AM</u>	94.76	102.23	100.94	96.40
<u>3:01 AM – 4:00 AM</u>	93.85	102.03	100.42	96.27
<u>4:01 AM – 5:00 AM</u>	93.84	102.19	99.88	96.41
<u>5:01 AM – 6:00 AM</u>	97.13	99.84	99.71	94.99
<u>6:01 AM – 7:00 AM</u>	97.33	89.51	98.02	93.79
<u>7:01 AM – 8:00 AM</u>	86.07	64.23	101.38	87.41

<u>8:01 AM – 9:00 AM</u>	57.07	37.43	78.83	86.05
<u>9:01 AM – 10:00 AM</u>	45.16	28.98	59.11	72.83
<u>10:01 AM – 11:00 AM</u>	47.82	17.79	51.06	72.97
<u>11:01 AM – 12:00 PM</u>	50.41	13.43	30.20	70.29
<u>12:01 PM – 1:00 PM</u>	51.86	14.27	34.66	68.29
<u>1:01 PM – 2:00 PM</u>	58.30	21.60	41.52	69.29
<u>2:01 PM – 3:00 PM</u>	60.19	27.63	54.34	73.24
<u>3:01 PM – 4:00 PM</u>	57.02	47.92	66.70	70.53
<u>4:01 PM – 5:00 PM</u>	67.18	57.44	85.88	80.72
<u>5:01 PM – 6:00 PM</u>	89.19	85.82	90.28	91.63
<u>6:01 PM – 7:00 PM</u>	96.73	93.86	94.07	94.04
<u>7:01 PM – 8:00 PM</u>	98.33	101.16	97.62	95.16
<u>8:01 PM – 9:00 PM</u>	98.45	101.77	98.22	95.41
<u>9:01 PM – 10:00 PM</u>	98.66	100.57	98.68	95.55
<u>10:01 PM – 11:00 PM</u>	98.16	103.22	99.75	95.74
<u>11:01 PM – 12:00 AM</u>	93.31	103.53	102.05	96.18

*Based on curtailment data for year 2017 and subject to updates.

(g) Executive Officer Review of CI Selection. A fuel reporting entity's choice of carbon intensity value from the Lookup Table is subject in all cases to Executive Officer review. The Executive Officer may request any documentation necessary to determine that the pathway conforms to the Lookup Table pathway.

(1) If the Executive Officer has reason to believe that a fuel reporting entity's Lookup Table choice is not the CI value that most closely corresponds to its actual pathway CI, the Executive Officer shall notify the entity through the LRT-CBTS to choose a different pathway from the Lookup Table; or

(2) If the Executive Officer has reason to believe that the Lookup Table does not contain a fuel pathway that closely corresponds with the actual fuel pathway, the Executive Officer will notify the entity accordingly and the fuel reporting entity will not be allowed to use the Lookup Table to generate credits or deficits. In that case, the entity may apply for a Tier 1 or Tier 2 pathway.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.6. Tier 1 Fuel Pathway Application Requirements and Certification Process.

(a) Documentation Required for Tier 1 Pathways. A fuel pathway applicant may apply for a Tier 1 pathway using the provisions set forth in this section. After satisfying all requirements for pathway and facility registration in 95488.2, the applicant must submit the following information to the Executive Officer for consideration of a Tier 1 pathway CI.

(1) Simplified CI Calculator. A fuel-specific Simplified CI Calculator populated with all applicable site-specific operational data inputs is required. The period covered shall be the most recent 24 month period of operation. Fields that require site-specific inputs are marked in the Simplified CI Calculator. Site-specific inputs include, but are not limited to, the monthly quantity of all feedstocks consumed in the fuel production facility, the electricity generation mix of the subregion(s) where feedstock and fuel production occur, the types and monthly quantities of all energy used in the production of the fuel, and the monthly quantities of fuel produced.

(A) The Simplified CI Calculators include appropriate LUC or other indirect carbon intensity modifiers from Table 6 when applicable.

(B) Applicants must follow the instructions for completing site-specific inputs in the Simplified CI Calculators found in the Tier 1 Simplified CI Calculator Instruction Manual (March 6, 2018), incorporated herein by reference.

Industrial Strategies Division, California Air Resources Board.
March 6, 2018. Tier 1 Simplified CI Calculator Instruction Manual.

(C) All applicants using grid electricity must choose electrical generation energy mixes from among the subregions in CA-GREET3.0 and the Simplified CI Calculators, if applicable. The options include the 26 subregions defined in the U.S. EPA's Emissions and Generation Resource Integrated Database (eGRID) 2014 data year edition, and a national grid mix for Brazil and Canada.

1. User-defined Process Energy Option. Applicants whose fuel production facilities or feedstock source regions are located in an area for which there is no corresponding subregion included in the Simplified CI Calculator may select the user-defined option, and shall consult with the Executive Officer for approval of the data prior to submitting an application.

(2) Supplemental Information. Supporting evidence for specified inputs to the CI calculator can be uploaded to the AFP as a supplemental information document, as needed. Supplemental information is required under the following circumstances:

- (A) If an alternative form of process energy supplied directly to the production facility are used, evidence must be provided to identify the source, to demonstrate that it is delivered directly to the production facility, and to determine the carbon intensity of the process energy input.
- (B) If the fuel pathway applicant selects user-defined emission factors for regions not currently included in the Simplified CI Calculator, to reflect the grid electricity resource mix, crude and natural gas for that region. Supporting evidence and data sources for these emission factors must be provided.
- (C) If the fuel produced or any by-products or co-products receive additional processing after they leave site, such as additional distiller's grains drying or fuel distillation, supporting evidence of the energy consumed for those processes must also be submitted.
- (D) If the fuel production facility is co-located with one or more unrelated facilities, and energy consumption data (or other data required in calculating CI) are not separately available for the fuel production facility, the applicant shall install automated metering equipment with electronic data archival to enable an Executive Officer accredited verification body to confirm energy consumption data for the 24 months of operation submitted in the application. The metering should be capable of recording daily total energy consumption data. The same requirements apply if a single facility includes multiple operations including fuel production.
- (E) Other information to facilitate staff review may also be included as part of the supplemental information.

(b) Certification Process for Tier 1 Pathway Applications.

- (1) Preliminary Review. The Executive Officer will conduct a preliminary review of the Tier selection to ensure the pathway meets the requirements for Tier 1, and evaluate if the inputs to the Simplified CI Calculator are complete.
 - (A) Application Complete. If the Executive Officer deems complete the applicant's Simplified CI Calculator and supplemental information, the fuel pathway applicant shall be notified as such. The applicant shall then seek the services of an Executive Officer accredited verification body to complete a pathway validation as specified in Section 95500.

- (B) Application Incomplete. If the Executive Officer deems the Simplified CI Calculator and supplemental information incomplete, the Executive Officer will reject the pathway application without prejudice and inform the fuel pathway applicant of the rationale for rejection. Applicants whose applications are rejected may submit a new application that addresses deficiencies highlighted during the earlier review.
- (2) Validation. See section 95501 for a full description of the Validation process. A positive or qualified positive validation statement must be received by the Executive Officer from the verification body in order for CARB's evaluation and certification of the pathway application to proceed. In cases where a single applicant or a joint applicant does not complete validation, the application will be denied without prejudice. In cases where an applicant cannot complete validation within six months of submitting an application, the application will be denied without prejudice.
- (3) Certification. The Executive Officer may certify or reject a pathway application.
- (A) Following Validation, the Executive Officer will evaluate the application to determine whether it has met all requirements necessary for certification. At any point during the evaluation process, the Executive Officer may request in writing additional information or clarification from the applicant.
- (B) If the Executive Officer determines the application has met all requirements necessary for certification pursuant to subsection (3)(A) above, the Executive Officer will complete a pathway summary of the inputs, the facility average fuel production yield, CI results, and identify any limitations or conditions not specifically named in this subarticle.
- (C) Upon certification, the fuel pathway applicant(s) becomes the fuel pathway holder(s) for the certified fuel pathway and is subject to the requirements of 95488.10, and any limitations or conditions identified by the Executive pursuant to (3)(B) above, in order for that pathway to remain eligible for reporting and credit generation purposes.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.7. Tier 2 Fuel Pathway Application Requirements and Certification Process.

(a) Documentation Required for Tier 2 Pathways. A fuel pathway applicant may apply for a Tier 2 pathway using the provisions set forth in this section. After satisfying all requirements for pathway and facility registration in 95488.2, the applicant must submit the following information to the Executive Officer for consideration of a Tier 2 pathway CI:

(1) CA-GREET Model. A copy of the CA-GREET3.0 spreadsheet prepared for the life cycle analysis of the proposed fuel pathway. Tier 2 pathway carbon intensities must be calculated using the CA-GREET3.0 model, with the most current 24 months of operational data, unless the Executive Officer has approved the use of a method or model that the Executive Officer has determined is at least equivalent to the calculation methodology used by CA-GREET3.0. The CA-GREET3.0 model shall include appropriate LUC or other indirect carbon intensity modifier from Table 6 when applicable.

(2) Life Cycle Analysis Report. A life cycle analysis report that describes the full fuel life cycle, and describes in detail the calculation of the fuel pathway CI. The report shall contain sufficient detail to allow the Board's staff to replicate the CI calculated by the applicant. All inputs to, and outputs from, the fuel production process that contribute to the life cycle CI must be described in the life cycle analysis report. These inputs and outputs must then be fully accounted for in the calculation of the fuel pathway CI. The life cycle analysis report shall include the following information:

(A) A detailed description of the full fuel production process. The description shall include:

1. A description of the full well-to-wheels fuel life cycle, including the locations where each primary step in the fuel life cycle occurs. This description shall identify where the system boundary was established for the purposes of performing the life cycle analysis on the proposed pathway. The discussion of the system boundary shall be accompanied by a schematic depicting the system boundary. That schematic shall show all feedstock and fuel production units that are included in the system boundary, as well as all material and energy flows across the system boundary. Any feedstock or fuel production units that have been excluded from the system must be shown on the

schematic, and must be explicitly discussed in the narrative description of the full fuel life cycle.

2. A description of all fuel production feedstocks used, including all pre-processing to which feedstocks are subject. For fuels utilizing agricultural crops for feedstocks, the description shall include the agricultural practices used to produce those crops. This discussion shall cover energy and chemical use, typical crop yields, feedstock harvesting, transport modes and distances, storage, and pre-processing (such as drying or oil extraction).
3. A description of all material inputs to the production process not covered in 2, above. These include, but are not limited to enzymes, nutrients, chemicals, catalysts, and microorganisms.
4. A description of the transportation modes used throughout the fuel life cycle. This discussion must identify origins and destinations, cargo carrying capacities, fuel shares, and the distances traveled for each transport mode.
5. A description of all facilities and process units involved in the production of fuel under the proposed pathway.
6. A list of all combustion-powered equipment, along with their respective capacities, sizes, or rated power, and type and amount of fuel combusted, throughout all phases of the fuel life cycle over which the fuel pathway applicant exercises control.
7. A quantitative discussion of the thermal and electrical energy consumption that occurs throughout all phases of the fuel life cycle over which the applicant exercises control. All fuels used (natural gas, biogas, coal, biomass, etc.) must be identified and use rates quantified. The regional electrical energy generation fuel mix used in the CA-GREET3.0 analysis must be identified. Internally generated power such as cogeneration and combined heat and power must also be described. All fuel pathway applicants using grid electricity must choose electrical generation energy mixes from among the subregions in CA-GREET3.0, if applicable. The options include the 26 subregions defined in the U.S. EPA's Emissions and Generation Resource Integrated Database (eGRID) 2014 data year edition, and a national grid mix for Brazil and Canada. Applicants whose fuel production

facilities or feedstock source regions are located in an area for which there is no corresponding subregion included in CA-GREET3.0 must enter user-defined energy resources and submit the source of the data utilized to the Executive Officer for approval.

8. A description of all co-products, byproducts, and waste products associated with production of the fuel. That description shall extend to all processing, such as drying of distiller's grains, applied to these materials after they leave the fuel production process, including processing that occurs after ownership of the materials passes to other parties. Moreover, if a co-product credit is claimed for a co- or by-product, that credit must reflect all post-fuel-production processing steps covered by this section. If a co-product (e.g., electricity) is exported across the fence line, details of the quantity of energy transferred on a daily basis must be monitored using data systems with electronic archival.

(B) A detailed description of the calculation of the pathway CI. This description must provide clear, detailed, and quantitative information on process inputs and outputs, energy consumption, greenhouse gas emissions generation, and the final pathway carbon intensity, as calculated using CA-GREET3.0. Important intermediate values in each of the primary life cycle stages shall be shown. Those stages include but are not limited to feedstock production and transport; fuel production, fuel transport, and dispensing; co-product production, transport and use; waste generation, treatment and disposal; and fuel use in a vehicle. This description shall include, at a minimum:

1. A table showing all CA-GREET3.0 input values entered by the applicant. The worksheet, row, and column locations of the cells into which these inputs were entered shall be identified. In combination with the modifications identified in subsection (B)2. below, this table shall enable the Executive Officer to enter the reported inputs into a copy of CA-GREET3.0 and to replicate the carbon intensity results reported in the application.

2. A detailed discussion of all modifications other than those covered by subsection (B)1. above, made to the CA-GREET3.0 spreadsheet. This discussion shall allow the Executive Officer to duplicate all such modifications and, in combination with the inputs identified in subsection (B)1.

above, replicate the carbon intensity results reported in the application.

3. Documentation of all CA-GREET3.0 values used in the carbon intensity calculation process.

4. A detailed description of all supporting calculations that were performed outside of the CA-GREET3.0 spreadsheet.

(C) Descriptions of all co-located facilities, which in any way utilize outputs from, or provide inputs to, the fuel production facility. Such co-located facilities include but are not limited to cogeneration facilities, facilities that otherwise provide heat or electrical energy to the fuel production process, facilities that process or utilize co-products such as distillers grains with solubles, and facilities which provide or pre-process feedstocks or thermal energy fuels. If energy is supplied to the fuel production facility by a co-located cogeneration plant and that plant also supplies energy to other facilities, those other facilities must be identified and described. For facilities that are co-located with other production facilities or utilize multiple processing operations in addition to fuel production, demonstration of energy use should conform to section 95488.6(a)(2)(D).

(D) A list of references covering all information sources used in the preparation of the life cycle analysis. All reference citations in the application shall include standard in-text parenthetical citations stating the author's last name and date of publication. Each in-text citation shall correspond to complete publication information provided in the list of references. Complete publication information shall at a minimum, identify the author(s), title of the referenced document (and of the article within that document, if applicable), publisher, publication date, and pages cited. For internet citations, the reference shall include the universal resource locator (URL) address of the citation, as well as the date the web site was last accessed.

(E) One or more process flow diagrams that, singly or collectively, depict the complete fuel production process. Each piece of equipment or stream appearing on the process flow diagram shall include data on its energy and materials balance, along with any other critical information such as operating temperature, pH, rated capacity, etc.

(F) A copy of the federal Renewable Fuel Standard (RFS) Third Party Engineering Review Report required pursuant to 40 CFR part

80.1450, if available. If the RFS engineering report is not available, the Life Cycle Analysis Report shall explain why it is not available.

(G) A copy of the federal Renewable Fuel Standard (RFS) Fuel Producer Co-products Report as required pursuant to 40 CFR 80.1451(b)(1)(ii)(M)-(N), if available.

(b) *Scientific Defensibility.* For a proposed Tier 2 pathway to be certifiable by the Executive Officer, the fuel pathway applicant must demonstrate that the life cycle analysis prepared in support of the pathway application is scientifically defensible in the Executive Officer's best engineering and scientific judgment.

For purposes of this regulation, "scientifically defensible" means the method for calculating the fuel's carbon intensity may rely on, but is not limited to, publication of the proposed pathway in a major, well-established and peer-reviewed scientific journal (e.g., the International Journal of Life Cycle Assessment; The Journal of Cleaner Production, Biomass and Bioenergy). The Executive Officer's decision to accept or reject the applicant's scientifically defensible demonstration is binding and not subject to appeal.

(c) *Documents for Public Review.* Section 95488.8(c) contains requirements for submittal of documents that contain confidential business information and redacted versions for posting to a public LCFS web site.

(d) *Certification Process for Tier 2 Pathway Applications.*

(1) *Preliminary Review.* The Executive Officer will evaluate the LCA Report, CA-GREET3.0 model, and all submitted documentation for completeness in order to conduct a comprehensive evaluation of the pathway application and confirm that the methods presented are appropriate from an LCA perspective and confirm that the fuel pathway application meets the requirements for the Tier 2 classification. The Executive Officer may contact the fuel pathway applicant for an explanation of any questionable inputs, methods or lack of information in the application. The applicant must respond and address the request within 15 business days, as provided in subsection (1)(B) below:

(A) *Application Complete.* If the Executive Officer deems the Tier 2 application and LCA report complete and appropriate, the applicant will be notified accordingly and provided with a list of site-specific inputs required for validation. The fuel pathway applicant must then seek the services of an Executive Officer accredited verification body for validation as specified in section 95500.

(B) *Application Incomplete.* If the Executive Officer deems the Tier 2 application incomplete, and the applicant does not provide a

satisfactory response to address the deficiencies within 15 business days, the Executive Officer will reject the pathway application without prejudice and inform the applicant of the rationale for rejection. Fuel pathway applicants whose applications are rejected may submit a new application that addresses deficiencies highlighted during the earlier review.

- (2) *Site-specific Inputs.* Tier 2 pathways are expected to be unique with no predetermined life cycle analysis profile; therefore, such pathways do not include a defined set of predetermined site-specific inputs that are required to be provided in the annual Fuel Pathway Report and must be verified. The Executive Officer shall identify all site-specific inputs for a Tier 2 pathway and make this available for review by the fuel pathway applicant. This includes any non-numerical parameters or conditions which must be checked by the verifier. The applicant has 15 business days to review and accept the Executive Officer's proposed site-specific inputs. If there is disagreement, the applicant may suggest modified site-specific inputs within this period. The Executive Officer will review the applicant's suggested inputs and present to the applicant a final list of site-specific inputs. The applicant then has 7 business days to accept the updated site-specific inputs. If the applicant disagrees with the final list of site-specific inputs, the applicant may withdraw the pathway application; if not withdrawn, the application will be rejected by the Executive Officer. The Executive Officer's decision regarding the final list of site-specific inputs for Tier 2 pathways is binding.
- (3) *Validation.* See section 95501 for a full description of the validation process and outcomes. A positive or qualified positive validation statement must be received by the Executive Officer from the verification body in order for CARB's evaluation and certification of the pathway application to proceed. In cases where a single applicant or a joint applicant does not complete validation, the application will be denied without prejudice. In cases where an applicant cannot complete validation within six months of submitting an application, the application will be denied without prejudice.
- (4) *Engineering Review.* The Executive Officer has the authority to request any supporting documentation to investigate specific inputs in the fuel pathway applicant's submitted CA-GREET3.0 model. The Executive Officer will evaluate all applications against the following criteria:
- (A) The Executive Officer will attempt to replicate the applicant's carbon intensity calculations. Replication will proceed as follows:
1. Starting with a copy of CA-GREET3.0 that has not previously been used for calculations associated with the proposed

- pathway, the Executive Officer will enter all the inputs reported by the applicant.
2. The Executive Officer will then apply all CA-GREET3.0 modifications reported by the applicant.
 3. If the Executive Officer is able to duplicate the applicant's results, the Executive Officer will proceed to subsection (B) below. If the Executive Officer is not able to duplicate the applicant's CA-GREET3.0 results, the application shall be denied.
- (B) The Executive Officer will evaluate the validity of all inputs and methods not directly related to energy consumption used to calculate the applicant's CI. If any of those inputs are found to be invalid, the application will be denied.
- (C) The Executive Officer will complete a pathway summary containing the site-specific inputs, the facility average fuel production yield, CI results, and any limitations or conditions not specifically named in this subarticle. The pathway summary, with CBI redacted, will be posted to the LCFS web site for public review.
- (5) *Public Comment Period.* The application package, containing the Executive Officer's pathway summary and the documents prepared by the applicant for public review, will be posted to the LCFS web site for public comment once the Executive Officer completes a final check of the pathway application to ensure it has met all requirements for certification.
- (A) Comments will be accepted for 10 business days following the date on which the application was posted. Only comments related to potential factual or methodological errors will require responses from the fuel pathway applicant. The Executive Officer will forward to the applicant all comments identifying potential factual or methodological errors. In response, the applicant must either:
1. Make revisions to its application that respond to the comments received and submit those revisions to the Executive Officer. The revised application packet must include a detailed discussion of the revisions made. The discussion must clearly delineate how each comment is related to a responsive revision. The revisions submitted must be approved by the Executive Officer before the application can be certified;
 2. Submit a detailed written response to the Executive Officer explaining why no revisions are necessary. The response submitted by the fuel pathway applicant must be approved

by the Executive Officer before the application can be certified;

3. As specified in subsection 1, revise portions of the application in response to a subset of the comments received, and, as specified in subsection 2., submit a written response explaining why the remaining comments do not warrant revisions; or
4. Withdraw the application.

(B) The Executive Officer will evaluate the fuel pathway applicant's responses to the comments received, and determine whether they have adequately addressed the potential factual or methodological errors identified in those comments. If deemed adequate, those responses will be posted to the LCFS web site, and the pathway (revised as needed) will be certified and posted to the LCFS web site. If the applicant fails to submit responses or the responses are deemed inadequate, the application will be denied.

(C) If no public comments are received, the application will be certified and posted to the LCFS web site.

(6) *Certification.* The Executive Officer may certify or reject a pathway application. Upon certification, the fuel pathway applicant(s) becomes the fuel pathway holder(s) for the certified fuel pathway and is subject to the requirements of 95488.10 in order for that pathway to remain eligible for reporting and credit generation purposes.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.8. Fuel Pathway Application Requirements Applying to All Classifications.

(a) *Requirements for Attestation Letter.* Each fuel pathway application must include a fuel pathway applicant attestation letter. The attestation letter must attest to the veracity of the information in the application packet and declare that the information submitted accurately represents the long-term, steady state operation of the fuel production process described in the application packet. The attestation letter must conform to the requirements of this subsection. The fuel pathway applicant attestation letter must make the following specific attestations:

(1) No products, co-products, by-products, or wastes undergo additional processing, such as drying, distillation, or clean-up, once they leave the production facility, except as explicitly included in the pathway life cycle analysis and pathway CI.

(2) All data and information supplied is true and accurate in all areas, including, but not limited to the following:

(A) Feedstocks used to produce the fuel;

(B) Fuel and feedstock production technology;

(C) Regions in which feedstocks and finished fuel are produced;

(D) Modes used to transport feedstocks and finished fuel and the transport distances involved;

(E) Types and amounts of thermal and electrical energy consumed in both feedstock and finished fuel production;

(F) Full life cycle carbon intensity, which must be no higher than the carbon intensity specified in the Lookup Table, or Tier 1 or Tier 2 application; and

(G) Fuel production operations.

(3) The signed LCFS fuel pathway applicant attestation letter must:

(A) Be submitted as a scanned electronic copy;

(B) Be on company letterhead;

(C) Be signed by an officer of the applicant with the legal authority to attest to the veracity of the information in the application and to sign on behalf of the applicant;

(D) Be from the applicant and not from an entity representing the applicant (such as a consultant or legal counsel); and

(E) Include the following attestation:

I certify that the current fuel production process used to produce _____ (fuel) at the facility is consistent in all of the following areas with all information submitted to CARB in connection with the pathway request: 1) feedstocks used in fuel production; 2) fuel and feedstock production technology; 3) geographic region in which feedstocks and finished fuel are produced; 4) transportation modes used to transport feedstocks and finished fuel and transport distances; 5) types and amounts of thermal and electrical energy consumed in both feedstock and finished fuel production; and 6) any other applicable fuel pathway standard or operating condition established by CARB. The carbon intensity (CI) of the fuel must be no higher than the CI for the certified FPC.

I understand that the following facility information will be posted on the LCFS web site: Facility Name, Facility Address, Company ID, Facility ID, Fuel Pathway Code(s), CI values, and Fuel Pathway Description(s).

By submitting this form, _____ (Fuel Pathway Applicant) accepts responsibility for the information herein provided to CARB. I certify under penalty of perjury under the laws of the State of California that I have personally examined, and am familiar with, the

statements and information submitted in this document. I certify that the statements and information submitted to CARB are true, accurate, and complete.

<u>Signature</u>	<u>Print Name & Title</u>	<u>Date</u>
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(b) If the Executive Officer at any time determines that a certified fuel pathway does not meet the requirements of this subarticle or the operational conditions specified in the pathway summary issued by the Executive Officer, the Executive Officer may revoke or modify the certification.

(c) *Designation of Confidential Business Information.* The definition of “confidential business information,” for the purposes of this section, is the same as the definition of “trade secret” found in Government Code, section 6254.7. All documents (including spreadsheets and other items not in a standard document format) that are designated to contain confidential business information (CBI) must prominently display the phrase “Contains Confidential Business Information” above the main document title and in a running header. Additionally, a separate, redacted version of such documents must also be submitted. The redacted versions must be approved by the applicant for public posting on LCFS web site. Specific redactions must be replaced with the phrase “Confidential business information has been redacted by the applicant.” This phrase must be displayed clearly wherever CBI has been redacted. If the applicant claims that information it submits is confidential, it must also provide contact information required by California Code of Regulations, title 17, section 91011.

(d) *Public Disclosure of Application Materials and Use of Application Materials in the LCFS Data Management System.*

(1) All information not identified as trade secrets are subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022 and the California Public Records Act (Government Code §§ 6250 et seq.); and

(2) If the application is certified by the Executive Officer, the carbon intensity value(s) and its associated fuel pathway code(s) will be posted publicly on the LCFS web site and incorporated into the LCFS Data Management System for use by fuel reporting entities.

(e) *Submittal Formats.*

(1) An application, supporting documents, and all other relevant data or calculation or other documentation must be submitted electronically via

the AFP unless the Executive Officer has approved or requested in writing another format.

(2) The fuel pathway applicant must not convert spreadsheets, including CA-GREET3.0 spreadsheets, into other file formats or otherwise take steps to prevent the Executive Officer from examining all values and calculations in those spreadsheets.

(f) *Additional Demonstrations.* Upon request from the Executive Officer, a fuel pathway application must meet the following requirements:

(1) Demonstrate that the fuel that will be produced under the proposed pathway would comply with all applicable ASTM or other generally recognized national consensus standards; and

(2) Demonstrate that the fuel that will be produced under the proposed pathway is not exempt from the LCFS under section 95482(c).

(g) *Specified Source Feedstocks.*

(1) *Pathways Utilizing a Specified Source Feedstock.* In order to be eligible for a reduced CI that reflects the lower emissions or credit associated with the use of a waste, residue, by-product or similar material as feedstock in a fuel pathway, fuel pathway applicants must meet the following requirements.

(A) *Specified source feedstocks include:*

1. Used cooking oil, animal fats, fish oil, yellow grease, distiller's corn oil, brown grease, and other fats/oils/greases that are the non-primary products of commercial or industrial processes for food, fuel or other consumer products, which are used as feedstocks in pathways for biodiesel, renewable diesel, alternative jet fuel, and co-processed refinery products;
2. Pipeline-injected biomethane from landfill or digester projects which displaces fossil natural gas in the pipeline and is claimed as feedstock in pathways for bio-CNG, bio-LNG, bio-L-CNG, and hydrogen via steam methane reformation;
3. Any feedstock whose supplier applies for separate CARB recognition using site-specific CI data; and
4. Other feedstocks designated as specified-source at the time of pathway review and prior to certification.

(B) *Chain-of-custody Evidence.* Fuel pathway applicants using specified source feedstocks must maintain either (1) delivery

records that show shipments of feedstock type and quantity directly from the point of origin to the fuel production facility, or (2) information from material balance or energy balance systems that control and record the assignment of input characteristics to output quantities at relevant points along the feedstock supply chain between the point of origin and the fuel production facility. Chain-of-custody evidence is used to demonstrate proper characterization and accurate quantity. Chain-of-custody evidence must be provided to the verifier and to CARB upon request. Joint Applicants may assume responsibility for different portions of the chain-of-custody evidence but each such entity must meet the following requirements to be eligible for a pathway that utilizes a specified source feedstock:

1. Maintain records of the type and quantity of feedstock obtained from each supplier, including Feedstock transaction records, Feedstock Transfer Documents pursuant to section 95488.8(g)(1)(C), weighbridge tickets, bills of lading or other documentation for all incoming and outgoing feedstocks;
2. Maintain records used for material balance and energy balance calculations.
3. Ensure CARB staff and verifier access to audit feedstock suppliers to demonstrate proper accounting of attributes and conformance with certified CI data.

(C) *Feedstock Transfer Documents.* A feedstock transfer document must prominently state the information specified below.

1. Transferor Company name, address and contact information;
2. Recipient Company name, address and contact information;
3. Type and amount of feedstock, including units;
4. Transaction date.

(h) *Renewable or Low-CI Process Energy.* Unless expressly provided elsewhere in this subarticle, indirect accounting mechanisms for renewable or low-CI process energy, such as the use of renewable energy certificates, cannot be used to reduce CI. In order to qualify as a low-CI process energy source, energy from that source must be directly consumed in the production process as described in (1) and (2) below:

- (1) Renewable electricity must be supplied from generation equipment under the control of the pathway applicant. Such renewable electricity must be able to demonstrate:

- (A) Any renewable electricity certificates or other environmental attributes associated with the energy are not produced, or are retired and not claimed under any other program with the exception of the federal RFS.
 - (B) The generation equipment is directly connected through a dedicated line to a facility such that the generation and the load are both physically located on the customer side of the utility meter. The generation source may be grid-tied, but a dedicated connection must exist between the source and load.
 - (C) The facility's load is sufficient to match the amount of renewable electricity claimed using a monthly balancing period.
- (2) Biogas or biomethane must be physically supplied directly to the production facility. The applicant must submit the attestation set forth below in section 95488.8(i)(2)(C)2.

(i) *Indirect Accounting for Renewable Electricity and Biomethane.*

- (1) *Book-and-Claim Accounting for Renewable or Low-CI Electricity Supplied as a Transportation Fuel or Used to Produce Hydrogen.* Reporting entities may use indirect accounting mechanisms for renewable electricity to reduce the CI of electricity supplied as a transportation fuel or for hydrogen production through electrolysis, provided the conditions set forth below are met:
- (A) Reporting entities may report electricity dispensed to electric vehicles or as an input to hydrogen production (including for purposes of the Renewable Hydrogen Refinery Credit) as renewable electricity without regard to physical traceability if it meets all requirements of this subdivision. The renewable electricity must be supplied to the grid within a California Balancing Authority (or local balancing authority for hydrogen produced outside of California). Such book-and-claim accounting for renewable electricity may span only two quarters. If a renewable electricity quantity (and all associated environmental attributes, including a beneficial CI) is supplied to the grid in one calendar quarter, the quantity claimed for LCFS reporting must be matched to grid electricity dispensed to electric vehicles or for hydrogen production no later than the end of the following calendar quarter. After that period is over, any unmatched renewable electricity quantities expire for the purpose of LCFS reporting.
 - (B) Low-CI electricity can be indirectly supplied through a green tariff program (including the Green Tariff Shared Renewables program

described in California Public Utilities Code Section 2831-2833) or other contractual low carbon electricity supply relationship that meets the following requirements:

1. Electricity is generated using equipment owned by, or under contract to the pathway applicant for all environmental attributes of the project. In order to substantiate renewable electricity claims, the applicant must make contracts available to the Executive Officer, upon request, to demonstrate that the electricity meets the requirements of this subarticle. Generation invoices are required to substantiate the quantity of renewable electricity produced from the renewable assets. Monthly invoices must be unredacted copies of originals showing electricity sourced (in kWh) and contracted price;
2. All electricity procured by any LSE for the purpose of claiming a lower CI must be in addition to that required for compliance with the California Renewables Portfolio Standard or, for hydrogen produced outside of California, in addition to local renewable portfolio requirements;
3. Renewable electricity certificates or other environmental attributes associated with the energy, if any, are retired and not claimed under any other program with the exception of the federal RFS.

(2) *Book-and-Claim Accounting for Pipeline- Injected Biomethane Used as a Transportation Fuel or to Produce Hydrogen.* Indirect accounting may be used for RNG used as a transportation fuel or to produce hydrogen, provided the conditions set forth below are met:

- (A) RNG injected into the common carrier pipeline in North America (and thus comingled with fossil natural gas) can be reported as dispensed as bio-CNG, bio-LNG, or bio-L-CNG, or as an input to hydrogen production, without regards to physical traceability. Entities may report natural gas as RNG within only a two-quarter time span. If a quantity of RNG (and all associated environmental attributes, including a beneficial CI) is pipeline-injected in one calendar quarter, the quantity claimed for LCFS reporting must be matched to natural gas sold in California as RNG no later than the end of the following calendar quarter. After that period is over, any unmatched RNG quantities expire for the purpose of LCFS reporting.

(B) To substantiate RNG quantities injected into the pipeline for dispensing as bio-CNG, bio-LNG, or bio-L-CNG or as an input to hydrogen production, the pathway application and subsequent Annual Fuel Pathway Reports must include the following documents linking the environmental attributes of RNG (in MMBtu or Therms) with corresponding quantities of natural gas withdrawn: unredacted monthly invoices showing the quantities of RNG (in MMBtu) sourced and the contracted price per unit; and the unredacted contract by which the fuel pathway holder obtained the environmental attributes.

(C) Attestations Regarding Environmental Attributes.

1. Upstream Attestations. An entity reporting any RNG as a transportation fuel in LRT-CBTS, and a fuel pathway holder using biogas or biomethane as process energy, must obtain and keep attestations from each upstream party collectively demonstrating that (a) the entity claiming the environmental attributes has the exclusive right to claim environmental attributes associated with the sale or use of the biogas or biomethane, and (b) the environmental attributes have not been used or claimed in any other program or jurisdictions with the exception of the federal RFS. The attestations must be made available to the Executive Officer or a verifier upon request. The inability to promptly produce the attestations constitutes ground for credit invalidation pursuant to section 95495.

2. Attestation to CARB. An officer of any entity reporting biomethane in LRT-CBTS under the provisions of section 95488.8(i)(2), and an officer of any fuel pathway holder claiming use of biogas or biomethane as process energy under the provisions of section 95488.8(h)(2), must annually submit the following attestation to the Executive Officer:

I certify that to the extent that the gas used in the fuel pathway or supplied as transportation fuel is characterized as biomethane, _____ (entity name) owns the exclusive rights to the corresponding environmental attributes.

_____ (entity name) has not sold, transferred, or retired those environmental attributes in any program or jurisdiction other than the federal RFS.

Based on diligent inquiry and review of contracts and attestations from our business partners, I certify under penalty of perjury under the laws of the State of California that no other party has or will sell, transfer, or retire the environmental attributes corresponding to the biomethane for which _____ (entity name) claims credit in the LCFS program.

Signature

Print Name & Title

Date

(i) Measurement Accuracy.

(1) Calibration Requirement. All measurement devices that log or record data for use in fuel pathway applications must comply with the manufacturer-recommended calibration frequency and precision requirements. If manufacturer-recommendations are not provided, the measurement devices must be calibrated every six years.

(2) Requests to Postpone Calibration. For units and processes that operate continuously with infrequent outages, it may not be possible to meet manufacturer-recommended calibration deadlines for measurement devices. In such cases, the owner or operator may submit a written request to the Executive Officer to postpone calibration or inspection until the next scheduled maintenance outage. Such postponements are subject to the procedures of subsections (A) through (B) below and must be documented in the monitoring plan.

(A) A written request for postponement must be submitted to the Executive Officer not less than 30 days before the required calibration, recalibration or inspection date. The Executive Officer may request additional documentation to validate the operator's claim that the device meets the accuracy requirements of this section. The operator shall provide any additional documentation to CARB within ten (10) business days of a request by CARB.

(B) The request must include:

1. The date of the required calibration, recalibration, or inspection;
2. The date of the last calibration or inspection;
3. The date of the most recent field accuracy assessment, if applicable;
4. The results of the most recent field accuracy assessment, if applicable, clearly indicating a pass/fail status;
5. The proposed date for the next field accuracy assessment, if applicable;
6. The proposed date for calibration, recalibration, or inspection which must be during the time period of the next scheduled shutdown. If the next shutdown will not occur within three years, this must be noted and a new request must be received every three years until the shutdown occurs and the calibration, recalibration or inspection is completed.
7. A description of the meter or other device, including at a minimum:

- a. Make,
- b. Model,
- c. Install date,
- d. Location,
- e. Parameter measured by the meter or other device, including the data capture rate,
- f. Description of how data from the meter or other device is used in a fuel pathway,
- g. Calibration or inspection procedure,
- h. Reason for delaying calibration or inspection,
- i. Proposed method to ensure that the precision requirements listed by the manufacturer are upheld,
- j. Name, title, phone number and e-mail of contact person capable of responding to questions regarding the device.

(k) *Missing Data Provisions.*

(1) *Meter Record, Accuracy, or Calibration Requirements Not Met.* If a measurement device is not functional, not calibrated within the time period recommended by the manufacturer, or fails a field accuracy assessment, the operator must otherwise demonstrate to the verifier that the reported data are accurate within +/-5 percent.

(A) If the operator can demonstrate to the verifier that reported data are accurate, the data are acceptable. The entity must then provide a detailed plan describing when the measurement device will be brought into calibration. This plan is subject to approval by the Executive Officer.

(B) If the operator cannot demonstrate to the verifier that reported data are accurate, the data is not acceptable and missing data provisions apply.

(2) *Missing Data Provisions.* If missing data exists, the entity must submit for Executive Officer approval an alternate method of reporting the missing data. Alternate methods shall be evaluated on a case-by-case basis.

(3) *Force Majeure Events.* In the event of a facility shutdown or disruption drastically affecting production attributable to a force majeure event, the fuel pathway applicant or holder must notify the Executive Officer.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516,

41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and Western Oil and Gas Ass'n v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.9. Special Circumstances for Fuel Pathway Applications.

(a) Substantiality Requirements.

(1) The substantiality requirement applies in two scenarios:

(A) Multiple pathways for the same feedstock-fuel combination. When a fuel pathway applicant applies for two or more pathways based on different inputs for the same feedstock-fuel combination processed at a single fuel production facility, the Executive Officer will consider separate pathways only when the CI of one or more of the proposed pathways meet the substantiality requirement relative to the CI of the reference pathway. The “reference” pathway is the composite CI that results when the fuel is modeled using a single pathway that represents the average production of all quantities of the feedstock-fuel combination produced in the operational data period.

(B) Tier 1 Pathways using Innovative Methods. The Executive Officer will consider a Tier 2 application for a pathway that would otherwise be classified as Tier 1 if the Simplified CI Calculator for that fuel type cannot be used to accurately model the pathway due to process innovations and the proposed pathway meets the substantiality requirement relative to the CI of the reference pathway. The “reference” pathway is the CI of the proposed pathway as calculated by the applicable Simplified CI Calculator.

(2) The Executive Officer’s decision regarding requests related to substantiality is binding and not subject to appeal. The applicant seeking to apply under one of the scenarios described in subsection (1), above, must demonstrate, to the Executive Officer’s satisfaction, that the proposed pathway meets the following requirements:

(A) The source-to-tank carbon intensity of the fuel under the proposed pathway meets one of the following two criteria. “Source-to-tank” means all the steps involved in feedstock production and transport, finished fuel production and transport. A source-to-tank CI does not include the carbon intensity associated with the use of the fuel in a vehicle and does not include the LUC modifier.

1. For proposed pathway applications with source-to-tank carbon intensities greater than 20 gCO₂e/MJ (absolute

value), that source-to-tank carbon intensity must be at least 5 percent lower than the source-to-tank carbon intensity of the reference pathway; or

2. For proposed pathway applications with source-to-tank carbon intensities of 20 gCO₂e/MJ (absolute value) or less, that source-to-tank carbon intensity must be at least 1 gCO₂e/MJ less than the source-to-tank carbon intensity of the reference pathway.

(b) Temporary Fuel Pathways.

- (1) Fuel reporting entities may petition the Executive Officer to use a Temporary fuel pathway carbon intensity value for reporting quantities of fuel to generate credits or deficits. The Executive Officer's decision to approve is binding and not subject to appeal.
- (2) A Temporary pathway petition approved by the Executive Officer will allow the fuel reporting entity to use the pathway for LRT-CBTS reporting purposes for up to two quarters at a time. Reporting will be granted only for the quarter during which the Temporary pathway is approved for use and the subsequent full quarter. The Executive Officer may approve multiple subsequent petitions from the same fuel reporting entity, of up to two quarters each, but each approval will require a new petition.
- (3) A petition to use a Temporary pathway must be submitted online using the Temporary Pathway Request Form in the AFP.
- (4) *New Temporary Fuel Pathways.* An entity can apply for the use of a Temporary fuel pathway CI value if it appears in Table 8 in this subarticle or if the Executive Officer approves a new Temporary pathway and publishes it on the LCFS web site. Any new Temporary pathway proposed by the Executive Officer will be posted for 45 days for public comment prior to certification. The posted information will include the rationale for assigning the CI to that particular Temporary pathway. If these comments require significant revision of the originally published pathway, a revised pathway will be posted for public comment. Upon certification of a new Temporary pathway created by the Executive Officer, the pathway will be available for reporting in the quarter in which it is certified.

Table 8. Temporary Pathways for Fuels with Indeterminate CIs

<u>Fuel</u>	<u>Feedstock</u>	<u>Process Energy</u>	<u>CI (gCO₂e/MJ)</u>
<u>Ethanol</u>	<u>Corn</u>	<u>Grid electricity, natural gas, and/or renewables</u>	<u>90</u>
	<u>Sorghum</u>	<u>Grid electricity, natural gas, and/or renewables</u>	<u>95</u>
	<u>Any Sugar Feedstock</u>	<u>Bagasse and straw only; no grid electricity</u>	<u>60</u>
	<u>Any Cellulosic Biomass</u>	<u>Grid electricity, natural gas, and/or renewables</u>	<u>40</u>
<u>Biomass-based Diesel</u>	<u>Fats/Oils/Grease Residues</u>	<u>Grid electricity, natural gas, and/or renewables</u>	<u>45</u>
	<u>Any feedstock derived from plant oils, excluding palm oil</u>	<u>Grid electricity, natural gas, and/or renewables</u>	<u>65</u>
	<u>Any other feedstock</u>	<u>Grid electricity, natural gas, and/or renewables</u>	<u>Baseline (2010) CI value for ULSD</u>
<u>Fossil LNG</u>	<u>Petroleum Natural Gas</u>	<u>N/A</u>	<u>95</u>
<u>Fossil L-CNG</u>	<u>Petroleum Natural Gas</u>	<u>N/A</u>	<u>100</u>
<u>Biomethane CNG</u>	<u>Landfill or digester gas</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>70</u>
<u>Biomethane LNG</u>	<u>Landfill or digester gas</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>85</u>
<u>Biomethane L-CNG</u>	<u>Landfill or digester gas</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>90</u>
<u>Biomethane CNG</u>	<u>Municipal Wastewater sludge</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>40</u>
<u>Biomethane LNG</u>	<u>Municipal Wastewater sludge</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>55</u>
<u>Biomethane L-CNG</u>	<u>Municipal Wastewater sludge</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>60</u>
<u>Biomethane CNG</u>	<u>Dairy or Food/Green Waste</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>0</u>

<u>Fuel</u>	<u>Feedstock</u>	<u>Process Energy</u>	<u>CI (gCO₂e/MJ)</u>
<u>Biomethane LNG</u>	<u>Dairy or Food/Green Waste</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>0</u>
<u>Biomethane L-CNG</u>	<u>Dairy or Food/Green Waste</u>	<u>Grid electricity, natural gas, and/or parasitic load</u>	<u>0</u>
<u>Hydrogen</u>	<u>Centralized SMR of fossil LNG</u>	<u>Grid electricity, natural gas and/or renewables</u>	<u>185</u>
<u>Any gasoline substitute feedstock-fuel combination not identified above</u>	<u>Any</u>	<u>Any</u>	<u>Baseline (2010) CI value for CaRFG</u>
<u>Any diesel substitute feedstock-fuel combination not identified above</u>	<u>Any</u>	<u>Any</u>	<u>Baseline (2010) CI value for ULSD</u>

(c) Provisional Pathways. As set forth in sections 95488.6(a) and 95488.7(a), LCFS fuel pathways are generally developed based on 24 months of operational data. The Executive Officer may consider Provisional pathway applications from facilities that have been in operation for less than 24 months, provided they have been in operation for at least three months. Based on timely reports, the fuel reporting entity may generate credits or deficits using a provisionally-certified CI.

- (1) Application process. Application requirements are the same as those for the applicable pathway classification, specified in sections 95488.6 and 95488.7 including validation of the data submitted in support of the provisional pathway application.
- (2) Verification schedule. The certified pathway is subject to periodic verification as described in section 95500(b)(2) as applicable for the fuel pathway classification.
- (3) Adjusting CI and Credit Balance. At any time during the 24 months following provisional certification, the Executive Officer may revise as appropriate the provisionally-certified CI. Until the Executive Officer has removed the provisional status pursuant to subsection (4) below, the Executive Officer may adjust the number of credits or reverse any credit in the fuel reporting entity's account using the provisional pathway without a hearing, notwithstanding the requirements of section 95495. At the end of the provisional period, the certified CI will be determined on the basis of 24 months of operational data.

- (A) If the verified operational CI is higher than the provisionally-certified CI, the Executive Officer will replace the certified CI with the verified operational CI in the LRT-CBTS and will make any necessary credit adjustment in the fuel reporting entity's account using the provisional fuel pathway for reporting. Any credits generated using a provisionally-certified CI, across the entire period from original validation to completion of the periodic verification, are subject to adjustment.
- (B) If the verified operational CI is lower than the provisionally-certified CI, the Executive Officer will certify the pathway with the lower CI, adding a conservative margin of safety per section 95488.4(a) if the applicant so desires. The applicant will not be eligible for any retroactive credit generation, but the revised CI will be valid for future reporting periods.
- (4) Removal of provisional status. Positive or qualified positive verification statements covering at least 24 months of operational data will result in the removal of the provisional status for the certified pathway.
- (d) Substitute Pathways for Reporting Exports and Other Transaction Types. If a fuel reporting entity is unable to determine the pathway for reporting a fuel transaction type listed in subsection (1) below, a Substitute pathway corresponding to the fuel type must be used for reporting. Substitute pathways have CI values based on weighted average CIs of that fuel in the prior year, and are provided on the LCFS web site.
- (1) The Substitute pathways are only available in the LRT-CBTS for reporting the following transaction types:
- (A) Sold without obligation
 - (B) Purchased without obligation
 - (C) Export
 - (D) Loss of inventory
 - (E) Not used for transportation
- (2) When using a Substitute pathway, the fuel reporting entity must use default Company ID and Facility ID values for reporting in the LRT-CBTS. These default values are provided on the LCFS web site.
- (e) Design-based Pathways. As set forth in sections 95488.6(a) and 95488.7(a), LCFS fuel pathways are generally developed based on 24 months of operational data. However, in order to encourage the development of innovative fuel technologies, an applicant may submit a Design-based pathway application in the AFP for a fully engineered and designed facility with no operational data.

- (1) Applications for Design-based pathways must include a detailed life cycle analysis of the anticipated pathway performed using the CA-GREET3.0 model, and an LCA report as described in 95488.7(a)(2) detailing facility plans and specifications expected during commercial operation.
- (2) The Executive Officer may, fully at his or her discretion, choose to conduct a detailed evaluation of the submitted information and evaluate whether the applicant provided a sufficient level of detail to warrant confidence in energy consumption and other key CI performance metrics. If the Executive Officer chooses to undertake such a review, and the Executive Officer agrees that the pathway warrants publication on the LCFS web site, a Design-based pathway summary will be posted for public comment as detailed in section 95488.7(d)(5) for Tier 2 pathways. Executive Officer approval of Design-based pathways will generally be contingent upon meeting the requirements detailed in section 95488.7, exclusive of the requirement to obtain a validation statement.
- (3) *Ineligibility for credit generation.* Design-based pathways are not eligible to report fuel volumes to the LRT-CBTS or generate credits. After a pathway has been in production for at least three months, in order to be eligible to report and generate credits, the applicant must complete a Provisional pathway application per section 95488.9(c).

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95488.10. Maintaining Fuel Pathways.

- (a) *CI Data Reporting Requirement and Deadline.* Beginning in 2021, each fuel pathway holder must submit an annual Fuel Pathway Report to the AFP no later than March 31 of each calendar year.
 - (1) The annual Fuel Pathway Report must include the certified version of the Simplified CI Calculator or the CA-GREET3.0 model, if required in the initial certification, updated to include the most recent two calendar years of operational data.
 - (2) The annual Fuel Pathway Report for Lookup Table pathways for the renewable fuels listed in 95488.1(b)(2), in lieu of the CI calculator, must include invoices or metering records substantiating the quantity of renewable inputs procured from a qualifying source.

- (3) Entities specified in section 95488.8(i)(2)(C) must provide the annual attestation regarding environmental attributes required by that provision.
- (4) Any fuel pathway holder, including a joint applicant, who is not subject to site visits by a third party verifier, whose pathway involves the use of renewable or low-CI process energy, must submit invoices for that energy to the AFP. Additionally, for any electricity that is used to reduce carbon intensity of electricity for EV charging or hydrogen production via electrolysis, the pathway holder must upload records demonstrating that any RECs generated were retired in WREGIS for the purpose of LCFS credit generation.
- (5) The annual Fuel Pathway Report must include any temporally-variable information requested by the Executive Officer to be included in the initial application as supplementary information, or required data or documentation listed in the pathway summary operating conditions, must continue to be submitted annually as part of the annual Fuel Pathway Report.
- (6) If the verified operational CI as calculated from production data covering the 24 months of operations is found to be lower than the certified CI, and a positive verification statement is issued for this period, the following options are available:
- (A) The fuel pathway holder may elect to keep the original certified CI.
- (B) The fuel pathway holder may request to replace the certified CI with the verified operational CI based on the most recent 24 months of operational data, adding a conservative margin of safety per section 95488.4(a) if the applicant so desires. Fuel pathway holders requesting to replace the certified CI must submit an attestation that the new CI can be maintained through the next reporting period, and acknowledging that exceeding the newly certified CI in subsequent verifications will constitute non-compliance with the requirements of this subarticle.
- (7) If the verified operational CI is found to be greater than the certified CI, the fuel pathway holder is out of compliance with this subarticle and subject to investigation by the Executive Officer and possible enforcement action.
- (b) *Monitoring Plan for Entities Required to Obtain Validation or Verification Services under the LCFS.* Each entity responsible for obtaining validation or verification under this subarticle must complete and retain for review by a verifier, or the Executive Officer, a written Monitoring Plan. Specific requirements for Monitoring Plans are detailed in section 95491.1(c).

(c) Verification Requirement and Deadline. Each fuel pathway holder, who is not exempt from obtaining verification in section 95500, must ensure that a positive or qualified positive verification statement covering the annual Fuel Pathway Report is received by the Executive Officer from the verification body pursuant to the schedule in 95501 in order to maintain a valid fuel pathway code for use in reporting fuel transactions. An adverse fuel pathway verification statement would result in investigation by the Executive Officer. It is the responsibility of the fuel pathway holder to ensure this deadline is met.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95489. Provisions for Petroleum-Based Fuels.

Table 8. Carbon Intensity Lookup Table for Crude Oil Production and Transport.

Country of Origin	Crude Identifier	Carbon Intensity (gCO ₂ e/MJ)
Baseline Crude Average*	California Baseline Crude Average applicable to crudes supplied during 2015 and subsequent years	11.98
	California Baseline Crude Average applicable to crudes supplied in 2013 and 2014	11.39
Annual Crude Average	Volume-weighted California average CI for crudes supplied during 2013	11.37
Algeria	Saharan	11.69
Angola	Cabinda	10.03
	Clov	8.25
	Dalia	9.78
	Gimboa	9.65
	Girassol	10.33
	Greater Plutonio	9.78
	Hunge	9.10
	Kissanje	9.65
	Mondo	9.80
	Nemba	10.19
	Pazflor	8.91
Argentina	Canadon Seco	9.28
	Escalante	9.30
	Hydra	8.08
	Medanito	9.98
Australia	Enfield	5.09

	Pyrenees	5.99
	Stybarrow	6.31
	Van Gogh	6.14
	Vincent	5.05
Azerbaijan	Azeri	8.25
Brazil	Albacora Leste	6.55
	Bijupira-Salema	8.08
	Frade	6.12
	Jubarte	8.37
	Lula	9.94
	Marlim	7.76
	Marlim Sul	8.49
	Ostra	6.54
	Polvo	6.39
	Roncador-	7.44
	Roncador Heavy	7.09
	Sapinhua	8.53
Cameroon	Lokele	22.29
Canada	Access Western Blend	16.31
	Albian Heavy Synthetic (all grades)	19.90
	Albian Muskeg River Heavy	19.90
	BC Light	8.27
	Bonnie Glen	8.27
	Borealis Heavy Blend	17.21
	Boundary Lake	8.27
	Bow River	9.27
	Cadium	8.27
	Christina Dilbit Blend	13.34
	Christina Synbit	17.43
	Cold Lake	18.40
	Conventional Heavy	9.27
	CNRL Light Sweet Synthetic	21.39
	Federated	8.27
	Fosterton	9.27
	Gibson Light Sweet	8.27
	Halkirk	8.27
	Hardisty Light	8.27
	Hardisty Synthetic	35.27
	Husky Synthetic	35.42
	Jearcam	8.27
	Kearl Lake	12.05
	Kerrobert Sweet	8.27
	Koch Alberta	8.27
	Light Sour Blend	8.27
	Light Sweet	8.27
	Lloyd Blend	9.27
	Lloyd Kerrobert	9.27
	Lloydminster	9.27
	Long Lake Heavy	29.88

	Long Lake Light Synthetic	35.12
	Mackay Heavy Blend	20.01
	Medium Gibson Sour	8.27
	Medium Sour Blend	8.27
	Midale	8.27
	Mixed Sour Blend	8.27
	Mixed Sweet	8.27
	Moose Jaw Tops	8.27
	Peace	8.27
	Peace Pipe Sour	8.27
	Peace River Heavy	20.59
	Peace River Sour	8.27
	Pembina	8.27
	Pembina Light Sour	8.27
	Premium Albian Synthetic	21.39
	Premium Conventional Heavy	9.27
	Premium Synthetic	21.39
	Rainbow	8.27
	Rangeland Sweet	8.27
	Redwater	8.27
	Seal Heavy	9.27
	Shell Synthetic (all grades)	21.39
	Smiley-Coleville	9.27
	Sour High Edmonton	8.27
	Sour Light Edmonton	8.27
	Statoil Cheecham Dilbit	14.49
	Statoil Cheecham Synbit	18.20
	Suncor Synthetic (all grades)	23.71
	Surmont Heavy Blend	18.26
	Synbit Blend	20.76
	Syncrude Synthetic (all grades)	21.39
	Synthetic Sweet Blend	22.55
	Tundra Sweet	8.27
	Wabasca	6.79
	Western Canadian Blend	9.27
	Western Canadian Select	18.43
Chad	Doba	8.08
Colombia	Cano Limon	9.41
	Castilla	9.61
	Cusiana	10.67
	Magdalena	21.01
	Rubiales	9.20
	South Blend	9.22
	Vasconia	9.33
Congo	Azurite	11.49
	Djeno	11.87
Ecuador	Napo-	9.56
	Oriente	10.90
Equatorial Guinea	Geiba	10.88

	Zafiro	21.56
Iran	Doroood	13.37
	Forezan	11.09
	Iran Heavy	12.49
	Iran Light	13.50
	Lavan	11.80
	Nowruz-Soroosh	10.95
Iraq	Sirri	10.77
	Basra Light	13.08
Kuwait	Kuwait	10.31
Libya	Amna	13.98
Malaysia	Tapis	11.00
Mauritania	Chinquetti	9.28
Mexico	Isthmus	10.16
	Isthmus-Topped	13.16
	Maya	7.97
Neutral Zone	Eocene	7.48
	Khafji	9.04
	Ratawi	9.42
Nigeria	Agbami	19.29
	Amenam	17.92
	Antan	33.44
	Bonga	6.44
	Bonny	15.53
	Brass	82.48
	EA	6.24
	Erha	10.50
	Escravos	20.52
	Forcados	22.41
	Okone	27.55
	OKWB	34.80
	Pennington	21.69
	Qua-Ibee	15.25
Yohe	15.25	
Oman	Oman	12.35
Peru	Loreto	8.23
	Mayna	9.85
Russia	ESPO	13.70
	M100	19.18
	Sokol	10.51
	Vityaz	11.55
Saudi Arabia	Arab-Extra Light	9.35
	Arab-Light	9.15
	Arab-Medium	8.66
	Arab-Heavy	8.77
Thailand	Bualuang	5.12
Trinidad	Galypso	7.37
	Galeota	10.57
UAE	Murban	9.92

	Upper Zakum	8.97
Venezuela	Bachaquero	25.42
	Boscan	10.76
	Hamaca	23.51
	Hamaca DCO	7.63
	Laguna	25.42
	Mesa 30	11.45
	Petrozuata (all synthetic grades)	23.53
	Zuata (all synthetic grades)	23.51
US Alaska	Alaska North Slope	12.93
US Colorado	Niobrara	8.03
US New Mexico	Four Corners	9.37
	New Mexico Intermediate	9.37
	New Mexico Sour	9.37
	New Mexican Sweet	9.37
US North Dakota	Bakken	10.18
	North Dakota Sweet	10.18
	Williston Basin Sweet	10.18
US Oklahoma	Oklahoma Sour	12.03
	Oklahoma Sweet	12.03
US Texas	Eagle Ford Shale	12.03
	East Texas	12.03
	North Texas Sweet	12.03
	South Texas Sweet	12.03
	West Texas Intermediate	12.03
	West Texas Sour	12.03
US Utah	Covenant	3.78
	Grand Cane	5.99
	Utah Black Wax	5.09
	Utah Sweet	5.99
US Wyoming	Wyoming Sweet	24.11
US California Fields	Aliso Canyon	4.16
	Ant Hill	22.04
	Antelope Hills	6.56
	Antelope Hills, North	19.14
	Arroyo Grande	29.33
	Asphalte	8.00
	Bandini	6.78
	Bardsdale	3.63
	Barham Ranch	2.64
	Beer Nose	2.50
	Belgian Anticline	3.56
	Bellevue	7.52
	Bellevue, West	4.55
	Belmont, Offshore	4.15
	Belridge, North	4.77
	Belridge, South	14.84
	Beverly Hills	4.49
	Big Mountain	2.58

	Blackwells Corner	5.03
	Brea-Olinda	3.17
	Buena Vista	7.45
	Burrel	25.23
	Cabrillo	2.49
	Canal	4.17
	Ganfield Ranch	3.99
	Carneros Creek	3.40
	Cascade	2.12
	Casmalia	9.35
	Castaic Hills	2.52
	Cat Canyon	4.08
	Cheviot Hills	3.39
	Chico-Martinez	15.81
	Cienaga Canyon	4.08
	Coalinga	27.85
	Coles Levee, N	4.56
	Coles Levee, S	2.70
	Comanche Point	7.88
	Coyote, East	6.15
	Cuyama, South	14.43
	Cymric	19.23
	Deer Creek	9.96
	Del Valle	4.73
	Devils Den	5.88
	Edison	15.55
	El Segundo	3.77
	Elk Hills	6.30
	Elwood, S., Offshore	3.57
	Fruitvale	3.87
	Greeley	9.60
	Hasley Canyon	2.15
	Helm	3.93
	Holser	3.04
	Honor Rancho	4.09
	Huntington Beach	5.11
	Hyperion	2.05
	Inglewood	9.52
	Jacalitos	2.40
	Jasmin	12.77
	Kern Front	25.10
	Kern River	9.63
	Kettleman Middle Dome	3.70
	Kettleman North Dome	5.14
	Landslide	12.17
	Las Cienegas	4.63
	Livermore	2.56
	Lompoc	19.65
	Long Beach	6.84

	Long Beach Airport	4.02
	Los Angeles Downtown	5.71
	Los Angeles, East	10.02
	Lost Hills	10.26
	Lost Hills, Northwest	3.91
	Lynch Canyon	12.00
	Mahala	2.70
	McCool Ranch	3.32
	McDonald Anticline	4.30
	McKittrick	24.64
	Midway Sunset	25.05
	Montalvo, West	2.28
	Montebello	14.96
	Monument Junction	3.62
	Mount Poso	11.17
	Mountain View	3.71
	Newhall-Potrero	2.85
	Newport, West	4.38
	Oak Canyon	3.50
	Oak Park	2.48
	Oakridge	2.39
	Oat Mountain	2.59
	Ojai	2.75
	Olive	1.98
	Orcutt	12.71
	Oxnard	9.16
	Paloma	3.51
	Placerita	31.20
	Playa Del Rey	4.58
	Pleito	2.60
	Poso Creek	28.15
	Pyramid Hills	3.34
	Railroad Gap	5.05
	Raisin City	8.72
	Ramona	3.41
	Richfield	4.40
	Rincon	3.93
	Rio Bravo	5.75
	Rio Viejo	2.87
	Riverdale	3.74
	Rose	2.70
	Rosecrans	5.52
	Rosecrans, South	3.11
	Rosedale	6.49
	Rosedale Ranch	8.00
	Round Mountain	25.99
	Russell Ranch	7.56
	Salt Lake	2.67
	Salt Lake, South	3.84

	San Ardo	27.26
	San Miguelito	5.65
	San Vicente	2.47
	Sansinena	2.56
	Santa Clara Avenue	3.49
	Santa Fe Springs	10.50
	Santa Maria Valley	5.15
	Santa Susana	2.93
	Sargent	3.98
	Saticoy	3.33
	Sawtelle	3.18
	Seal Beach	5.08
	Semitropic	3.48
	Sespe	2.79
	Sevier	2.42
	Shafter, North	3.01
	Shiells Canyon	3.38
	South Mountain	3.31
	Stockdale	2.13
	Tapia	7.55
	Tapo Canyon, South	2.92
	Tejon	6.49
	Tejon Hills	6.47
	Tejon, North	3.14
	Temescal	2.75
	Ten Section	6.60
	Timber Canyon	2.99
	Torrance	4.49
	Torrey Canyon	2.73
	Union Avenue	3.57
	Ventura	4.61
	Wayside Canyon	1.67
	West Mountain	2.84
	Wheeler Ridge	4.28
	White Wolf	1.88
	Whittier	2.42
	Wilmington	7.02
	Yowlumne	10.62
	Zaca	8.16
US California Sub-Field	Edison Light	5.40
	South Belridge Light	4.03
US Federal OCS	Beta	1.71
	Carpinteria	2.85
	Dos Cuadras	4.00
	Hondo	5.54
	Hueneme	3.04
	Pescado	5.72
	Point Arguello	14.23
	Point Pedernales	9.38

	Sacate	3.59
	Santa Clara	2.47
	Sokey	8.35
Default		11.98

* Based on production and transport of the crude oil supplied to the indicated California refinery(ies) during the baseline calendar year, 2010

~~(a) *General.* Deficit calculations to be used for a regulated party's CARBOB or diesel fuel are specified in section 95489(b). Requirements for adding incremental emission increases associated with an increase in the carbon-intensity of crude oil to a regulated party's compliance obligation are specified in section 95489(c). The credit calculation for crude oil that is produced using innovative methods, such as carbon capture and sequestration (CCS), is specified in section 95489(d). Special requirements for low-complexity/low-energy-use refineries are specified in section 95489(e). The credit calculation for investments that reduce greenhouse gas emissions at refineries is specified in section 95489(f). The credit calculation for investments that reduce greenhouse gas emissions at renewable hydrogen refineries is specified in section 95489(g).~~

~~(a)(b)~~ *Deficit Calculation for CARBOB or Diesel Fuel.* A regulated party fuel reporting entity for CARBOB or diesel fuel must calculate separately the base deficit and incremental deficit for each fuel or blendstock derived from petroleum feedstock as specified in this provision.

Base Deficit Calculation

$$Deficits_{Base}^{XD}(MT) = (CI_{Standard}^{XD} - CI_{BaselineAve}^{XD}) \times E^{XD} \times C$$

Incremental Deficit Calculation to Mitigate Increases in the Carbon-Intensity of Crude Oil

If $CI_{20XXCrudeAve} > CI_{BaselineCrudeAve} + 0.10$ then:

$$Deficits_{Incremental20XX}^{XD} = (CI_{BaselineCrudeAve} - CI_{20XXCrudeAve}) \times E^{XD} \times C$$

If $CI_{20XXCrudeAve} \leq CI_{BaselineCrudeAve} + 0.10$ then:

$$Deficits_{Incremental20XX}^{XD} = 0$$

where:

$Deficits_{Base}^{XD}(MT)$ and $Deficits_{Incremental20XX}^{XD}$ mean the amount of LCFS deficits incurred (a negative value), in metric tons, by the volume of CARBOB ($XD = \text{"CARBOB"}$) and diesel fuel ($XD = \text{"diesel"}$) that is derived from petroleum

feedstock and is either produced in or imported into California during a specific calendar year;

$CI_{Standard}^{XD}$ has the same meaning as specified in section ~~95486(b)(3)(A)~~ 95486.1(a);

$CI_{BaselineAve}^{XD}$ is the average carbon-intensity value of CARBOB or diesel, in gCO₂e/MJ, that is derived from petroleum feedstock and is either produced in or imported into California during the baseline calendar year, 2010. For purposes of this provision, $CI_{BaselineAve}^{XD}$ for CARBOB ($XD = \text{“CARBOB”}$) and diesel fuel ($XD = \text{“diesel”}$) are the Baseline Average carbon intensity values for CARBOB and diesel (ULSD) set forth in Table ~~67-1~~. The Baseline Average carbon intensity values for CARBOB and diesel (ULSD) are calculated using data for crude oil supplied to California refineries during the baseline calendar year, 2010.

$CI_{BaselineCrudeAve}$ is the California Baseline Crude Average carbon intensity value, in gCO₂e/MJ, attributed to the production and transport of the crude oil supplied as petroleum feedstock to California refineries during the baseline calendar year, 2010. For comparison to ~~$CI_{2015CrudeAve}$~~ $CI_{2018CrudeAve}$, the baseline is:

$$CI_{BaselineCrudeAve} = \frac{[11.39 \times V_{2013} + 11.39 \times V_{2014} + 11.98 \times V_{2015}]}{[V_{2013} + V_{2014} + V_{2015}]}$$

$$CI_{BaselineCrudeAve} = \frac{[11.98 \times V_{2016} + 11.98 \times V_{2017} + 12.17 \times V_{2018}]}{[V_{2016} + V_{2017} + V_{2018}]}$$

For comparison to ~~$CI_{2016CrudeAve}$~~ $CI_{2019CrudeAve}$, the baseline is:

$$CI_{BaselineCrudeAve} = \frac{[11.39 \times V_{2014} + 11.98 \times V_{2015} + 11.98 \times V_{2016}]}{[V_{2014} + V_{2015} + V_{2016}]}$$

$$CI_{BaselineCrudeAve} = \frac{[11.98 \times V_{2017} + 12.17 \times V_{2018} + 12.17 \times V_{2019}]}{[V_{2017} + V_{2018} + V_{2019}]}$$

For comparison to ~~$CI_{2017CrudeAve}$~~ $CI_{2020CrudeAve}$ and subsequent years, the baseline is

$$CI_{BaselineCrudeAve} = 11.98$$

$$CI_{BaselineCrudeAve} = 12.17$$

$CI_{20XXCrudeAve}$ is the Three-year California Crude Average carbon intensity value, in gCO₂e/MJ, attributed to the production and transport of the crude oil supplied as petroleum feedstock to California refineries during the most recent three calendar years. For example, the Three-year California Crude Average carbon intensity value for ~~2015~~2018 is:

$$CI_{2015CrudeAve} = \frac{[CI_{2013} \times V_{2013} + CI_{2014} \times V_{2014} + CI_{2015} \times V_{2015}]}{[V_{2013} + V_{2014} + V_{2015}]}$$

$$CI_{2018CrudeAve} = \frac{[CI_{2016} \times V_{2016} + CI_{2017} \times V_{2017} + CI_{2018} \times V_{2018}]}{[V_{2016} + V_{2017} + V_{2018}]}$$

V_{20XX} is the total volume of crude supplied to California refineries during the specified year 20XX.

CI_{20XX} is the Annual Crude Average carbon intensity value, calculated annually as described in section 95489(e)(b). The Annual Crude Average carbon intensity value for ~~2013~~2016 is specified in Table 98.

E^{XD} is the amount of fuel energy, in MJ, from CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$), determined from the energy density conversion factors in Table 43, either produced in California or imported into California during a specific calendar year and sold, supplied, or offered for sale in California.

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

~~(b)(e)~~ *Addition of Incremental Deficits that Result from Increases in the Carbon Intensity of Crude Oil to a Regulated Party's Fuel Reporting Entity's Compliance Obligation.*

- (1) Incremental deficits for CARBOB or diesel fuel that result from increases in the carbon intensity of crude oil will be calculated and added to each affected ~~regulated party's fuel reporting entity's~~ compliance obligation for the compliance period in which the $Deficits_{Incremental20XX}^{XD}$ become effective, which will be the year following the year in which the $CI_{20XXCrudeAve}$ was established.
- (2) Incremental deficits for CARBOB or diesel fuel for each ~~regulated party-fuel reporting entity~~ will be based upon the amount of CARBOB and diesel fuel supplied by the ~~regulated party-fuel reporting entity~~ in each compliance period for which the $Deficits_{Incremental20XX}^{XD}$ are effective.
- (3) *Process for Calculating the Annual Crude Average Carbon Intensity Value.*
 - (A) An Annual Crude Average carbon intensity value will be calculated for each calendar year using a volume-weighted average of crude carbon intensity values. The volume for each imported crude will be the total volume of that crude reported by all ~~regulated parties-fuel reporting entities~~ in the Annual Compliance Reports for the calendar year. Volume contributions for California State fields will

be based on oil production data from the California Department of Conservation and volume contributions for California Federal Offshore fields will be based on oil production data from the Bureau of Safety and Environmental Enforcement. Field production volumes for California-produced crude will be reduced, if necessary, to account for crude exports. Crude carbon intensity values are those listed in Table 98. For crude names not listed, the default carbon intensity value from Table 98 will be used until the crude name and carbon intensity value is added to Table 98 as described in section 95489(b)(3).

- (B) Within 15 days of receiving the Annual Compliance reports, the Executive Officer shall post the Annual Crude Average carbon intensity calculation at the LCFS web site (<http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>) for public comment. Written comments shall be accepted for 15 days following the date on which the analysis was posted. Only comments related to potential factual or methodological errors in the posted Annual Crude Average carbon intensity value may be considered. The Executive Officer shall evaluate the comments received and, if the Executive Officer deems it necessary, may request in writing additional information or clarification from the commenters. Commenters shall be provided 10 days to respond to these requests. The Executive Officer shall post the final Annual Crude Average carbon intensity value at the LCFS web site within 15 days of receiving positive or qualified positive MCON verification reports per section 95500~~completion of the comment period, if no comments are received. If comments are received, the Executive Officer shall post the final Annual Crude Average carbon intensity value within 30 days of completion of the comment period or within 25 days of the latest request by the Executive Officer for additional information or clarification from a commenter, whichever is later. An adverse verification statement would result in Executive Officer investigation and may result in delay of finalizing and posting the Annual Crude Average carbon intensity value.~~
- (C) Revisions to the OPGEE model, addition of crudes to Table 98, and updates to all carbon intensity values listed in Table 98 will be considered on a three-year cycle through proposed amendments of the Low Carbon Fuel Standard regulation.

Table 9. Carbon Intensity Lookup Table for Crude Oil Production and Transport.

<u>Country of Origin</u>	<u>Crude Identifier</u>	<u>Carbon Intensity (gCO₂e/MJ)</u>
<u>Baseline Crude Average*</u>	<u>California Baseline Crude Average applicable to crudes supplied during 2018 and subsequent years</u>	<u>12.17</u>
	<u>California Baseline Crude Average applicable to crudes supplied in 2016 and 2017</u>	<u>11.98</u>
<u>Annual Crude Average</u>	<u>Volume-weighted California average CI for crudes supplied during 2016</u>	<u>12.14</u>
<u>Algeria</u>	<u>Saharan</u>	<u>14.77</u>
<u>Angola</u>	<u>Cabinda</u>	<u>8.99</u>
	<u>Clov</u>	<u>7.31</u>
	<u>Dalia</u>	<u>8.90</u>
	<u>Gimboa</u>	<u>8.86</u>
	<u>Girassol</u>	<u>9.95</u>
	<u>Greater Plutonio</u>	<u>8.72</u>
	<u>Hungo</u>	<u>8.23</u>
	<u>Kissanje</u>	<u>8.66</u>
	<u>Mondo</u>	<u>8.98</u>
	<u>Nemba</u>	<u>9.08</u>
	<u>Pazflor</u>	<u>8.02</u>
	<u>Sangos</u>	<u>7.06</u>
<u>Argentina</u>	<u>Canadon Seco</u>	<u>10.16</u>
	<u>Escalante</u>	<u>10.15</u>
	<u>Hydra</u>	<u>7.77</u>
	<u>Medanito</u>	<u>10.78</u>
<u>Australia</u>	<u>Enfield</u>	<u>6.84</u>
	<u>Pyrenees</u>	<u>8.24</u>
	<u>Stybarrow</u>	<u>7.84</u>
	<u>Van Gogh</u>	<u>8.46</u>
	<u>Vincent</u>	<u>6.83</u>
<u>Azerbaijan</u>	<u>Azeri</u>	<u>6.40</u>
<u>Belize</u>	<u>Belize Light</u>	<u>9.70</u>
<u>Brazil</u>	<u>Albacora Leste</u>	<u>5.99</u>
	<u>Bijupira-Salema</u>	<u>7.18</u>
	<u>Frade</u>	<u>5.63</u>
	<u>Iracema</u>	<u>5.54</u>
	<u>Jubarte</u>	<u>6.28</u>

	<u>Lula</u>	<u>6.24</u>
	<u>Marlim</u>	<u>6.76</u>
	<u>Marlim Sul</u>	<u>7.78</u>
	<u>Ostra</u>	<u>5.65</u>
	<u>Papa Terra</u>	<u>4.29</u>
	<u>Peregrino</u>	<u>4.16</u>
	<u>Polvo</u>	<u>4.31</u>
	<u>Roncador</u>	<u>6.77</u>
	<u>Roncador Heavy</u>	<u>6.45</u>
	<u>Sapinhua</u>	<u>6.00</u>
	<u>Tubarao Azul</u>	<u>5.45</u>
	<u>Tubarao Martelo</u>	<u>5.37</u>
<u>Cameroon</u>	<u>Lokele</u>	<u>19.27</u>
<u>Canada</u>	<u>Access Western Blend</u>	<u>14.21</u>
	<u>Albian Heavy Synthetic (all grades)</u>	<u>22.95</u>
	<u>BC Light</u>	<u>8.11</u>
	<u>Bonnie Glen</u>	<u>8.11</u>
	<u>Borealis Heavy Blend</u>	<u>14.11</u>
	<u>Boundary Lake</u>	<u>8.11</u>
	<u>Bow River</u>	<u>9.42</u>
	<u>Cardium</u>	<u>8.11</u>
	<u>Christina Dilbit Blend</u>	<u>11.77</u>
	<u>Christina Synbit</u>	<u>19.26</u>
	<u>Cold Lake</u>	<u>18.22</u>
	<u>Conventional Heavy</u>	<u>9.42</u>
	<u>CNRL Light Sweet Synthetic</u>	<u>22.58</u>
	<u>Federated</u>	<u>8.11</u>
	<u>Fosterton</u>	<u>9.42</u>
	<u>Gibson Light Sweet</u>	<u>8.11</u>
	<u>Halkirk</u>	<u>8.11</u>
	<u>Hardisty Light</u>	<u>8.11</u>
	<u>Hardisty Synthetic</u>	<u>33.23</u>
	<u>Husky Synthetic</u>	<u>30.89</u>
	<u>Joarcam</u>	<u>8.11</u>
	<u>Kearl Lake</u>	<u>12.89</u>
	<u>Kerrobert Sweet</u>	<u>8.11</u>
	<u>Koch Alberta</u>	<u>8.11</u>

	<u>Light Sour Blend</u>	<u>8.11</u>
	<u>Light Sweet</u>	<u>8.11</u>
	<u>Lloyd Blend</u>	<u>9.42</u>
	<u>Lloyd Kerrobert</u>	<u>9.42</u>
	<u>Lloydminster</u>	<u>9.42</u>
	<u>Long Lake Heavy</u>	<u>27.18</u>
	<u>Long Lake Light Synthetic</u>	<u>35.57</u>
	<u>Mackay Heavy Blend</u>	<u>18.69</u>
	<u>Medium Gibson Sour</u>	<u>8.11</u>
	<u>Medium Sour Blend</u>	<u>8.11</u>
	<u>Midale</u>	<u>8.11</u>
	<u>Mixed Sour Blend</u>	<u>8.11</u>
	<u>Mixed Sweet</u>	<u>8.11</u>
	<u>Moose Jaw Tops</u>	<u>8.11</u>
	<u>Peace</u>	<u>8.11</u>
	<u>Peace Pipe Sour</u>	<u>8.11</u>
	<u>Peace River Heavy</u>	<u>19.76</u>
	<u>Peace River Sour</u>	<u>8.11</u>
	<u>Pembina</u>	<u>8.11</u>
	<u>Pembina Light Sour</u>	<u>8.11</u>
	<u>Premium Albian Synthetic</u>	<u>28.20</u>
	<u>Premium Conventional Heavy</u>	<u>9.42</u>
	<u>Premium Synthetic</u>	<u>25.39</u>
	<u>Rainbow</u>	<u>8.11</u>
	<u>Rangeland Sweet</u>	<u>8.11</u>
	<u>Redwater</u>	<u>8.11</u>
	<u>Seal Heavy</u>	<u>9.42</u>
	<u>Shell Synthetic (all grades)</u>	<u>27.68</u>
	<u>Smiley-Coleville</u>	<u>9.42</u>
	<u>Sour High Edmonton</u>	<u>8.11</u>
	<u>Sour Light Edmonton</u>	<u>8.11</u>
	<u>Statoil Cheecham Dilbit</u>	<u>15.15</u>
	<u>Statoil Cheecham Synbit</u>	<u>20.30</u>
	<u>Suncor Synthetic (all grades)</u>	<u>24.53</u>
	<u>Surmont Heavy Blend</u>	<u>20.14</u>
	<u>Synbit Blend</u>	<u>21.10</u>
	<u>Syncrude Synthetic (all grades)</u>	<u>28.68</u>

	<u>Synthetic Sweet Blend</u>	<u>26.60</u>
	<u>Tundra Sweet</u>	<u>8.11</u>
	<u>Wabasca</u>	<u>6.88</u>
	<u>Western Canadian Blend</u>	<u>9.42</u>
	<u>Western Canadian Select</u>	<u>18.14</u>
<u>Chad</u>	<u>Doba</u>	<u>11.42</u>
<u>Colombia</u>	<u>Acordionero</u>	<u>6.96</u>
	<u>Cano Limon</u>	<u>9.29</u>
	<u>Castilla</u>	<u>10.55</u>
	<u>Cusiana</u>	<u>9.99</u>
	<u>Magdalena</u>	<u>22.28</u>
	<u>Rubiales</u>	<u>9.79</u>
	<u>South Blend</u>	<u>9.25</u>
	<u>Vasconia</u>	<u>9.62</u>
<u>Congo</u>	<u>Azurite</u>	<u>10.25</u>
	<u>Djeno</u>	<u>10.73</u>
<u>Ecuador</u>	<u>Napo</u>	<u>8.31</u>
	<u>Oriente</u>	<u>10.07</u>
<u>Equatorial Guinea</u>	<u>Ceiba</u>	<u>7.82</u>
	<u>Zafiro</u>	<u>20.56</u>
<u>Ghana</u>	<u>Ten Blend</u>	<u>8.08</u>
<u>Iran</u>	<u>Dorood</u>	<u>12.65</u>
	<u>Forozan</u>	<u>21.97</u>
	<u>Iran Heavy</u>	<u>13.25</u>
	<u>Iran Light</u>	<u>14.35</u>
	<u>Lavan</u>	<u>11.11</u>
	<u>Nowruz-Soroosh</u>	<u>10.53</u>
	<u>Sirri</u>	<u>10.15</u>
<u>Iraq</u>	<u>Basra Light</u>	<u>13.45</u>
	<u>Basra Heavy</u>	<u>10.69</u>
<u>Kuwait</u>	<u>Kuwait</u>	<u>10.56</u>
<u>Libya</u>	<u>Amna</u>	<u>15.82</u>
<u>Malaysia</u>	<u>Tapis</u>	<u>12.73</u>
<u>Mauritania</u>	<u>Chinquetti</u>	<u>13.74</u>
<u>Mexico</u>	<u>Isthmus</u>	<u>11.31</u>
	<u>Isthmus Topped</u>	<u>14.31</u>
	<u>Maya</u>	<u>7.85</u>

<u>Neutral Zone</u>	<u>Eocene</u>	<u>7.85</u>
	<u>Khafji</u>	<u>7.84</u>
	<u>Ratawi</u>	<u>9.42</u>
<u>Nigeria</u>	<u>Aqbami</u>	<u>12.04</u>
	<u>Amenam</u>	<u>10.65</u>
	<u>Antan</u>	<u>21.98</u>
	<u>Bonga</u>	<u>5.06</u>
	<u>Bonny</u>	<u>9.91</u>
	<u>Brass</u>	<u>14.27</u>
	<u>EA</u>	<u>6.66</u>
	<u>Erha</u>	<u>10.91</u>
	<u>Escravos</u>	<u>12.00</u>
	<u>Forcados</u>	<u>8.97</u>
	<u>Okono</u>	<u>8.67</u>
	<u>OKWB</u>	<u>22.76</u>
	<u>Pennington</u>	<u>11.18</u>
	<u>Qua Iboe</u>	<u>11.45</u>
	<u>Yoho</u>	<u>11.45</u>
<u>Oman</u>	<u>Oman</u>	<u>13.48</u>
<u>Peru</u>	<u>Loreto</u>	<u>9.86</u>
	<u>Mayna</u>	<u>11.07</u>
	<u>Pirana</u>	<u>8.43</u>
<u>Russia</u>	<u>ESPO</u>	<u>11.55</u>
	<u>M100</u>	<u>17.35</u>
	<u>Sokol</u>	<u>6.94</u>
	<u>Vityaz</u>	<u>9.60</u>
<u>Saudi Arabia</u>	<u>Arab Extra Light</u>	<u>9.41</u>
	<u>Arab Light</u>	<u>9.23</u>
	<u>Arab Medium</u>	<u>8.72</u>
	<u>Arab Heavy</u>	<u>7.92</u>
<u>Thailand</u>	<u>Bualuang</u>	<u>4.07</u>
<u>Trinidad</u>	<u>Calypso</u>	<u>7.41</u>
	<u>Galeota</u>	<u>11.41</u>
<u>UAE</u>	<u>Murban</u>	<u>10.01</u>
	<u>Upper Zakum</u>	<u>7.96</u>
<u>Venezuela</u>	<u>Bachaquero</u>	<u>29.28</u>
	<u>Boscan</u>	<u>13.91</u>

	<u>Hamaca</u>	<u>40.70</u>
	<u>Hamaca DCO</u>	<u>10.02</u>
	<u>Laguna</u>	<u>29.28</u>
	<u>Mesa 30</u>	<u>12.49</u>
	<u>Petrozuata (all synthetic grades)</u>	<u>23.09</u>
	<u>Zuata (all synthetic grades)</u>	<u>23.04</u>
<u>US Alaska</u>	<u>Alaska North Slope</u>	<u>15.91</u>
<u>US Colorado</u>	<u>Niobrara</u>	<u>6.81</u>
<u>US Gulf of Mexico</u>	<u>Mars</u>	<u>6.62</u>
<u>US Louisiana</u>	<u>GCA</u>	<u>8.72</u>
<u>US New Mexico</u>	<u>Four Corners</u>	<u>11.11</u>
	<u>New Mexico Intermediate</u>	<u>11.11</u>
	<u>New Mexico Sour</u>	<u>11.11</u>
	<u>New Mexican Sweet</u>	<u>11.11</u>
<u>US North Dakota</u>	<u>Bakken</u>	<u>9.73</u>
	<u>North Dakota Sweet</u>	<u>9.73</u>
	<u>Williston Basin Sweet</u>	<u>9.73</u>
<u>US Oklahoma</u>	<u>Oklahoma Sour</u>	<u>11.93</u>
	<u>Oklahoma Sweet</u>	<u>11.93</u>
<u>US Texas</u>	<u>Eagle Ford Shale</u>	<u>11.93</u>
	<u>East Texas</u>	<u>11.93</u>
	<u>North Texas Sweet</u>	<u>11.93</u>
	<u>South Texas Sweet</u>	<u>11.93</u>
	<u>West Texas Intermediate</u>	<u>11.93</u>
	<u>West Texas Sour</u>	<u>11.93</u>
<u>US Utah</u>	<u>Covenant</u>	<u>4.43</u>
	<u>Grand Cane</u>	<u>6.92</u>
	<u>Utah Black Wax</u>	<u>5.85</u>
	<u>Utah Sweet</u>	<u>6.92</u>
<u>US Wyoming</u>	<u>Wyoming Sweet</u>	<u>10.98</u>
<u>US California Fields</u>	<u>Aliso Canyon</u>	<u>4.94</u>
	<u>Ant Hill</u>	<u>20.81</u>
	<u>Antelope Hills</u>	<u>2.84</u>
	<u>Antelope Hills, North</u>	<u>26.31</u>
	<u>Arroyo Grande</u>	<u>33.60</u>
	<u>Asphalto</u>	<u>8.01</u>
	<u>Bandini</u>	<u>3.09</u>

	<u>Bardsdale</u>	<u>3.47</u>
	<u>Barham Ranch</u>	<u>4.15</u>
	<u>Beer Nose</u>	<u>3.98</u>
	<u>Belgian Anticline</u>	<u>5.01</u>
	<u>Bellevue</u>	<u>5.95</u>
	<u>Bellevue, West</u>	<u>6.60</u>
	<u>Belmont, Offshore</u>	<u>5.12</u>
	<u>Belridge, North</u>	<u>4.88</u>
	<u>Belridge, South</u>	<u>18.72</u>
	<u>Beverly Hills</u>	<u>5.41</u>
	<u>Big Mountain</u>	<u>4.65</u>
	<u>Blackwells Corner</u>	<u>3.07</u>
	<u>Brea-Olinda</u>	<u>3.59</u>
	<u>Buena Vista</u>	<u>8.13</u>
	<u>Burrel</u>	<u>29.43</u>
	<u>Cabrillo</u>	<u>4.14</u>
	<u>Canal</u>	<u>4.40</u>
	<u>Canfield Ranch</u>	<u>4.53</u>
	<u>Carneros Creek</u>	<u>4.06</u>
	<u>Cascade</u>	<u>3.00</u>
	<u>Casmalia</u>	<u>10.26</u>
	<u>Castaic Hills</u>	<u>2.68</u>
	<u>Cat Canyon</u>	<u>8.76</u>
	<u>Cheviot Hills</u>	<u>3.49</u>
	<u>Chico-Martinez</u>	<u>50.59</u>
	<u>Cienaga Canyon</u>	<u>5.78</u>
	<u>Coalinga</u>	<u>27.72</u>
	<u>Coles Levee, N</u>	<u>4.09</u>
	<u>Coles Levee, S</u>	<u>5.87</u>
	<u>Comanche Point</u>	<u>5.03</u>
	<u>Coyote, East</u>	<u>5.96</u>
	<u>Cuyama, South</u>	<u>14.70</u>
	<u>Cymric</u>	<u>18.63</u>
	<u>Deer Creek</u>	<u>11.51</u>
	<u>Del Valle</u>	<u>5.78</u>
	<u>Devils Den</u>	<u>7.51</u>
	<u>Edison</u>	<u>15.91</u>

<u>El Segundo</u>	<u>4.38</u>
<u>Elk Hills</u>	<u>8.02</u>
<u>Elwood, S., Offshore</u>	<u>3.52</u>
<u>Fruitvale</u>	<u>3.75</u>
<u>Greeley</u>	<u>7.91</u>
<u>Hasley Canyon</u>	<u>2.25</u>
<u>Helm</u>	<u>3.99</u>
<u>Holser</u>	<u>3.80</u>
<u>Honor Rancho</u>	<u>3.43</u>
<u>Huntington Beach</u>	<u>6.62</u>
<u>Hyperion</u>	<u>1.90</u>
<u>Inglewood</u>	<u>10.06</u>
<u>Jacalitos</u>	<u>2.72</u>
<u>Jasmin</u>	<u>17.75</u>
<u>Kern Front</u>	<u>39.17</u>
<u>Kern River</u>	<u>16.58</u>
<u>Kettleman Middle Dome</u>	<u>3.93</u>
<u>Kettleman North Dome</u>	<u>3.42</u>
<u>Landslide</u>	<u>12.53</u>
<u>Las Cienegas</u>	<u>4.96</u>
<u>Livermore</u>	<u>2.66</u>
<u>Lompoc</u>	<u>28.45</u>
<u>Long Beach</u>	<u>5.48</u>
<u>Long Beach Airport</u>	<u>4.92</u>
<u>Los Angeles Downtown</u>	<u>5.89</u>
<u>Los Angeles, East</u>	<u>14.71</u>
<u>Lost Hills</u>	<u>14.29</u>
<u>Lost Hills, Northwest</u>	<u>5.36</u>
<u>Lynch Canyon</u>	<u>24.90</u>
<u>Mahala</u>	<u>4.99</u>
<u>McCool Ranch</u>	<u>9.59</u>
<u>McDonald Anticline</u>	<u>4.33</u>
<u>McKittrick</u>	<u>27.00</u>
<u>Midway-Sunset</u>	<u>31.72</u>
<u>Montalvo, West</u>	<u>2.65</u>
<u>Montebello</u>	<u>17.03</u>
<u>Monument Junction</u>	<u>4.95</u>

	<u>Mount Poso</u>	<u>5.50</u>
	<u>Mountain View</u>	<u>3.97</u>
	<u>Newhall-Potrero</u>	<u>3.66</u>
	<u>Newport, West</u>	<u>4.56</u>
	<u>Oak Canyon</u>	<u>4.04</u>
	<u>Oak Park</u>	<u>3.01</u>
	<u>Oakridge</u>	<u>3.46</u>
	<u>Oat Mountain</u>	<u>3.17</u>
	<u>Ojai</u>	<u>4.94</u>
	<u>Olive</u>	<u>1.82</u>
	<u>Orcutt</u>	<u>13.91</u>
	<u>Oxnard</u>	<u>5.65</u>
	<u>Paloma</u>	<u>4.88</u>
	<u>Placerita</u>	<u>36.87</u>
	<u>Playa Del Rey</u>	<u>6.87</u>
	<u>Pleito</u>	<u>2.09</u>
	<u>Poso Creek</u>	<u>25.62</u>
	<u>Pyramid Hills</u>	<u>3.36</u>
	<u>Railroad Gap</u>	<u>7.08</u>
	<u>Raisin City</u>	<u>9.13</u>
	<u>Ramona</u>	<u>4.47</u>
	<u>Richfield</u>	<u>4.75</u>
	<u>Rincon</u>	<u>4.88</u>
	<u>Rio Bravo</u>	<u>6.98</u>
	<u>Rio Viejo</u>	<u>2.74</u>
	<u>Riverdale</u>	<u>3.80</u>
	<u>Rose</u>	<u>2.91</u>
	<u>Rosecrans</u>	<u>5.76</u>
	<u>Rosecrans, South</u>	<u>3.54</u>
	<u>Rosedale</u>	<u>2.35</u>
	<u>Rosedale Ranch</u>	<u>8.32</u>
	<u>Round Mountain</u>	<u>28.07</u>
	<u>Russell Ranch</u>	<u>8.58</u>
	<u>Salt Lake</u>	<u>3.18</u>
	<u>Salt Lake, South</u>	<u>6.34</u>
	<u>San Ardo</u>	<u>29.14</u>
	<u>San Miguelito</u>	<u>5.25</u>

	<u>San Vicente</u>	<u>3.22</u>
	<u>Sansinena</u>	<u>3.21</u>
	<u>Santa Clara Avenue</u>	<u>3.53</u>
	<u>Santa Fe Springs</u>	<u>12.53</u>
	<u>Santa Maria Valley</u>	<u>4.80</u>
	<u>Santa Susana</u>	<u>5.29</u>
	<u>Sargent</u>	<u>4.00</u>
	<u>Saticoy</u>	<u>3.68</u>
	<u>Sawtelle</u>	<u>2.56</u>
	<u>Seal Beach</u>	<u>5.19</u>
	<u>Semitropic</u>	<u>4.30</u>
	<u>Sespe</u>	<u>3.98</u>
	<u>Shafter, North</u>	<u>3.32</u>
	<u>Shiells Canyon</u>	<u>5.07</u>
	<u>South Mountain</u>	<u>3.58</u>
	<u>Stockdale</u>	<u>2.18</u>
	<u>Tapia</u>	<u>6.93</u>
	<u>Tapo Canyon, South</u>	<u>3.08</u>
	<u>Tejon</u>	<u>13.77</u>
	<u>Tejon Hills</u>	<u>9.39</u>
	<u>Tejon, North</u>	<u>5.63</u>
	<u>Temescal</u>	<u>3.40</u>
	<u>Ten Section</u>	<u>7.50</u>
	<u>Timber Canyon</u>	<u>4.74</u>
	<u>Torrance</u>	<u>3.99</u>
	<u>Torrey Canyon</u>	<u>3.52</u>
	<u>Union Avenue</u>	<u>5.58</u>
	<u>Ventura</u>	<u>4.54</u>
	<u>Wayside Canyon</u>	<u>2.36</u>
	<u>West Mountain</u>	<u>3.53</u>
	<u>Wheeler Ridge</u>	<u>2.80</u>
	<u>White Wolf</u>	<u>1.92</u>
	<u>Whittier</u>	<u>3.71</u>
	<u>Wilmington</u>	<u>8.31</u>
	<u>Yowlumne</u>	<u>13.90</u>
	<u>Zaca</u>	<u>9.53</u>
<u>US Federal OCS</u>	<u>Beta</u>	<u>1.59</u>

	<u>Carpinteria</u>	<u>3.28</u>
	<u>Dos Cuadras</u>	<u>4.57</u>
	<u>Hondo</u>	<u>5.93</u>
	<u>Hueneme</u>	<u>4.67</u>
	<u>Pescado</u>	<u>7.07</u>
	<u>Point Arguello</u>	<u>14.07</u>
	<u>Point Pedernales</u>	<u>8.26</u>
	<u>Sacate</u>	<u>4.77</u>
	<u>Santa Clara</u>	<u>2.46</u>
	<u>Sockey</u>	<u>13.09</u>
<u>Default</u>		<u>12.17</u>

* Based on production and transport of the crude oil supplied to the indicated California refinery(ies) during the baseline calendar year, 2010.

~~(c)(d)~~ *Credits for Producing Crudes using Innovative Methods.* ~~A crude oil producer or refinery receiving the crude may generate credits.~~ Credits may be generated for crude oil that has been produced using innovative methods and delivered to California refineries for processing.

(1) *General Requirements.*

- (A) For the purpose of this section, an innovative method means crude production using one or more of the following technologies:
1. Solar steam generation (generated steam of 55 percent quality or greater). Steam must be used onsite at the crude oil production facilities.
 2. Carbon capture and storage-sequestration (CCS). Carbon capture must take place onsite at the crude oil production facilities.
 3. Solar or wind electricity generation. To qualify for the credit, electricity must be produced and consumed onsite or be provided directly to the crude oil production facilities from a third-party generator and not through a utility owned transmission or distribution network.
 4. Solar heat generation. Heat must be used onsite at the crude oil production facilities.
- (B) The innovative method must become operational no earlier than 2010 for solar steam and CCS projects or January 1, 2015, for any other innovative method above. Any project must be approved for use by the Executive Officer before ~~the crude oil producer or purchasing refinery can generate~~ generating credit under the LCFS regulation. Projects that utilize carbon capture and sequestration

~~are subject to the provisions of section 95490. CCS projects must use a Board-approved quantification methodology including monitoring, reporting, verification, and permanence requirements associated with the carbon storage method being proposed for the innovative method.~~

~~No credits may be generated for any quarter preceding the quarter in which the application is approved, except that electricity and heat generation projects may generate credits retroactive to quarter three or quarter four of 2015 if the project meets all of the following:~~

- ~~1. A complete application was submitted before July 1, 2015;~~
- ~~2. The application was approved prior to March 1, 2016;~~
- ~~3. The required data were reported in the LRT-CBTS prior to March 1, 2016; and~~
- ~~4. Records required by 95489(d)(4) were maintained for the periods in 2015 corresponding to the information reported in the LRT-CBTS.~~

- (C) ~~The crude oil producer (applicant) project operator must initiate review of the opt-in project using the innovative method through a written application to the Executive Officer. If the innovative method involves steam, heat, or electricity produced by a third party and delivered to the crude oil producer, both the crude producer and the third party must apply and will be considered joint applicants project operator for approval of the innovative method. If more than one crude producer receives steam, heat, or electricity from a single third-party facility, each crude producer must submit an independent application with the third party as a joint applicant on each submittal. If the innovative method involves delivery of carbon captured by the crude oil producer to a third party to store the carbon, both the crude producer and the third party must apply and will be considered joint applicants for approval of the innovative method. Third parties that are joint applicants cannot receive credits for the innovative method.~~
- (D) A crude oil producer must register under section 95483.1 as an opt-in ~~regulated party~~ project operator to receive credits for an approved innovative method. The crude oil producer, through a written agreement, may elect to transfer the right to opt in for credit generation to the joint applicant. If neither the crude oil producer nor the joint applicant using an approved innovative method does not registers as an opt-in regulated party project operator, credits generated by the producer's use of the innovative method may be claimed by California refinery(ies) that purchase the crude produced using the innovative method if CARB receives all

information it needs to ensure compliance with limitations and reporting requirements applied to the method.

- (E) The innovative method must achieve one of the following threshold criteria:
1. A carbon intensity reduction from the comparison baseline of at least 0.10 gCO₂e/MJ, or
 2. An emissions reduction of at least 5,000 metric tons CO₂e per year.

If the innovative method involves more than one crude producer using steam, heat, or electricity produced at a single third-party facility, the threshold criteria listed above may apply to the aggregated project total.

- (F) Credits for producing crude oil with innovative methods must be calculated as specified below:

~~For crude oil produced using solar steam generation (generated steam of 75 percent quality or greater):~~

$$\begin{aligned}
 \text{Credits}_{\text{Innov}}(MT) &= 26765 \times \frac{V_{\text{steam}} \times f_{\text{solar}}}{V_{\text{crudeproduced}}} \times V_{\text{Innov}} \times C \\
 \text{Credits}_{\text{Innov}}(MT) &= \text{Avoided emissions} \times \frac{V_{\text{steam}} \times f_{\text{solar}}}{V_{\text{crudeproduced}}} \times V_{\text{Innov}} \times C
 \end{aligned}$$

Where avoided emissions are correlated with the steam quality as tabulated below:

<u>Steam quality</u>	<u>Avoided emissions (gCO₂e/bbl solar steam)</u>
<u>95% and above</u>	<u>31,260</u>
<u>85% to <95%</u>	<u>29,429</u>
<u>75% to <85%</u>	<u>27,597</u>
<u>65% to <75%</u>	<u>25,766</u>
<u>55% to <65%</u>	<u>23,934</u>

~~For crude oil produced using solar steam generation (generated steam of 65 to 75 percent quality):~~

$$\text{Credits}_{\text{Innov}}(MT) = 24992 \times \frac{V_{\text{steam}} \times f_{\text{solar}}}{V_{\text{crudeproduced}}} \times V_{\text{Innov}} \times C$$

For crude oil produced using solar steam generation (generated steam of 55 to 65 percent quality):

$$Credits_{Innov}(MT) = 23219 \times \frac{V_{steam} \times f_{solar}}{V_{crudeproduced}} \times V_{Innov} \times C$$

For crude oil produced using solar or wind based electricity:

$$Credits_{Innov}(MT) = 511 \times \frac{E_{electricity} \times f_{renew}}{V_{crudeproduced}} \times V_{Innov} \times C$$

For crude oil produced using any other innovative method listed in section 95489(c)(1)(A):

$$Credits_{Innov}(MT) = \Delta CI_{Innov} \times E_{Innov} \times V_{Innov} \times C$$

where:

$Credits_{Innov}(MT)$ means the amount of LCFS credits generated (a positive value), in metric tons, by the volume of a crude oil produced using the innovative method and delivered to California refineries for processing;

V_{steam} means the overall volume, in barrels cold water equivalent, of steam injected;

f_{solar} means the fraction of injected steam that is produced using solar;

$V_{crudeproduced}$ means the volume, in barrels, of crude oil produced using the innovative method;

V_{Innov} means the volume, in barrels, of crude oil produced using the innovative method and delivered to California refineries for processing. If the crude produced using the innovative method and delivered to California refineries is part of a blend, then V_{Innov} is the volume of blend delivered to California refineries times the volume fraction of the crude within the blend that was produced using the innovative method.

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

$E_{electricity}$ means the overall electricity consumption to produce the crude, in kW-hr;

f_{renew} means the fraction of consumed electricity that is produced using qualifying solar or wind power;

ΔCI_{Innov} means the reduction in carbon intensity (a positive value), in gCO_2e/MJ_{crude} , associated with crude oil production with the innovative method as compared to crude oil production by a baseline process without the method (hereafter referred to as the comparison baseline method); and

E_{Innov} means the energy density (lower heating value), in MJ/barrel, for the crude oil produced with the innovative method.

(G) Solar and wind electricity and solar steam or heat generation that generates LCFS credit may not also claim renewable energy certificates or other environmental attributes recognized or credited by any other jurisdiction or regulatory program.

(2) *Application and Data Submittal.* Unless otherwise noted, an application for an innovative method shall comply with the requirements below:

(A) An applicant that submits any information or documentation in support of a proposed innovative method must include with the application a written statement clearly showing that the applicant understands and agrees to the following:

1. That all information in the application not identified as confidential business information is subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022 and the California Public Records Act (Government Code §§ 6250 et seq.), and that information claimed by the applicant to be confidential might later be disclosed under section 91022 if the state board determines the information is subject to disclosure.
2. That the crude oil producer or third-party joint applicant must register under section 95483.1 as an opt-in ~~regulated party~~ project operator to receive LCFS credit for an innovative method, and that if the crude oil producer or third-party joint applicant does not register as an opt-in ~~regulated party~~ project operator, credits from an approved innovative method may be claimed by California refinery(ies) that purchase crude produced from the innovative method.

(B) An application must contain the following summary material:

1. A complete description of the innovative method and how emissions are reduced;
2. An engineering drawing(s) or process flow diagram(s) that illustrates the innovative method and clearly identifies the system boundaries, relevant process equipment, mass flows, and energy flows necessary to calculate the innovative method credits;
3. A map including global positioning system coordinates for the facilities described in section 95489(c)(2)(B)2.; and
4. A preliminary estimate of the potential innovative method credit, calculated as required in section 95489(c)(1)(F), including descriptions and copies of production and operational data or other technical documentation utilized in support of the calculation.

(C) An application, except for solar-generated steam (55 percent steam quality or greater), wind-based electricity, or solar-based electricity, shall include a detailed description of the innovative method and its comparison baseline method. The description of innovative and comparison baseline methods can be limited to those portions of the crude production process affected by the innovative method. The description of the innovative method and its comparison baseline method must include each of the following, to the extent each is applicable to the innovative method:

1. Schematic flow charts that identify the system boundaries used for the purposes of performing the life cycle analyses on the proposed innovative method and the comparison baseline method. Each piece of equipment or stream appearing on the process flow diagrams shall be clearly identified and shall include data on its energy and materials balance. The system boundary shall be clearly shown in the schematic.
2. A description of all material and energy inputs entering the system boundaries, including their points of origination, modes of transportation, transportation distances, means of storage, and all processing to which material inputs are subject.
3. A description of all material and energy products, co-products, byproducts, and waste products leaving the system boundaries, including their respective destinations, transportation modes, and transportation distances.

4. A description of all facilities within the system boundaries involved in the production of the crude oil and other byproducts, co-products, and waste products.
 5. A description of all combustion and electricity-powered equipment within the system boundaries, including their respective capacities, sizes, or rated power, fuel utilization type, fuel shares, energy efficiency (lower heating value basis), and proposed use.
 6. A description of the thermal and electrical energy production that occurs within the system boundaries, including the respective capacities, sizes, or rated power, fuel utilization type, fuel shares, energy efficiency (lower heating value basis), and proposed use.
 7. A description of all sources of flared, vented, and fugitive emissions within the system boundaries, including the compositions of the flared, vented, and fugitive emission streams leaving the system boundaries.
- (D) An application, except for solar-generated steam (55 percent steam quality or greater), wind-based electricity, or solar-based electricity shall include descriptions of the life cycle assessments (LCAs) performed on the proposed innovative method and its comparison baseline method using the CARB OPGEE model or an alternative model or LCA methodology approved by the Executive Officer. Electronic copies of the models and calculations shall be provided with the application. The descriptions of the life cycle assessment results must include each of the following:
1. Detailed information on the energy consumed, the greenhouse gas emissions generated for the innovative method and the comparison baseline method;
 2. Documentation of all non-default model input values used in the emissions calculation process. If values for any significant production parameters are unknown, the application shall so state and model default values shall be used for these parameters in the analysis;
 3. Detailed description of all supporting calculations that were performed outside of the model; and
 4. Documentation of all modifications other than those covered by subsection 2., above, made to the model. This

discussion shall include sufficient specific detail to enable the Executive Officer to replicate all such modifications and, in combination with the inputs and supporting calculations identified in subsections 2. and 3., above, replicate the carbon intensity results reported in the application.

- (E) An application shall include a list of references covering all information sources used in the preparation of the life cycle analysis and calculation of innovative method credit. The reference list must meet the requirements of section 95488.7(a)(2)(D).~~All reference citations in the application shall include in-text parentheticals stating the author's last name and date of publication. All in-text parenthetical citations shall correspond to complete publication information provided in the list of references, and complete publication information shall, at a minimum, identify the author(s), author's affiliation, title of the referenced document, publisher, publication date, and pages cited. For internet citations, the reference shall include the universal resource locator (URL) address of the citation, as well as the date the web site was last visited.~~

- (F) An application shall include a signed transmittal letter from the applicant attesting to the veracity of the information in the application packet and declaring that the information submitted accurately represents the actual and/or intended long-term, steady-state operation of the innovative method described in the application packet. The transmittal letter must meet the requirements of section 95488.8(a)(3)(A) through (D).~~shall be the original copy, be on company letterhead, be signed by an officer of the applicant with authority to attest to the veracity of the information in the application and to sign on behalf of the applicant, and be from the applicant and not from an entity representing the applicant (such as a consultant or legal counsel).~~

- (G) ~~All documents (including spreadsheets and other items not in a standard document format) that are claimed to contain confidential business information (CBI) must prominently display the phrase "Contains Confidential Business Information" above the main document title and in a running header. Additionally, a separate, redacted version of such documents must also be submitted. The redacted versions must be approved by the applicant for posting to a public LCFS web site. Specific redactions must be replaced with the phrase "Confidential business information has been deleted by the applicant." This phrase must be displayed clearly and prominently wherever CBI has been redacted. If the applicant claims that information it submits is confidential, it must also~~

provide contact information required in section 91011. CBI must be designated and a redacted version of any submitted documents designated to include CBI must be provided pursuant to the requirements described in section 95488.8(c).

- (H) An application, supporting documents, and all other relevant data or calculation or other documentation, ~~except for the transmittal letter described in section 95489(d)(2)(F), shall~~ must be submitted electronically ~~such as via e-mail or an online-based interface via the AFP~~ unless the Executive Officer has approved or requested in ~~writing another submission format.~~
- (3) *Application Approval Process.* The application must be approved by the Executive Officer before the crude oil producer, joint applicant, or purchasing refinery may generate credit for the innovative method.
- (A) Within 30 calendar days of receipt of an application designated by the applicant as ready for formal evaluation, the Executive Officer shall advise the applicant in writing either that:
1. The application is complete, or
 2. The application is incomplete, in which case the Executive Officer will identify which requirements of section 95489(~~cd~~) have not been met.
 - a. The applicant may submit additional information to correct deficiencies identified by the Executive Officer.
 - b. If the applicant is unable to achieve a complete application within 180 days of the Executive Officer's receipt of the original application, the application will be denied on that basis, and the applicant will be informed in writing.
- (B) After accepting an application as complete, the Executive Officer will post the application at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>. Public comments will be accepted for 10 days following the date on which the application was posted. Only comments related to potential factual or methodological errors may be considered. The Executive Officer will forward to the applicant all comments identifying potential factual or methodological errors. Within 30 days, the applicant shall either submit revisions to its application to the Executive Officer, or submit a detailed written response to the Executive Officer explaining why no revisions are necessary.

- (C) The Executive Officer shall not approve an application if the Executive Officer determines, based upon the information submitted in the application and any other available information, that:
1. The proposed crude production method is not an innovative method, as that term is defined in section 95489(c)(1).
 2. Based upon the application information submitted pursuant to this section, the applicant's greenhouse gas emissions calculations cannot be replicated using the CARB OPGEE model or alternative model or LCA methodology approved by the Executive Officer.
- (D) As part of any action approving an application, the Executive Officer may prescribe conditions of the approval that contain special limitations, recordkeeping and reporting requirements, and operational conditions that the Executive Officer determines should apply to the innovative method. If the Executive Officer determines the application will not be approved, and the applicant will be notified in writing and the basis for the disapproval shall be identified.
- (4) *Recordkeeping and Reporting.* Each applicant that receives approval for an innovative method must maintain records identifying each facility at which it produces crude oil for sale in California under the approved innovative method. For each such facility, the applicant must report quarterly (through a Project Report) and maintain records for at least five-ten years showing:
- (A) The ~~quarterly~~-volume (barrels) of crude oil produced using the approved innovative method and the crude name(s) under which it is marketed.
 - (B) If the crude oil produced with an approved innovative method is marketed as part of a crude blend that is not wholly refined in California, the crude oil producer must also maintain, for at least five years, quarterly records identifying the name of the blend and the volume fraction that the crude produced with the innovative method contributes to the blend.
 - (C) Documentation showing that the innovative crude was supplied to a California refinery(ies) and the volume (barrels) of innovative crude supplied to each California refinery.

(D) For solar or wind electricity projects, the following additional recordkeeping and reporting will be required:

1. Metered data on solar or wind electricity consumed for crude oil production at the oil field during the quarter (kWh);
2. Metered data on total electricity consumed for crude oil production at the oil field during the quarter (kWh); and
3. An attestation letter stating that all solar or wind electricity was supplied directly for crude oil production at the oil field and that the solar or wind electricity reported for generating LCFS credit did not produce renewable energy certificates or other renewable attributes recognized or credited by any other jurisdiction or regulatory program.

(E) For solar steam projects, the following additional recordkeeping and reporting will be required:

1. Metered data on solar steam consumed for crude oil production at the oil field during the quarter (barrels cold water equivalent);
2. Metered data on total steam consumed for crude oil production at the oil field during the quarter (barrels cold water equivalent);
3. Volume-weighted average steam quality for solar steam consumed for crude oil production at the oil field during the quarter; and
4. An attestation letter stating that all solar steam was supplied directly for crude oil production at the oil field and that the solar steam reported for generating LCFS credit did not produce renewable energy certificates or other renewable attributes recognized or credited by any other jurisdiction or regulatory program.

(BF) Any additional records that the Executive Officer requires to be kept in pursuant to section 95489(c)(3)(D), and records that demonstrate compliance with all special limitations and operating conditions specified pursuant to section 95489(c)(3)(D).

These records shall be submitted to the Executive Officer during the quarterly reporting period specified in section 95491(b), within 20 days of a written request received from the Executive Officer or his/her designee,

~~provided the request is made before the expiration of the period during which the records are required to be retained.~~

- (5) Credits for Producing Crude Oil Using Innovative Methods. Credits for producing crude oil using innovative methods may be generated quarterly or annually, at the discretion of the credit generating party. Within 30 days of receiving quarterly reports from California refineries detailing crude names and volumes supplied to the refineries during the applicable crediting period, previous calendar quarter and any records requested of the applicant under section 95489(c)(4), and a positive or qualified positive verification of the applicable Project Reports per section 95500, the Executive Officer will determine the number of credits to be issued to the crude oil producer, joint applicant, or purchasing refinery for the innovative method. An adverse verification statement would result in no credit issuance and Executive Officer investigation.

~~(d)(e)~~ Low-Complexity/Low-Energy-Use Refinery Credit. A refinery may receive credit for being a low-complexity and low-energy-use refinery.

- (1) To be eligible for the credit calculation in section 95489~~(d)(e)~~(3) and the refinery-specific incremental deficit calculation in section 95489~~(e)~~(4), a Low-Complexity/Low-Energy-Use Refinery must meet the criteria in the definition of "Low-Complexity/Low-Energy-Use Refinery" provided in section 95481(a)(54) using the following equations:

(A) Modified Nelson Complexity Score

$$\text{Modified Nelson Complexity Score} = \sum_i^n (\text{index}_i) \left(\frac{\text{Capacity}_i}{\text{Capacity}_{dist}} \right)$$

where:

index_i is the 2012 Nelson Complexity Index listed in Table 910;

Capacity_i is the capacity of each unit listed in Table 910 in barrels per day unless otherwise indicated;

Capacity_{dist} is the capacity of the distillation unit in barrels per day;

i is the process unit; and

n is the total number of process units.

Table 910. Nelson Complexity Indices.

<i>Process Unit</i>	<i>Index Value</i>
<u>Atmospheric Distillation</u>	1.00
Vacuum Distillation	1.30
Thermal Processes	2.75
Delayed and Fluid Coking	7.50
Catalytic Cracking	6.00
Catalytic Reforming	5.00
Catalytic Hydrocracking	8.00
Catalytic Hydrotreating/Hydrorefining	2.50
Alkylation	10.00
Polymerization	10.00
Aromatics	20.00
Isomerization	3.00
Oxygenates	10.00
Hydrogen (<u>MMcfd</u>)	1.00
Sulfur Extraction (<u>Metric Tons per day</u>)	240.00

(B) Annual Energy Use

$$\text{Annual Energy Use (in MMBtu)} = \text{fuel use} + \text{electricity} + \text{thermal}$$

where:

fuel use is the MMBtu of all fuel combusted during the compliance period;

electricity is the imported electricity minus exported electricity per compliance period converted to MMBtu by using 3.142 MMBtu/MWh; and

thermal is the imported thermal energy minus exported thermal energy per compliance period in MMBtu.

- (2) In addition to other reporting requirements, a regulated party refinery operator that is including adjustments or claiming credits for a Low-Complexity/Low-Energy-Use Refinery must also report the following information: volumes produced during a specific calendar year and sold, supplied, or offered for sale in California for that refinery:
- (A) The volume of CARBOB and volume of diesel produced from crude oil;
 - (B) The volume of CARBOB and volume of diesel produced from transmix;
 - (C) The volume of CARBOB and volume of diesel produced from Petroleum Intermediate feedstocks; and
 - (D) The volume of CARBOB and volume of diesel purchased for blending.
 - (E) If CARBOB or diesel is produced from feedstock other than crude oil (volumes in (2)(B) through (D), above), a separate annual report with third-party verification is required for produced volumes of CARBOB and diesel from crude oil. The annual report must be submitted by March 31st and the verification statement is due August 31st.
- (3) Credits for a low-complexity/low-energy-use refinery must be calculated ~~in the LCFS Reporting Tool~~ using the following equations:
- (A) *Carbon Intensity Adjustment.* For volumes reported in section 95489(e)(d)(2)(A) a non-transferable credit of 5.0 gCO₂e/MJ will be generated.
 - (B) *Credit Calculation.* For CARBOB and diesel volumes reported in section 95489(d)(e)(2)(A):

$$Credits_{LC-LE}^{XD} = 5 \text{ gCO}_2\text{e/MJ} \times VF^{XD} \times E^{XD} \times C$$
 where:

$Credits_{LC-LE}^{XD}$ is the amount of LCFS credits generated (a zero or positive value), in metric tons, by a fuel or blendstock under the average carbon intensity requirement for gasoline ($XD = \text{"gasoline"}$) or diesel ($XD = \text{"diesel"}$);

VF^{XD} means the volume fraction of CARBOB ($XD = \text{“CARBOB”}$) or diesel ($XD = \text{“diesel”}$) fuel that is derived from crude oil supplied to the Low-Complexity/Low-Energy-Use refinery. VF^{XD} is calculated by dividing the volume of CARBOB or diesel reported for section 95489(d)(e)(2)(A) by the total volume of CARBOB or diesel reported for sections 95489(d)(e)(2)(A) through (D);

E^{XD} is the amount of fuel energy, in MJ, from CARBOB ($XD = \text{“CARBOB”}$) or diesel ($XD = \text{“diesel”}$), determined from the energy density conversion factors in Table 34, either produced in California or imported into California during a specific calendar year and sold, supplied, or offered for sale in California; and

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

- (C) Credits created pursuant to section 95489(d)(e) may not be sold or transferred to any other party.

(4) Application Contents and Submittal. An application for Low-Complexity/Low-Energy-Use Refinery Credits must comply with the following requirements:

(A) An application must contain the following summary material:

1. A complete description of the refinery including processing units and their capacity, and energy use;
2. An engineering drawing(s) or process flow diagram(s) that illustrates the project, relevant process equipment, and mass or volumetric flows necessary to calculate the Low-Complexity/Low-Energy-Use Refinery Credits; and
3. A preliminary estimate of the credit, calculated as required in section 95489(d)(3)(B), including descriptions and copies of production and operational data other technical documentation utilized in support of the calculation.

(B) An application must include a list of references covering all information sources used in the calculation of Low-Complexity/Low-Energy-Use Refinery Credits. The reference list must meet the requirements of section 95488.7(a)(2)(D).

(C) An application must include a signed transmittal letter from the applicant attesting to the veracity of the information in the application packet and declaring that the information submitted

accurately represents the actual operation of the refinery. The transmittal letter must meet the requirements of section 95488.8(a)(3)(A) through (D).

(D) An applicant that submits any information or documentation in support of a proposed Low-Complexity/Low-Energy-Use Refinery Credit must include a written statement clearly showing that the applicant understands and agrees that all information in the application not identified as confidential business information is subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022 and the California Public Records Act (Government Code, §§. 6250 et seq.), and that information claimed by the applicant to be confidential might later be disclosed under section 91022 if the Board determines the information is subject to disclosure.

(E) An application, supporting documents, and all other relevant data or calculation or other documentation must be submitted electronically via the AFP unless the Executive Officer has approved or requested another format.

(F) If there is a change to an approved Low-Complexity/Low-Energy-Use Refinery which could impact the eligibility of the refinery, the refinery operator must notify the Executive Officer in writing within 30 business days after the material change has occurred, and the previously-approved application shall become invalid 30 business days after the material change has occurred.

(5) *Credit Issuance.* The Executive Officer will issue Low-Complexity/Low-Energy-Use Refinery Credits annually for the prior year upon the completion of the following:

(A) Confirmation of eligibility by the Executive Officer based on the refinery energy use verified under MRR annually.

(B) Receipt of a positive or qualified positive verification statement for the quarterly fuel transactions reported pursuant to section 95489(d)(2). An adverse verification statement would result in no credit issuance and Executive Officer investigation.

~~(4) Low-complexity/low-energy-use refineries may elect to use refinery-specific incremental deficit calculations as provided in this section 95489(e)(4) in lieu of the incremental deficit calculation specified in section 95489(b).~~

(A) ~~Refinery-specific incremental deficit calculation is subject to both of the following restrictions:~~

- ~~1. An authorized officer of the operator of a low-complexity/low-energy-use refinery must notify the Executive Officer of the operator's intent to use a refinery-specific incremental deficit calculation by delivering a signed written statement to the Executive Officer no later than January 31, 2016. This notification must include a detailed calculation of the Refinery Baseline Crude Average carbon intensity per section 95489(e)(4)(D).~~
- ~~2. The decision to elect to use a refinery-specific incremental deficit calculation is not reversible, and use of the calculation will be mandatory in 2016 and for all future compliance periods.~~

(B) ~~Only those volumes of CARBOB and diesel fuel produced from crude oil as reported pursuant to section 95489(e)(2)(A) are eligible for refinery-specific incremental deficit calculation. Those volumes of CARBOB and diesel fuel reported pursuant to sections 95489(e)(2)(B) through (D) must be assessed the incremental deficit as specified in section 95489(b). The total incremental deficit for the low-complexity/low-energy-use refinery is calculated as follows:~~

~~If $\frac{CI_{20XXCrudeAve}}{CI_{BaselineCrudeAve}^{LC-LE}} > \frac{CI_{BaselineCrudeAve}}{CI_{BaselineCrudeAve}^{LC-LE}} + 0.10$ and $\frac{CI_{20XXCrudeAve}^{LC-LE}}{CI_{BaselineCrudeAve}^{LC-LE}} >$~~

$$\text{Deficits}_{Incr20XX}^{XD} = \left[(CI_{BaselineCrudeAve} - CI_{20XXCrudeAve}) \times (1 - VF^{XD}) + (CI_{BaselineCrudeAve}^{LC-LE} - CI_{20XXCrudeAve}^{LC-LE}) \times VF^{XD} \right] \times E^{XD} \times C$$

~~If $\frac{CI_{20XXCrudeAve}}{CI_{BaselineCrudeAve}^{LC-LE}} > \frac{CI_{BaselineCrudeAve}}{CI_{BaselineCrudeAve}^{LC-LE}} + 0.10$ and $\frac{CI_{20XXCrudeAve}^{LC-LE}}{CI_{BaselineCrudeAve}^{LC-LE}} \leq$~~

$$\text{Deficits}_{Incr20XX}^{XD} = (CI_{BaselineCrudeAve} - CI_{20XXCrudeAve}) \times (1 - VF^{XD}) \times E^{XD} \times C$$

~~If $\frac{CI_{20XXCrudeAve}}{CI_{BaselineCrudeAve}^{LC-LE}} \leq \frac{CI_{BaselineCrudeAve}}{CI_{BaselineCrudeAve}^{LC-LE}} + 0.10$ and $\frac{CI_{20XXCrudeAve}^{LC-LE}}{CI_{BaselineCrudeAve}^{LC-LE}} >$~~

$$\text{Deficits}_{\text{incr}20XX}^{\text{XD}} = (CI_{\text{BaselineCrudeAve}}^{\text{LC-LE}} - CI_{20XX\text{CrudeAve}}^{\text{LC-LE}}) \times VF^{\text{XD}} \times C_{\text{E}^{\text{XD}}}$$

If $CI_{20XX\text{CrudeAve}} \leq CI_{\text{BaselineCrudeAve}} + 0.10$ and $CI_{20XX\text{CrudeAve}}^{\text{LC-LE}} \leq CI_{\text{BaselineCrudeAve}}^{\text{LC-LE}} + 0.10$ then:

$$\text{Deficits}_{\text{incr}20XX}^{\text{XD}} = 0$$

where:

$\text{Deficits}_{\text{incr}20XX}^{\text{XD}}$ means the amount of LCFS incremental deficits incurred (a negative value), in metric tons, by the volume of CARBOB (XD = "CARBOB") and diesel (XD = "diesel") that is derived from petroleum feedstock and is either produced at or supplied to the low-complexity/low-energy-use refinery during a specific calendar year;

$CI_{20XX\text{CrudeAve}}$ has the same meaning as specified in section 95489(b);

$CI_{\text{BaselineCrudeAve}}$ has the same meaning as specified in section 95489(b);

$CI_{20XX\text{CrudeAve}}^{\text{LC-LE}}$ is the Three-year Refinery Crude Average carbon-intensity value, in gCO₂e/MJ, attributed to the production and transport of the crude oil supplied as petroleum feedstock to the low-complexity/low-energy-use refinery during specified calendar years. $CI_{2015\text{CrudeAve}}^{\text{LC-LE}}$ will be calculated using data for crude oil supplied to the low-complexity/low-energy-use refinery during the calendar year 2015. $CI_{2016\text{CrudeAve}}^{\text{LC-LE}}$ will be calculated using data for crude oil supplied to the low-complexity/low-energy-use refinery during the calendar years 2015 and 2016. $CI_{2017\text{CrudeAve}}^{\text{LC-LE}}$ will be calculated using data for crude oil supplied to the low-complexity/low-energy-use refinery during the calendar years 2015, 2016, and 2017. All subsequent updates to $CI_{20XX\text{CrudeAve}}^{\text{LC-LE}}$ will be calculated using data for crude oil supplied to the low-complexity/low-energy-use refinery during the most recent three calendar years;

$CI_{\text{BaselineCrudeAve}}^{\text{LC-LE}}$ is the Refinery Baseline Crude Average carbon-intensity value, in gCO₂e/MJ, attributed to the production and transport of the crude oil supplied as petroleum feedstock to the low-complexity/low-energy-use refinery during the baseline calendar year, 2010. The Baseline Crude Average carbon intensity value is calculated using data for crude oil supplied to the

low-complexity/low-energy-use refinery during the baseline calendar year, 2010;

VF^{XD} means the volume fraction of CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$) fuel that is derived from crude oil supplied to the Low-Complexity/Low-Energy-Use refinery. VF^{XD} is calculated by dividing the volume of CARBOB or diesel reported for section 95489(e)(2)(A) by the total volume of CARBOB or diesel reported for sections 95489(e)(2)(A) through (D);

E^{XD} is the amount of fuel energy, in MJ, from CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$), determined from the energy density conversion factors in Table 3, either produced in California or imported into California during a specific calendar year and sold, supplied, or offered for sale in California.

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

(C) Process for calculating the Three-year Refinery Crude Average carbon intensity value.

1. The Three-year Refinery Crude Average carbon intensity value will be calculated using a volume-weighted average of crude carbon intensity values. Volumes for crudes will be the total volumes reported by the low-complexity/low-energy-use refinery in the Annual Compliance Report(s) for the calendar year(s). Crude carbon intensity values are those listed in Table 8. For crude names not listed, a default carbon intensity value equal to the Refinery Baseline Crude Average carbon intensity will be used until the crude name and carbon intensity value is added to Table 8 as described in section 95489(e)(3)(C).

2. Within 15 days of receiving the Annual Compliance report for the refinery, the Executive Officer shall post the Three-year Refinery Crude Average carbon intensity calculation at the LCFS web site (<http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>) for public comment, deleting material that constitutes confidential business information from the posted calculation. Written comments shall be accepted for 15 days following the date on which the analysis was posted. Only comments related to potential factual or methodological errors in the posted Three-year Refinery Crude Average carbon intensity value may be considered. The Executive Officer shall evaluate the comments received and, if the Executive Officer deems it necessary, may request in writing

~~additional information or clarification from the commenters. Commenters shall be provided 10 days to respond to these requests. The Executive Officer shall post the final Three-year Refinery Crude Average carbon intensity value at the LCFS web site within 15 days of completion of the comment period, if no comments are received. If comments are received, the Executive Officer shall post the final Three-year Refinery carbon intensity value within 30 days of completion of the comment period or within 25 days of the latest request by the Executive Officer for additional information or clarification from a commenter, whichever is later.~~

~~(D) Process for calculating the Refinery Baseline Crude Average carbon intensity value:~~

- ~~1. The Refinery Baseline Crude Average carbon intensity value will be calculated using a volume-weighted average of crude carbon intensity values. Volumes for crudes will be the total volumes supplied to the low-complexity/low-energy-use refinery during the baseline year 2010. Crude carbon intensity values are those listed in Table 10.~~
- ~~2. The Executive Officer shall evaluate the calculation received from the low-complexity-low energy use refinery and, if the Executive Officer deems it necessary, may request in writing additional information or clarification. Upon resolution of all issues associated with the calculation, the Executive Officer shall post the final Refinery Baseline Crude Average carbon intensity value at the LCFS web site, deleting material that constitutes confidential business information from the posted calculation.~~

~~**Table 10. Carbon Intensity Values for Crudes Supplied during 2010.**~~

Country/State	Crude Name	2010 CI (gCO₂/MJ)
Angola	Dalia	9.44
	Girassol	9.95
	Greater Plutonio	9.51
Argentina	Canadon Seco	9.14
	Escalante	9.16
	Hydra	8.01
Australia	Pyrenees	5.82
Brazil	Albacora Leste	6.50

	Frade	6.11
	Marlim	7.58
	Marlim Sul	8.40
	Ostra	6.60
	Polve	6.43
Cameroon	Lokele	24.46
Canada	Albian Heavy Synthetic	19.92
	Gold Lake	18.40
	Federated	7.62
	Koch Alberta	7.62
	Mixed Sweet	7.62
	Suncor Synthetic	23.38
	Syncrude Synthetic	21.44
Colombia	Castilla	9.65
	Vasconia	9.39
Ecuador	Napo	9.82
	Oriente	11.15
Iraq	Basra Light	13.21
Neutral Zone	Eocene	7.27
	Ratawi	9.03
Nigeria	Bonny	17.58
Oman	Oman	12.38
Peru	Loreto	8.62
	Mayna	10.19
Russia	ESPO	13.43
Saudi Arabia	Arab Extra Light	9.16
	Arab Light	9.04
Trinidad	Galypso	7.01
Venezuela	Boscan	10.09
	Petrozuata	23.25
	Zuata	23.22
US Alaska	ANS	11.53
US North Dakota	Bakken	8.71
US California	Aliso Canyon	2.69
	Ant Hill	23.59
	Antelope Hills	3.05
	Antelope Hills, North	12.83
	Arroyo Grande	27.60
	Asphalte	7.00
	Bandini	7.96
	Bardsdale	5.35

	Barham Ranch	2.60
	Belgian Anticline	3.20
	Bellevue	9.02
	Bellevue, West	9.17
	Belmont, Offshore	3.55
	Belridge, North	4.58
	Belridge, South	13.58
	Beverly Hills	4.42
	Big Mountain	2.85
	Brea-Olinda	3.15
	Buena Vista	7.07
	Cabrillo	2.44
	Canal	4.42
	Canfield Ranch	3.82
	Caneros Creek	3.14
	Cascade	2.11
	Casmalia	8.02
	Castaic Hills	3.06
	Cat Canyon	4.00
	Cheviot Hills	3.23
	Cienaga Canyon	4.26
	Coalinga	26.62
	Coalinga, East	17.78
	Coles Levee, N	4.50
	Coles Levee, S	2.67
	Coyote, East	5.88
	Cuyama, South	12.36
	Cymric	20.30
	Deer Creek	10.17
	Del Valle	4.56
	Devils Den	5.58
	Edison	8.83
	El Segundo	3.22
	Elk Hills	5.20
	Elwood, S., Offshore	4.29
	Fruitvale	10.47
	Greeley	8.52
	Hasley Canyon	2.14
	Helm	3.22
	Holser	3.21
	Honor Rancho	3.51

	Huntington Beach	5.37
	Hyperion	1.93
	Inglewood	9.36
	Jacalitos	2.54
	Jasmin	13.50
	Kern Front	23.74
	Kern River	10.10
	Kettleman Middle Dome	3.92
	Kettleman North Dome	4.93
	Landslide	11.14
	Las Cienegas	4.80
	Livermore	2.55
	Lompoc	33.31
	Long Beach	6.48
	Long Beach Airport	4.10
	Los Angeles Downtown	4.39
	Los Angeles, East	8.81
	Lost Hills	10.75
	Lost Hills, Northwest	4.58
	Lynch Canyon	7.30
	McDonald Anticline	5.10
	McKittrick	16.77
	Midway-Sunset	22.30
	Montalvo, West	2.83
	Montebello	11.64
	Monument Junction	3.56
	Mount Pose	14.02
	Mountain View	4.88
	Newhall-Potrero	2.80
	Newport, West	4.00
	Oak Canyon	3.60
	Oak Park	2.27
	Oakridge	2.75
	Oat Mountain	2.11
	Ojai	2.78
	Olive	2.02
	Orcutt	11.91
	Oxnard	15.61
	Paloma	3.55
	Placerita	35.08
	Playa Del Rey	5.60

	Pleito	3.56
	Poso Creek	25.92
	Pyramid Hills	2.96
	Railroad Gap	5.17
	Raisin City	8.05
	Ramona	3.30
	Richfield	3.97
	Rincon	3.60
	Rio Bravo	5.15
	Rio Viejo	2.86
	Riverdale	3.22
	Rose	2.38
	Rosecrans	5.55
	Rosecrans, South	3.32
	Rosedale	7.41
	Rosedale Ranch	8.86
	Round Mountain	29.16
	Russell Ranch	7.92
	Salt Lake	2.56
	Salt Lake, South	3.70
	San Ardo	28.46
	San Miguelito	4.78
	San Vicente	2.40
	Sansinena	2.82
	Santa Clara Avenue	3.48
	Santa Fe Springs	12.46
	Santa Maria Valley	5.06
	Santa Susana	2.86
	Sargent	4.96
	Saticoy	3.45
	Sawtelle	3.00
	Seal Beach	4.98
	Semitropic	3.94
	Sespe	2.84
	Shafter, North	2.77
	Shiells Canyon	3.15
	South Mountain	3.15
	Stockdale	2.12
	Strand	2.56
	Tapia	5.38
	Tapo Canyon, South	2.94

	Tejon	5.86
	Tejon Hills	6.46
	Tejon, North	3.28
	Temescal	3.00
	Ten Section	6.61
	Timber Canyon	3.12
	Torrance	4.83
	Torrey Canyon	2.82
	Union Avenue	2.05
	Ventura	4.69
	Wheeler Ridge	4.30
	White Wolf	1.83
	Whittier	2.46
	Wilmington	6.82
	Yowlumne	11.96
	Zaca	7.99
US California Sub-Field	Edison Light	5.05
	South Belridge Light	3.77
US Federal OGS	Beta	1.59
	Carpinteria	2.72
	Des Cuadras	3.92
	Hondo	6.05
	Hueneme	2.80
	Pescado	4.90
	Point Arguello	14.59
	Point Pedernales	6.51
	Sacate	3.47
	Santa Clara	2.36
	Sockeye	6.86

(e)(f) *Refinery Investment Credit Pilot Program.* A refinery may receive credit for reducing greenhouse gas emissions from its facility. Any such credits ~~shall~~ must be based on fuel volumes sold, supplied, or offered for sale in California as set forth below.

(1) *General Requirements.*

- (A) The application for a refinery investment credit must be submitted during or after the year 2016 and must be approved pursuant to this section before the refinery can receive credit. A project is eligible if the project completion date is on January 1, 2016 or later.~~authority-to-construct permit was approved after January 1, 2016.~~

- (B) The refinery investment credit project must occur within the boundaries of the refinery, unless it involves carbon capture from hydrogen production. Sequestration sites for CCS do not need to be on-site at the refinery.
- (C) The refinery investment credit project must achieve a carbon-intensity reduction equivalent to at least 1 percent of pre-project on-site refinery-wide greenhouse gas emissions (baseline) in metric tons per year from the comparison baseline of at least 0.1 gCO₂e/MJ.
- (D) The applicant must demonstrate that any net increases in criteria air pollutant or toxic air contaminant emissions from the refinery investment credit project are mitigated in accordance with all local, state, and national environmental and health and safety regulations.
- ~~(E) Projects whose primary objectives are refinery equipment shutdowns, reductions in refinery or equipment throughput and refinery maintenance shall not be eligible for section 95489(f).~~
- (E) The following project types are eligible for the refinery investment project credits:
1. CO₂ capture at refineries, or at hydrogen production facilities that supply hydrogen to refineries, and subsequent geologic sequestration;
 2. Use of renewable or low-CI electricity supplied behind the meter that meets the requirements of 95488.8(h)(1);
 3. Use of lower-CI process energy such as biomethane, renewable propane, and renewable coke, to displace fossil fuel;
 4. Electrification at refineries that involves substitution of high carbon fossil energy input with grid electricity.
 5. Process improvement projects that result in carbon intensity reductions per megajoule of total CARBOB and diesel produced. Greenhouse gas emissions reductions due to shutdown, simple maintenance and crude oil switching are not eligible.

- ~~(F) Credits created pursuant to section 95489(f) may not be sold or transferred to any other party.~~
- ~~(G) Credits generated pursuant to section 95489(f) are subject to limitations set forth in section 95485(d).~~
- (F) Credits must be pro-rated for years where the units within the project system boundary were non-operational. This pro-rating will consider the calendar days of operation relative to non-operation.
- (G) Credits must be pro-rated if the hydrogen production facility that captures CO₂ does not supply all of its hydrogen to the applicant refinery.
- (H) Credits generated pursuant to section 95489(e)(1)(E)(5) may not be used to meet more than 5 percent of any entity's annual compliance obligation. The Executive Officer will exclude incremental deficits incurred pursuant to section 95489(b) when assessing this 5 percent limitation.
- (I) Credits may not be generated pursuant to section 95489(e)(1)(E)(5) after January 1, 2025.
- (J) Projects that utilize carbon capture and sequestration are subject to the provisions of section 95490.

~~(2) Calculation of Credits.~~

- ~~(A) Determine total refinery emissions pre-project and post-project as follows:~~

$$CO_2e_i = (CO_2) + (CH_4)(25) + (N_2O)(298) + electricity + thermal + hydrogen$$

~~where:~~

~~CO₂e_i is the total emissions for data year i in metric tons;~~

~~CO₂ is as reported in CCR, title 17, sections 95100 through 95158;~~

~~CH₄ is as reported in CCR, title 17, sections 95100 through 95158;~~

~~N₂O is as reported in CCR, title 17, sections 95100 through 95158;~~

~~electricity is imported electricity minus exported electricity per year converted to tons CO₂e by using 0.431 tons CO₂e/MWh;~~

thermal is imported thermal energy minus exported thermal energy per year converted to tons CO₂e by using 0.0663 tons CO₂e/MMBtu;

hydrogen is purchased hydrogen multiplied by 10.8 metric tons/ton hydrogen; and

i is the data year pre-project completion or *i* is the first full data year post-project completion.

- (B) Determine the amount of emissions apportioned to each refinery product pre-project and post-project as follows:

$$AE_i^{XD} = \left(\frac{Volume_i^{XD}}{Volume_i^{Total}} \right) (CO_2e_i)$$

where:

AE_i^{XD} is the amount of emissions apportioned to each product XD output of refinery for data year *i* in metric tons of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$);

CO_2e_i is the total emissions for data year *i* in metric tons;

i is the data year prior to project completion or *i* is the first full data year after the project is completed;

$Volume_i^{XD}$ is the volume of individual product output for data year *i* in barrels (bbl) of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$); and

$Volume_i^{Total}$ is the total volume of CARBOB and diesel for data year *i* in bbl.

- (C) Determine the total energy for each refinery product output pre-project and post-project as follows:

$$EC_i^{XD} = (Volume_i^{XD})(D^{XD}) \left(12 \left(\frac{gal}{bbl} \right) \right)$$

where:

EC_i^{XD} is the total energy for each product output for data year *i* in MJ of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$);

i is the data year prior to project completion or i is the first full data year after the project is completed;

$Volume_i^{XD}$ is the volume of individual product output in barrels (bbl) of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$); and

D^{XD} is the energy density listed in Table 34 in MJ/gal of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$).

- (D) Determine the carbon intensity of each refinery product pre-project post-project as follows:

$$CI_i^{XD} = \frac{[AE_i^{XD}]}{[EC_i^{XD}]} \left(\frac{10^6 g}{metric\ tons} \right)$$

where:

CI_i^{XD} is the carbon intensity of each refinery product for data year i in gCO₂e/MJ of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$);

AE_i^{XD} = amount of emissions apportioned to each product XD output of refinery in metric tons for data year i ;

EC_i^{XD} is the total energy for each product output for data year i in MJ of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$); and

i is the data year prior to project completion or i is the first full data year after the project is completed.

- (E) Determine the reduction in carbon intensity associated with the refinery investment credit project as compared to the refinery without the refinery investment credit project as follows:

$$\Delta CI_{RIC}^{XD} = CI_{pre}^{XD} - CI_{post}^{XD}$$

where:

ΔCI_{RIC}^{XD} is the reduction in carbon intensity (a positive value), in gCO₂e/MJ, associated with the refinery investment credit project as compared to the refinery without the refinery investment credit project;

CI_{pre}^{XD} is the carbon intensity of each refinery petroleum product pre-project in gCO₂e/MJ of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$); and

CI_{post}^{XD} is the carbon intensity of each refinery petroleum product post-project in gCO₂e/MJ of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$).

(F) Determine the credit for the refinery investment credit project:

$$Credits_{RIC}^{XD} = (\Delta CI_{RIC}^{XD} \times D^{XD} \times V^{XD} \times C)$$

where:

$Credits_{RIC}^{XD}$ is the credit for the refinery investment credit project in metric tons;

ΔCI_{RIC}^{XD} is the reduction in carbon intensity (a positive value), in gCO₂e/MJ, associated with the refinery investment credit project as compared to the refinery without the refinery investment credit project;

D^{XD} is the energy density listed in Table 34 in MJ/gal of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$);

V^{XD} is the volume of either CARBOB ($XD = \text{"CARBOB"}$) or diesel ($XD = \text{"diesel"}$) in gallons; and

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

(2) Calculation of Credits.

(A) For carbon capture and sequestration projects, determine the credit in accordance with the CCS protocol.

(B) For other refinery investment credit projects, determine the credit as follows:

1. Establish a project system boundary. The project system boundary should include direct impacts and at least first order indirect impacts;

2. Determine the credit for the refinery investment credit project by calculating pre-project life cycle greenhouse gas

emissions and project life cycle greenhouse gas emissions within the project system boundary;

$$Credit_{RIP} = (GHG_{pre-project} - GHG_{post-project}) \times \frac{Volume^{XD}}{Volume^{Total}}$$

where:

$Credit_{RIP}$ is the annual credit for the refinery investment credit project in metric tons per year;

$GHG_{pre-project}$ is the annual life cycle greenhouse gas emissions from the use of fuels, electricity, steam/heat and hydrogen in the project system boundary prior to project implementation in metric tons per year;

$GHG_{post-project}$ is the annual life cycle greenhouse gas emissions from the use of fuels, electricity, steam/heat and hydrogen in the project system boundary due to project implementation in metric tons per year;

$Volume^{XD}$ is the volume of CARBOB and diesel in gallons per year sold, supplied, or offered for sale in California by the refinery involved in the *Refinery Investment Credit Program*; and

$Volume^{Total}$ is the total volume of CARBOB and diesel in gallons produced per year.

- (3) *Application Contents and Submittal.* Unless otherwise noted, an application for refinery investment credits ~~shall~~must comply with the following requirements:
- (A) An application must contain the following summary material:
1. A complete description of the refinery investment credit project and how emissions are reduced;
 2. An engineering drawing(s) or process flow diagram(s) that illustrates the project and clearly identifies the system boundaries, relevant process equipment, mass flows, and energy flows necessary to calculate the refinery investment credits, including any directly affected or indirectly affected

processing units (at least first order indirect impacts) and a whole refinery diagram if requested; and

3. A preliminary estimate of the refinery investment credit, calculated as required in section 95489(e)(f)(2), including descriptions and copies of production and operational data including energy use and other technical documentation utilized in support of the calculation. The production and operational data should cover at least a period of one year after the project becomes operational. The application must contain process-specific data showing that the reductions are part of the transportation fuel pathway.
- (B) An application ~~shall~~ must include a list of references covering all information sources used in the calculation of refinery investment credit. The reference list must meet the requirements of section 95488.7(a)(2)(D). ~~shall, at a minimum, identify the author(s), the author's affiliation, title of the referenced document, the publisher, and the publication date. All in-text parenthetical citations shall correspond to complete publication information provided in the list of references, and provide pages cited. For internet citations, the reference shall include the universal resource locator (URL) address of the citation, as well as the date the web site was last visited.~~
 - (C) An application ~~shall~~ must include a signed transmittal letter from the applicant attesting to the veracity of the information in the application packet and declaring that the information submitted accurately represents the actual and/or intended long-term, steady-state operation of the refinery investment credit project greenhouse gas emissions reduction modification described in the application packet. The transmittal letter must meet the requirements of section 95488.8(a)(3)(A) through (D). ~~shall be the original copy, be on company letterhead, be signed by an officer of the applicant with authority to attest to the veracity of the information in the application and to sign on behalf of the applicant.~~
 - (D) ~~All documents (including spreadsheets and other items not in a standard document format) that are claimed to contain confidential business information (CBI) must prominently display the phrase "Contains Confidential Business Information" above the main document title and in a running header. Additionally, a separate, redacted version of such documents must also be submitted. The redacted versions must be approved by the applicant for posting to a public LCFS web site. Specific redactions must be replaced with the phrase "Confidential business information has been deleted by~~

~~the applicant.” This phrase must be displayed clearly wherever CBI has been redacted. If applicant claims that information it submits is confidential, it must also provide contact information required in section 91011. CBI must be designated and a redacted version of any submitted documents designated to include CBI must be provided pursuant to the requirements described in section 95488.8(c).~~

- (E) An application ~~shall~~ must include all relevant documentation identifying any changes, including decreases or increases, in criteria air pollutant or toxic air contaminant emissions based on local air permits and supporting permit documentation from the refinery investment credit project. An applicant ~~shall~~ must include a signed transmittal letter from the applicant attesting that any net increases in emissions from the refinery investment credit project are mitigated in accordance with all local, state, and national environmental and health and safety regulations.
 - (F) An applicant that submits any information or documentation in support of a proposed refinery investment credit must include a written statement clearly showing that the applicant understands and agrees that all information in the application not identified as confidential business information is subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022 and the California Public Records Act (Government Code, §§. 6250 et seq.), and that information claimed by the applicant to be confidential might later be disclosed under section 91022 if the ~~state board~~ Board determines the information is subject to disclosure.
 - (G) An application, supporting documents, and all other relevant data or calculation or other documentation, ~~except for the transmittal letter described in section 95489(f)(3)(C), shall~~ must be submitted electronically, ~~such as via e-mail or an online-based interface, via the AFP~~ unless the Executive Officer has approved or requested another format.
- (4) *Application Approval Process.* An application must be approved by the Executive Officer before the refinery investment credit project can generate credits under the LCFS regulation.
- (A) Within 30 calendar days of receipt of an application designated by the applicant as ready for formal evaluation, the Executive Officer ~~shall~~ will advise the applicant in writing either that:
 - 1. The application is complete, or

2. The application is incomplete, in which case the Executive Officer will identify which requirements of section 95489(e)(f) have not been met. The applicant may submit additional information to correct deficiencies identified by the Executive Officer. If the applicant is unable to achieve a complete application within 180 calendar days of the Executive Officer's receipt of the original application, the application will be denied on that basis, and the applicant will be informed in writing.
- (B) After accepting an application as complete, the Executive Officer will post the application at <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>. Public comments will be accepted for 10 calendar days following the date on which the application was posted. Only comments related to potential factual or methodological errors may be considered. The Executive Officer will forward to the applicant all comments identifying potential factual or methodological errors. Within 30 business days, the applicant ~~shall~~ must either submit revisions to its application to the Executive Officer, or submit a detailed written response to the Executive Officer explaining why no revisions are necessary.
 - (C) If the Executive Officer finds that an application meets the requirements set forth in section 95489(e)(f), the Executive Officer will take final action to approve the refinery investment credit project. The Executive Officer may prescribe conditions of approval that contain special limitations, recordkeeping and reporting requirements, and operational conditions that the Executive Officer determines should apply to the project. If the Executive Officer finds that an application does not meet the requirements of section 95489(e)(f), the application will not be approved, and the applicant will be notified in writing, and the basis for the disapproval ~~shall~~ will be identified.
- (5) Credit Review and Issuance. ~~Each refinery that has an approved refinery investment credit solicit Executive Officer review and re-approval of the credit every three years. Credits for refinery investment projects may be generated quarterly or annually, at the discretion of the credit generating party.~~
- (1) ~~Refineries shall submit annually process and emissions data to the Executive Officer for review and approval that confirm the greenhouse gas emission reductions estimated in the original submittal pursuant to the process in sections 95489(f) (3) and (4). Failure to submit data for review every three years will result in automatic revocation of the refinery investment credit henceforth.~~

(A) Upon the completion of reporting period in which a positive or qualified positive verification statement for the applicable Project Reports per section 95500(e) is received, the Executive Officer will determine the number of credits to be issued to the applicants. An adverse verification statement would result in no credit issuance and Executive Officer investigation.

(B) ~~When the Executive Officer determines that carbon intensity reduction from the refinery investment project has decreased from the original reduction, the refinery investment credit shall be adjusted to reflect the new credit henceforth. If a revised carbon intensity greenhouse gas reduction drops is below 1 percent 0.1 gCO₂e/MJ compared to the refinery's on-site greenhouse gas emissions baseline without the refinery investment credit project, the refinery investment credit shall will be canceled henceforth.~~

(6) *Recordkeeping.* For each approved refinery investment credit project the refinery must compile and retain records pursuant to section 95491.1(a)(2)(b) showing compliance with all limitation and recordkeeping requirements identified by the Executive Officer pursuant to section 95489(e)(f)(4)(C), above.

~~(f)(g)~~ *Renewable Hydrogen Refinery Credit Pilot Program.* A refinery may receive credit for greenhouse gas emission reductions from the production of CARBOB or diesel fuel that is partially or wholly derived from renewable hydrogen. Any such credits ~~shall~~ must be based on fuel volumes sold, supplied, or offered for sale in California as set forth below.

(1) *General Requirements.*

(A) The application for a renewable hydrogen refinery credit must be submitted during or after the year 2016 and must be approved pursuant to this section before the refinery can receive credit.

(B) In order to receive a renewable hydrogen refinery credit, a refiner must produce CARBOB or diesel fuel that is partially or wholly derived from renewable hydrogen. ~~The renewable hydrogen must annually replace a minimum of one percent of all fossil hydrogen in the production of CARBOB or diesel fuel.~~

(C) The applicant must demonstrate that any net increases in criteria air pollutant or toxic air contaminant emissions from the renewable hydrogen refinery credit project are mitigated in accordance with all local, state, and national environmental and health and safety regulations.

~~(D) Credits created pursuant to Section 95489(g) may not be sold or transferred to any other party.~~

~~(E) Credits generated pursuant to Section 95489(g) are subject to limitations set forth in Section 95485(d).~~

(2) Calculation of Credits.

~~(A) For CARBOB or diesel fuel that is partially derived from renewable hydrogen, the calculation of credits shall be as follows:~~

$$\text{Credits}_{RIC}^H = \left((CI_{Fossil}^H - CI_{Renewable}^H) \times D_{Renewable}^H \times V_{Renewable}^H \times C \right)$$

where:

~~$Credits_{RIC}^H$ is the amount of LCFS credits generated (a zero or positive value), in metric tons, by renewable hydrogen;~~

~~CI_{Fossil}^H is carbon intensity requirement of fossil hydrogen in gCO_2e/MJ from Table 6 for Hydrogen with the pathway identifier HYG003;~~

~~$CI_{Renewable}^H$ is the carbon intensity of the renewable hydrogen in gCO_2e/MJ , as determined by section 95488(c)(4)(F);~~

~~$D_{Renewable}^H$ is the energy density of hydrogen listed in Table 3 in MJ/kg ;~~

~~$V_{Renewable}^H$ is the volume of renewable hydrogen in kg ; and~~

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

(A) For CARBOB or diesel fuel that is partially or wholly derived from renewable hydrogen produced from RNG that displaces fossil natural gas in a steam methane reforming unit, the calculation of credits generated quarterly or annually must be as follows:

$$\text{Credits}_{RIC}^H = (CI_{NG} - CI_{RNG}) \times E_{RNG} \times C \times \frac{\text{Volume}^{XD}}{\text{Volume}^{Total}}$$

where:

$Credits_{RIC}^H$ is the amount of LCFS credits generated (a zero or positive value), in metric tons, by renewable hydrogen;

CI_{NG} is the carbon intensity of North American pipeline natural gas at refinery gate calculated using the CA-GREET3.0 model;

CI_{RNG} is the carbon intensity of the RNG, in gCO₂e/MJ, at refinery gate and must be determined using the CA-GREET 3.0 model unless the Executive Officer has approved the use of a method that is at least equivalent to the calculation methodology used by CA-GREET3.0 model. The process for obtaining CI_{RNG} will be identical to Tier 2 fuel pathway applications, but the life cycle steps evaluated will stop at delivery of the RNG to the refinery gate;

E_{RNG} is the amount of RNG, in MJ, delivered to a refinery per quarter or per year;

$Volume^{XD}$ is the volume of CARBOB and diesel in gallons per quarter or per year sold, supplied, or offered for sale in California by the refinery;

$Volume^{Total}$ is the total volume of CARBOB and diesel in gallons produced per quarter or per year; and

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

- (B) For CARBOB or diesel fuel that is partially or wholly derived from renewable hydrogen produced from other production processes, such as electrolysis using renewable electricity or syngas from biomass gasification, the calculation of credits generated quarterly or annually must be as follows:

$$Credits_{RIC}^H = (CI_{Fossil}^H - CI_{Renewable}^H) \times D_{Renewable}^H \times M_{Renewable}^H \times C \times \frac{Volume^{XD}}{Volume^{Total}}$$

where:

$Credits_{RIC}^H$ is the amount of LCFS credits generated (a zero or positive value), in metric tons, by renewable hydrogen;

CI_{Fossil}^H is the carbon intensity of fossil hydrogen in gCO₂e/MJ delivered or produced at the refinery, as determined using the CA-GREET3.0 model or similar models approved by the Executive Officer. The process for obtaining CI_{Fossil}^H must comply with the requirements in sections 95488 to 95488.10;

$CI_{Renewable}^H$ is the carbon intensity of renewable hydrogen in gCO₂e/MJ delivered or produced at the refinery, as determined using the CA-GREET3.0 model. The process for obtaining $CI_{Renewable}^H$ must comply with the requirements in sections 95488 to 95488.10;

$M_{Renewable}^H$ is the amount of renewable hydrogen in kg per quarter or per year;

$D_{Renewable}^H$ is the energy density of hydrogen in MJ/kg from Table 4;

$Volume^{XD}$ is the volume of CARBOB and diesel in gallons per quarter or per year sold, supplied, or offered for sale in California by the refinery involved in the *Renewable Hydrogen Refinery Credit Program*;

$Volume^{Total}$ is the total volume of CARBOB and diesel in gallons produced per quarter or per year; and

$$C = 1.0 \times 10^{-6} \frac{MT}{gCO_2e}$$

- (3) *Application Contents and Submittal.* Unless otherwise noted, an application for renewable hydrogen credits ~~shall~~must comply with the following requirements:
- (A) An application must contain the following summary material:
1. A complete description of the production of CARBOB or diesel fuel with hydrogen and how renewable hydrogen is replacing fossil hydrogen in that process;
 2. Purchase records identifying the renewable hydrogen and/or renewable feedstock used to produce the renewable hydrogen; and
 3. A preliminary estimate of the renewable hydrogen refinery credit, calculated as required in section 95489(g)(f)(2), including descriptions and copies of production and operational data, including energy use, or and other technical documentation utilized in support of the calculation. The application must contain process-specific data showing that the reductions are part of the transportation fuel pathway.

- (B) An application shall must include a list of references covering all information sources used in the calculation of renewable hydrogen refinery credit project. The reference list must meet the requirements of section 95488.7(a)(2)(D). ~~shall, at a minimum, identify the author(s), the author's affiliation, title of the referenced document, the publisher, and the publication date. All in-text parenthetical citations shall correspond to complete publication information provided in the list of references, and provide pages cited. For internet citations, the reference shall include the universal resource locator (URL) address of the citation, as well as the date the web site was last visited.~~
- (C) An application shall must include a signed transmittal letter from the applicant attesting under penalty of perjury under California law, to the veracity of the information in the application packet and declaring that the information submitted accurately represents the actual and/or intended long-term, steady-state operation of renewable hydrogen refinery credit project described in the application packet. The transmittal letter must meet the requirements of section 95488.8(a)(3)(A) through (D). ~~shall be the original copy, be on company letterhead, be signed by an officer of the applicant with authority to attest to the veracity of the information in the application and to sign on behalf of the applicant.~~
- (D) ~~All documents (including spreadsheets and other items not in a standard document format) that are claimed to contain confidential business information (CBI) must prominently display the phrase "Contains Confidential Business Information" above the main document title and in a running header. Additionally, a separate, redacted version of such documents must also be submitted. The redacted versions must be approved by the applicant for posting to a public LCFS web site. Specific redactions must be replaced with the phrase "Confidential business information has been deleted by the applicant." This phrase must be displayed clearly wherever CBI has been redacted. If applicant claims that information it submits is confidential, it must also provide contact information required in section 91011. CBI must be designated and a redacted version of any submitted documents designated to include CBI must be provided pursuant to the requirements described in section 95488.8(c).~~
- (E) An application shall must include all relevant documentation identifying any changes, including decreases or increases, in criteria air pollutant or toxic air contaminant emissions based on local air permits from the renewable hydrogen refinery credit

project. An applicant ~~shall~~ must include a signed transmittal letter from the applicant attesting that any net increases in emissions from renewable hydrogen refinery credit project are mitigated in accordance with all local, state, and national environmental and health and safety regulations.

(F) An application, supporting documents, and all other relevant data or calculation or other documentation, ~~except for the transmittal letter described in section 95489(g)(3)(C), shall~~ must be submitted electronically, ~~such as via e-mail or an online-based interface, via the AFP~~ unless the Executive Officer has approved or requested another format.

(4) *Application Approval Process.* An application must be approved by the Executive Officer before the renewable hydrogen refinery credit project can generate credits under the LCFS regulation.

(A) Within 30 calendar days of receipt of an application designated by the applicant as ready for formal evaluation, the Executive Officer ~~shall~~ will advise the applicant in writing either that:

1. The application is complete, or
2. The application is incomplete, in which case the Executive Officer will identify which requirements of section 95489(g)(f) have not been met. The applicant may submit additional information to correct deficiencies identified by the Executive Officer. If the applicant is unable to achieve a complete application within 180 days of the Executive Officer's receipt of the original application, the application will be denied on that basis, and the applicant will be informed in writing.

(B) If the Executive Officer finds that an application meets the requirements set forth in section 95489(g)(f), the Executive Officer will take final action to approve the renewable hydrogen refinery credit project. The Executive Officer may prescribe conditions of approval that contain special limitations, recordkeeping and reporting requirements, and operational conditions that the Executive Officer determines should apply to the project. If the Executive Officer finds that an application does not meet the requirements of section 95489(g)(f), the application will not be approved, and the applicant will be notified in writing, and the basis for the disapproval ~~shall~~ will be identified.

(5) *Credit Review and Issuance.* ~~Each refinery that has an approved renewable hydrogen credit project must solicit Executive Officer review and re-approval of the crediting project on an annual basis. Credits for~~

renewable hydrogen refinery projects may be generated quarterly or annually, at the discretion of the credit generating party.

(A) Upon the completion of reporting period in which a positive or qualified positive verification statement for the applicable Project Reports per section 95500(e) is received, the Executive Officer will determine the number of credits to be issued to the applicants. An adverse verification statement would result in no credit issuance and Executive Officer investigation.

~~(A) Refineries shall submit all relevant data to the Executive Officer for review and approval that confirm the renewable hydrogen replacement amount of fossil hydrogen in production of CARBOB and diesel fuel estimated in the original submittal pursuant to the process in sections 95489(g)(3) and (4). Failure to submit data for review annually will result in automatic revocation of the renewable hydrogen credit henceforth.~~

~~(B) When the Executive Officer determines that the renewable hydrogen that has replaced fossil based hydrogen for the production of CARBOB or diesel fuel has decreased from the amount estimated in the original submittal pursuant to the process in sections 95489 (f)(3) and (4), the renewable hydrogen refinery credit shall be adjusted to reflect the new credit henceforth. If the renewable hydrogen drops below the minimum threshold of one percent of the fossil hydrogen replaced with renewable hydrogen in the production CARBOB or diesel fuel, then the renewable hydrogen refinery credit shall be cancelled henceforth.~~

(6) *Recordkeeping.* For each approved renewable hydrogen refinery credit project, the refinery must compile and retain records pursuant to section 95491.1(a)(2)(b) showing compliance with all limitation and recordkeeping requirements identified by the Executive Officer pursuant to section 95489(g)(f)(4)(B), above.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95490. ~~[Reserved.]~~ Provisions for Fuels Produced Using Carbon Capture and Sequestration.

- (a) Eligibility. The following entities are eligible to submit project applications and, if approved, receive CCS credits, in accordance with following protocol which is incorporated herein by reference and is referred to as the “CCS Protocol” hereafter.

Industrial Strategies Division, California Air Resources Board. March 6, 2018. Carbon Capture and Sequestration Protocol under the Low Carbon Fuel Standard.

- (1) Alternative fuel producers, refineries, and oil and gas producers that capture CO₂ on-site and geologically sequester CO₂ either on-site or off-site.
 - (2) An entity that employs direct air capture to remove CO₂ from the atmosphere and geologically sequester the CO₂. If CO₂ derived from direct air capture is converted to fuels, it is not eligible for project-based CCS credits. However, applicants may apply for fuel pathway certification using the Tier 2 pathway application process as described in section 95488.7.
- (b) General Requirements.
- (1) Projects and fuel pathways claiming CCS credits must comply with the CCS Protocol. To be considered in compliance with the CCS protocol, a project must be issued executive orders and meet all the requirements throughout the project life in accordance with the permanence requirements of the CCS protocol.
 - (2) Credit determination for any project that utilizes CCS must be performed in accordance with the accounting requirements of the CCS protocol.
 - (3) Except for direct air capture and sequestration projects, credits must be prorated based on the volumes delivered to California.
 - (4) CCS credits generated by crude oil and gas producers must be claimed under the Innovative Crude Provision (section 95489(c)).
 - (5) CCS credits generated by refiners must be claimed under the Refinery Investment Credit Pilot Program (section 95489(e)).
 - (6) The amount of net CO₂ sequestered by alternative fuel producers can be used to adjust the carbon intensities of the associated fuel pathways.

(7) Projects utilizing CCS must undergo verification under section 95500 in order to receive credits.

(c) *Application Contents and Submittal.* Unless otherwise noted, an application for CCS credits must comply with the following requirements:

(1) An application must be filed jointly by an entity that captures CO₂ and an entity that sequesters the resultant CO₂, unless the same entity is responsible for CO₂ capture and sequestration.

(2) An application must contain the following materials:

(A) A complete description of the CCS project and how greenhouse gas emissions are reduced;

(B) An engineering drawing(s) or process flow diagram(s) that illustrates the project and clearly identifies the system boundaries, relevant process equipment, mass flows, including the quantity of CO₂ injected into pipeline or delivered by other modes of transport for CO₂ injection, and energy flows necessary to calculate the CCS credit;

(C) A description of all combustion and electricity-powered equipment within the system boundaries, including their respective capacities, sizes, or rated power, fuel utilization type, fuel shares, energy efficiency (lower heating value basis), and proposed use;

(D) A description of all sources of flared, vented, and fugitive emissions within the system boundaries, including the compositions and quantities of the flared, vented, and fugitive emission streams leaving the system boundaries;

(E) Receipts/invoices for energy use and chemicals;

(F) An estimate of the CCS credit, calculated in accordance with the accounting requirements of the CCS Protocol including descriptions and copies of production and operational data or other technical; and documentation utilized in support of the calculation. The application must contain process-specific data showing that the reductions are part of the CCS project, and

(G) Executive orders issued pursuant to the permanence requirements of the CCS protocol, certifying the sequestration site as capable of permanently storing CO₂ and authorizing operation and credit generation.

- (3) An application must include a list of references covering all information sources used in the calculation of the CCS credit. The reference list must meet the requirements of section 95489(c)(2)(E).
 - (4) An application must include a signed transmittal letter from the applicant attesting to the veracity of the information in the application packet and declaring that the information submitted accurately represents the actual CCS project greenhouse gas emissions reductions. The transmittal letter must be the original copy, be on company letterhead, be signed by an officer of the applicant with authority to attest to the veracity of the information in the application and to sign on behalf of the applicant.
 - (5) CBI must be designated and a redacted version of any submitted documents designated to include CBI must be provided pursuant to the requirements described in section 95488.8(c).
 - (6) An applicant that submits any information or documentation in support of a proposed CCS project must include a written statement clearly showing that the applicant understands and agrees that all information in the application not identified as confidential business information is subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022 and the California Public Records Act (Government Code, §§. 6250 et seq.), and that information claimed by the applicant to be confidential might later be disclosed under section 91022 if the Board determines the information is subject to disclosure.
 - (7) An application, supporting documents, and all other relevant data or calculation or other documentation must be submitted electronically via the AFP unless the Executive Officer has approved or requested another format.
- (d) *Application Approval Process.* The Executive Officer must approve an application before the CCS project can generate credits under the LCFS regulation.
- (1) After receipt of an application designated by the applicant as ready for formal evaluation, the Executive Officer will advise the applicant in writing either that:

 - (A) The application is complete, or
 - (B) The application is incomplete, in which case the Executive Officer will identify which requirements have not been met. The applicant may submit additional information within 30 days to correct deficiencies identified by the Executive Officer, otherwise, the application will be rejected.

- (2) After accepting an application as complete, the Executive Officer will post the application on the LCFS web site. Public comments will be accepted for 10 calendar days following the date on which the application was posted. Only comments related to potential factual or methodological errors may be considered. The Executive Officer will forward to the applicant all comments identifying potential factual or methodological errors. Within 30 business days, the applicant must either submit revisions to its application to the Executive Officer, or submit a detailed written response to the Executive Officer explaining why no revisions are necessary.
- (3) If the Executive Officer finds that an application meets the requirements set forth in section 95490(b), the Executive Officer will take final action to approve the CCS project. The Executive Officer may prescribe conditions of approval that contain special limitations, recordkeeping and reporting requirements, and operational conditions that the Executive Officer determines should apply to the project. If the Executive Officer finds that an application does not meet the requirements of section 95490(b), the application will not be approved, the applicant will be notified in writing, and the basis for the disapproval will be identified.
- (e) *Reporting.* Each CCS project operator must submit to the Executive Officer the net amount of annual sequestered CO₂ and meet the reporting requirements in accordance with the CCS Protocol.
- (f) *Credit Review and Issuance.* Credits for direct air capture projects may be generated quarterly or annually, at the discretion of the credit generating party.
- (1) Upon the completion of reporting period in which a positive or qualified positive verification statement for the applicable Project Reports per section 95500(e) is received, the Executive Officer will determine the number of credits to be issued to the applicants. An adverse verification statement would result in no credit issuance and Executive Officer investigation.
- (g) *Recordkeeping.* Pursuant to section 95491.1 and the CCS Protocol, each applicant that receives approval as a CCS credit generator must maintain records for the CCS project, including records necessary to verify permanent sequestration. At a minimum, the following records must be kept:
- (1) The quarterly volume of alternative fuel, petroleum fuel, crude oil/natural gas produced and delivered to California;
- (2) Energy use and chemical use data for the carbon capture facility and CO₂ injection facility;

- (3) The Accounting Protocol and Permanence Protocol documents; and
- (4) Any additional records that the Executive Officer requires to be kept in pursuant to section 95490(d)(3).

(h) CO₂ Leakage and Credit Invalidation.

- (1) Credits for verified greenhouse gas emission reductions can be invalidated if the sequestered CO₂ associated with them is released or otherwise leaked to the atmosphere.
- (2) The number of invalidated credits is equal to the quantity of CO₂ released or leaked from the sequestration zone (CO₂^{leakage}), which must be determined in accordance with the CCS Protocol.
- (3) The Executive Officer may retire credits from the buffer account, up to and including the project's total contribution, to count toward the number of invalidated credits.
- (4) The project operator must retire credits for any balance after retiring credits pursuant to 95490(h)(3).
- (5) The Executive Officer may retire credits from the buffer account equivalent to remaining outstanding balance after retiring credits pursuant to 95490(h)(4).

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95491. Fuel Transactions and Compliance Reporting and Recordkeeping.

A fuel reporting entity must submit to the Executive Officer Quarterly Fuel Transactions Reports and Annual Compliance Reports, as specified in this section.

(a) Reporting Requirements.

- (1) Reporting Frequency. A reporting party as defined in section 95481 must submit to the Executive Officer quarterly progress reports and annual compliance reports, as specified in this section. The data for the quarterly reports must be uploaded in the LRT-CBTS within the first 45 days after

~~the end of the quarter. During the subsequent 45 days, reporters shall use the reconciliation reports provided in the LRT-CBTS and in conjunction with counterparties complete any necessary report corrections. The reporting frequencies for these reports are set forth below:~~

~~(A) *Quarterly Reports.* Unless expressly provided elsewhere in this subarticle, quarterly reports must be submitted to the Executive Officer by:~~

~~June 30th—for the first calendar quarter covering January through March;~~

~~September 30th—for the second calendar quarter covering April through June;~~

~~December 31st—for the third calendar quarter covering July through September; and~~

~~March 31st—for the fourth calendar quarter covering October through December.~~

~~(B) *Annual Compliance Reports.* An annual compliance report for the prior calendar year must be submitted to the Executive Officer by April 30th of each year.~~

~~(2)(a) *Online Reporting.* The annual compliance and quarterly progress-fuel transactions reports must be submitted using the online LCFS Reporting Tool and Credit Bank & Transfer System (LRT-CBTS), an interactive, secured internet web-based system. The LRT-CBTS is available at: www.arb.ca.gov/lcfsrt. Prior to use, a reporting party fuel reporting entity must first register in the LRT-CBTS pursuant to section 95483.2.~~

The fuel reporting party entity is solely responsible for ensuring that the Executive Officer receives its quarterly progress-fuel transactions reports and annual compliance reports by the dates-deadlines specified in this section. The Executive Officer shall not be responsible for failure of electronically submitted reports to be transmitted to the Executive Officer. The reports must contain a statement attesting to the report's accuracy and validity. The Executive Officer shall not deem an electronically submitted report to be valid unless the report is accompanied by a digital signature that meets the requirements of California Code of Regulations, title 2, sections 22000 et seq.

~~(b) Reporting Frequency and Deadlines.~~

(1) Quarterly Fuel Transactions Data: The data for the quarterly fuel transactions report for each fuel type must be uploaded in the LRT-CBTS within the first 45 days after the end of the quarter. During the subsequent 45 days, fuel reporting entities shall use the reconciliation tools provided in the LRT-CBTS and in conjunction with business partners to complete any necessary report corrections, if applicable.

(2) Quarterly Fuel Transactions Reports. Unless expressly provided elsewhere in this subarticle, quarterly fuel transactions reports must be submitted in LRT-CBTS by:

June 30th – for the first calendar quarter covering January through March;

September 30th – for the second calendar quarter covering April through June;

December 31st – for the third calendar quarter covering July through September; and

March 31st – for the fourth calendar quarter of the prior year covering October through December.

(3) Annual Compliance Reports. An annual compliance report for the prior calendar year must be submitted in LRT-CBTS by April 30th of each year.

~~(c)(3)~~ General and Specific Reporting Requirements for Quarterly Fuel Transactions Reports. For each of its transportation fuels, a ~~reporting party~~ fuel reporting entity must submit a quarterly fuel transactions report that contains the information specified below and summarized in Table 11 ~~and meets the additional specific requirements set forth below:~~

(1)(A) All applicable transaction types listed for each fuel type below and defined in section 95481 must be included in each quarterly fuel transactions report.

(2) Information that must be reported are as follows: Organization FEIN, Reporting Period (year and quarter), FPC, Fuel Amount, Transaction Type, Transaction Date, Business Partner (if applicable), Aggregated Transaction Indicator, Fuel Application, Production Company ID and Facility ID (if applicable).

~~(B) — Specific Quarterly Reporting Parameters (Except as Otherwise Noted) for Gasoline and Diesel Fuel.~~

- ~~1. Production Company ID and Facility ID for each blendstock. CARBOB and diesel fuel are exempt from this requirement.~~
- ~~2. The carbon intensity value of each blendstock determined pursuant to section 95488.~~
- ~~3. The volume of each blendstock (in gal) per compliance period. For purposes of this provision only, except as provided in section 95491(a)(4)(B), the reporting party may report the total volume of each blendstock aggregated for each distinct carbon intensity value (e.g., X gallons of blendstock with A gCO₂e/MJ, Y gallons of blendstock with B gCO₂e/MJ, etc.).~~
- ~~4. A producer of CARBOB, gasoline, or diesel fuel must report, for each of its refineries, the MCON or other crude oil name designation, volume (in gal), and Country (or State) of origin for each crude supplied to the refinery during the quarter. Refineries electing to use the refinery-specific incremental deficit calculation as provided in section 95489(e)(4) must report, in addition to the information required from all refineries, the field name and volume (in gal) for all crude supplied from California State or California Federal Offshore fields.~~

(d) Specific Reporting Requirements for Quarterly Fuel Transactions Reports. In addition to all requirements specified in section 95491(c), for each of its transportation fuels, a fuel reporting entity must submit a quarterly fuel transactions report that contains the information specified below and summarized in Table 11:

(1) Specific Quarterly Reporting Parameters for Liquid Fuels including Gasoline, Diesel, Diesel Fuel Blends, Alternative Fuels, and Alternative Jet Fuel.

(A) The applicable transaction types, defined in section 95481, are as follows: Production in California, Production for Import, Import, Purchased with Obligation, Purchased without Obligation, Sold with Obligation, Sold without Obligation, Export, Loss of Inventory, Gain of Inventory, and Not Used for Transportation. The transaction type "Production for Import" is to be reported by out-of-state producers who choose to be the first fuel reporting entity for fuel imported into California. The transaction type "Import" is to be reported by non-producers who choose to be the first fuel reporting entity for out-of-state fuel imported into California. The following information are to be reported:

1. Production Company ID and Facility ID for each blendstock. CARBOB and diesel fuel are exempt from this requirement.
2. The certified fuel pathway code (FPC) of each blendstock.
3. The volume (in gal) of each blendstock per reporting period. For purposes of this provision only, except as provided in subsection 4. below, the fuel reporting entity may report the total volume of each blendstock aggregated for each distinct carbon intensity value (e.g., X gallons of blendstock with A gCO₂e/MJ, Y gallons of blendstock with B gCO₂e/MJ).
4. A producer of CARBOB, gasoline, or diesel fuel must report, for each of its refineries, the MCON or other crude oil name designation, volume (in gal), and Country (or State) of origin for each crude supplied to the refinery during the quarter.

(B) Temperature Correction. All liquid fuel volumes reported in the LRT-CBTS must be adjusted to standard temperature conditions of 60°F as follows:

1. For ethanol, the following formula must be used:

$$V_{s,e} = V_{a,e} \times (-0.0006301 \times T + 1.0378)$$

where:

V_{s,e} is the standardized volume of ethanol at 60°F, in gallons;

V_{a,e} is the actual volume of ethanol, in gallons; and

T is the actual temperature of the batch, in °F.

2. For biodiesel, one of the following two methodologies must be used:

- a. V_{s,b} = V_{a,b} × (-0.00045767 × T + 1.02746025)

where:

V_{s,b} is the standardized volume of biodiesel at 60°F, in gallons;

V_{a,b} is the actual volume of biodiesel, in gallons; and

T is the actual temperature of the batch, in °F.

b. The standardized volume of biodiesel at 60°F, in gallons, as calculated from the use of the American Petroleum Institute Refined Products Table 6B, as referenced in ASTM D1250-08 (Reapproved 2013), which is incorporated herein by reference, or by comparable means that can be demonstrated to a verifier or the Executive Officer to be consistent with these standard methods.

3. For other liquid fuels, the volume correction to standard conditions must be calculated by the methods described in the American Petroleum Institute (API) Manual of Petroleum Measurement Standards Chapter 11 – Physical Properties Data (May 2004), the ASTM Standard Guide for Use of the Petroleum Measurement Tables, ASTM D1250-08 (Reapproved 2013), or the API Technical Data Book – Petroleum Refining Chapter 6 – Density (Sixth Edition, April 1997), all three of which are incorporated herein by reference, or by comparable means that can be demonstrated to a verifier or the Executive Officer to be consistent with these standard methods.

(C) Fuel Pathway Allocation for Produced Fuel. If a fuel production facility is processing multiple feedstocks, the fuel reporting entity must use either of the following methods to allocate the quantity of produced fuel to each certified FPC.

1. The quantity of fuel reported for a fuel pathway code must be determined using the following method:

a.
$$Q_{Fuel\ i}^n = Y_{average\ yield} \times Q_{Feedstock\ i}^n$$

where,

$Q_{Fuel\ i}^n$ is the quantity of produced fuel with a fuel pathway i at a production facility during reporting period n ;

$Y_{average\ yield}$ is the facility's average production yield for all feedstocks as determined during pathway certification; and

$Q_{Feedstock\ i}^n$ is the quantity of feedstock processed for a fuel pathway i at a production facility during reporting period n .

b. If the actual quantity of fuel produced during a reporting period is greater than the quantity calculated using (a) above, the excess fuel must be allocated to a fuel pathway with the highest CI among all pathways certified for the fuel production facility.

2. Paragraph 1. above notwithstanding, a different allocation methodology may be used with the Executive Officer approval. The methodology must be submitted to the Executive Officer at the time of fuel pathway application and be included in the monitoring plan for verifier's review.

(D) Exports. If fuel reported in the LRT-CBTS is subsequently exported out of California, the export must be reported in the LRT-CBTS by the entity responsible for reporting export as described in subsection 95483(a).

1. Reporting Fuel Blends. When reporting export of fuel blends, the amount of each blendstock shall be reported in the LRT-CBTS. If the accurate blend percentage of each blendstock is not known then default blend percentage values provided on the LCFS web site shall be used for reporting the exports. Default blend percentage values are based on prior year average values.

2. Substitute Pathways. When an FPC is not available for reporting a fuel in the LRT-CBTS, a fuel reporting entity must use the Substitute pathway corresponding to its fuel type, pursuant to section 95488.9(d).

~~(2)(C)~~ Specific Quarterly Reporting Parameters for Natural Gas (including CNG, LNG, and L-CNG). For each private access, public access, or home-fueling facility to which CNG, LNG, and L-CNG, is supplied as a transportation fuel:

(A)4. The quantity of fuel dispensed must be reported per FSE with a certified FPC and with transaction type "NGV Fueling." For CNG and L-CNG, the amount-quantity of fuel dispensed (in ~~scf~~ Therms at Higher Heating Value (HHV)) per compliance-reporting period separately for all light/medium-duty vehicles (LDV & MDV), for and heavy-duty vehicles with compression ignition engines (HDV-CIE), and for heavy-duty vehicles with spark ignition engines (HDV-SIE).

For LNG, the ~~amount~~ volume of fuel dispensed (in gal) per ~~compliance reporting period~~ separately for all LDV/MDV and MDV, for HDV-CIE, and for HDV-SIE.

~~CNG and L-CNG are typically dispensed in units of pounds. Regulated parties must, therefore, convert pounds of CNG and L-CNG sold into scf in order to complete their quarterly and annual LCFS reports. This conversion must be accomplished as follows:~~

~~Divide total pounds of CNG or L-CNG sold by the mass density of natural gas. The CA-GREET 2.0 mass density value of 20.4 grams/scf is to be used for this purpose. Convert the result to scf using the standard conversion factor of 453.59 grams/lb. Example: 100 lbs CNG would be converted to scf of CNG as follows:~~

$$100 \text{ lbs CNG} \times \frac{\text{SCF}}{20.4 \text{ grams}} \times \frac{453.59 \text{ grams}}{\text{lb}} = 22.23 \text{ SCF};$$

- ~~2. Except as provided elsewhere in this section the amount of fuel dispensed based on the use of separate fuel dispenser meters at each fuel dispenser must be reported;~~
- ~~3. In lieu of using separate meters at each fuel dispenser, the amount of fuel dispensed at each facility using any other method that the reporting party demonstrates to the Executive Officer's satisfaction as being equivalent to or better than the use of separate fuel meters at each fuel dispenser in each fueling facility;~~
- ~~4. The carbon intensity value of the CNG, LNG, L-CNG, determined pursuant to section 95488.~~

(B)5. For Bio-CNG, Bio-LNG, and Bio-L-CNG: Biomethane production Company ID and Facility ID.

(C) The total quantity of fuel, summed across all FPCs, dispensed for transportation purpose through the FSE during the reporting period.

(D) When the vehicle application is unknown, for the purpose of reporting, a fueling event of less than 3,500 MJ (30 gasoline gallon equivalents) of fuel dispensed must be reported as NGV Fueling of LDV/MDV. A fueling event of 3,500 MJ or more must be reported as NGV Fueling of HDV.

~~(3)(D)~~ *Specific Quarterly Reporting Parameters for Electricity used as a Transportation Fuel.*

1. ~~The total electricity dispensed (in kWh) to vehicles at residences. Notwithstanding section 95486(a)(2), for periods beginning January 1, 2015, residential charging may be measured by:~~
 - a. ~~the use of metering to measure the electricity directly dispensed to all vehicles at each residence; or~~
 - b. ~~for households and residences where sufficient metering is not available, the Executive Officer will annually calculate the number of credits due to any Electrical Distribution Utility that has opted into the LCFS. The Executive Officer shall use the following method:~~

$$\begin{aligned} & \textit{PEV Electricity Use}^{\textit{Non metered}} \\ &= \textit{Number of Vehicles}^{\textit{Non metered}} \\ & \times \textit{Daily Average PEV Electricity Use} \\ & \times \textit{Number of days}^{\textit{in compliance period}} \end{aligned}$$

where:

~~*PEV Electricity Use*^{\textit{Non metered}} is the total estimated electricity use of non-metered residential plug-in electrical vehicles (PEV) within a given Electrical Distribution Utility service area for the current compliance period;~~

~~*Number of Vehicles*^{\textit{Non metered}} is the number of non-metered residential PEV within a given Electrical Distribution Utility service area for the current compliance period;~~

~~*Daily Average PEV Electricity Use* shall be based upon the best available data regarding daily electricity use of residential PEV for the current compliance period;~~

~~*Number of days*^{\textit{in compliance period}} is the total number of days in the current compliance period.~~

- c. ~~On or before January 31st of each year, any Electrical Distribution Utility that has opted into the program shall provide the Executive Officer data relevant to the calculation of credits for the prior year. The Executive Officer shall use the method set forth in this section to calculate any credits generated for the prior year and place them into the Electrical Distribution Utility's LRT-CBTS account at least~~

~~30 days prior to the annual reporting deadline. Reporting information pursuant to 95491(a)(3)(D)1., paragraphs b. and c. is exempted from the quarterly reporting deadlines set forth in section 95491(a)(1)(A).~~

- ~~2. For each public access charging facility, the amount of electricity dispensed (in kWh).~~
- ~~3. For each fleet charging facility, the amount of electricity dispensed (in kWh).~~
- ~~4. For each workplace private access charging facility, the amount of electricity dispensed (in kWh).~~
- ~~5. The carbon intensity value of the electricity determined pursuant to section 95488.~~

(A) For Non-Metered Residential EV charging. The EDU must meet the following requirements:

1. On or before January 31st of each year, provide the Executive Officer Daily Average EV Electricity Use data for the calculation of credits for non-metered charging from the prior year. The Executive Officer shall use the method set forth in subsection 95486.1(c)(1), to calculate any credits generated for the prior year and place them into the EDU's LRT-CBTS account at least 30 days prior to the annual reporting deadline; and
2. Use all credit proceeds to benefit current or future EV customers;
3. Educate the public on the benefits of EV transportation (including environmental benefits and costs of EV charging, or total cost of ownership, as compared to gasoline);
4. Provide rate options that encourage off-peak charging and minimize adverse impacts to the electrical grid;
5. Include, in the Annual Compliance Report, the following supplemental information: an itemized summary of efforts to meet requirements 1. through 3. above and costs associated with meeting the requirements. For investor-owned utilities, this requirement may be satisfied by supplying a copy of the annual implementation report required under Order 4 of

Public Utilities Commission of California (PUC) Decision
14-12-083, or any successor PUC Decisions.

(B) For Metered Residential EV charging. The quantity of electricity (in kWh) used for residential EV charging must be reported per FSE with a certified FPC and with transaction type “EV Charging – Grid,” “EV Charging – Non-Grid,” or “EV Charging – TOU,” as appropriate.

1. For electricity reported with transaction type “EV Charging – Non-Grid”, the following requirements must be met:

a. The reporting entity must be able to provide to Executive Officer records, upon request, demonstrating that the low-CI electricity is supplied (including through book-and-claim accounting) to the same residences where the EV charging is taking place and during the period for which incremental credits are generated;

b. Records can be provided to the Executive Officer, upon request, demonstrating an EV is owned or leased by an individual dwelling at the claimed residence; and

c. Only a single entity can generate incremental credits using a low-CI pathway for the same FSE. If two or more entities report for the same FSE to generate incremental credits no incremental credits will be issued for that FSE.

2. For electricity reported with transaction type “EV Charging – TOU”, the following requirements must be met:

a. The quantity of electricity used for each time-of-use window, as per Table 7-2 in section 95488.5(f), must be reported.

b. The reporting entity must be able to provide documentation showing the quantity of electricity used during a reporting period broken down by time-of-use windows upon request by the Executive Officer. The pathway holder must keep records demonstrating the quantity of electricity dispensed through each FSE for each hour of each day; and

c. Only a single entity can generate incremental credits for time-of-use charging for the same FSE. If two or more entities report for the same FSE to generate incremental credits, no incremental credits will be issued for that FSE.

(C) For Non-Residential EV Charging. The quantity of electricity (in kWh) metered for used in EV charging must be reported per FSE with a certified FPC and with transaction type “EV Charging – Grid,” “EV Charging – Non-Grid,” or “EV Charging – TOU,” as appropriate.

1. For electricity reported with transaction type “EV Charging – Non-Grid”, the following requirements must be met:

a. The reporting entity must be able to provide to Executive Officer records, upon request, demonstrating that the low-CI electricity is supplied (including through book-and-claim accounting) to the FSE during the period for which incremental credits are generated; and

b. Only a single entity can generate credits using a low-CI pathway for the same FSE. If two or more entities report for the same FSE to generate credits, no credits will be issued for that FSE.

1. For electricity reported with transaction type “EV Charging – TOU”, the requirements in subsection (B)2., above, must be met.

(D)6. For Fixed Guideway Systems. For each fixed guideway system, the amount quantity of electricity used for transit propulsion (in kWh) must be reported per FSE with a certified FPC and with transaction type “Fixed Guideway Electricity Fueling”. FSE ID is assigned by system during the registration as specified in section 95843.2(b)(8).

(E)7. For Electric Forklifts. The quantity of electricity used (in kWh) must be reported per FSE with a certified FPC and with transaction type “EV Forklifts Fueling.” The quantity of electricity used in electric forklifts may be determined as follows:

For the electric forklifts located in each Electrical Distribution Utility service area, the annual electricity used (in kWh), as measured at charging in the case of an electric forklift fleet operator claiming credits, or estimated by Air Resources Board staff each year in the

~~case of an Electrical Distribution Utility claiming credits. An Electrical Distribution Utility's report of electricity used by electric forklifts is exempted from the quarterly reporting deadlines set forth in section 95491(a)(1)(A).~~

1. Quantity of electricity used during a reporting period, as measured per FSE and with transaction type "Forklift Electricity Fueling", in the case of an electric forklift fleet operator generating credits; or
2. When electric forklift credits are claimed by an EDU, CARB staff will calculate the quantity of electricity supplied to electric forklifts in the EDUs service territory each year for the generation of credits. This reporting parameter is exempt from the quarterly reporting deadlines set forth in section 95491(b).

(F) For Electric Transport Refrigeration Unit. The quantity of electricity (in kWh) dispensed to each unit must be reported per FSE with a certified FPC and with transaction type "eTRU Fueling."

~~(4)(E) Specific Quarterly Reporting Parameters for Hydrogen or a Hydrogen Blend Used as a Transportation Fuel.~~

- (A)4. For each private and public access fueling facility, the amount quantity (in kg) of fuel dispensed (in kg) per FSE with a certified FPC and with transaction type "FCEV Fueling" by vehicle weight category: LDV & MDV and HDV.
- ~~2. For each public access filling station, the amount of fuel dispensed (in kg) by vehicle weight category: LDV & MDV and HDV.~~
- (B)3. For hydrogen fuel cell forklifts, the amount of fuel dispensed (in kg) per FSE with a certified FPC and with transaction type "Forklift Hydrogen Fueling".
- ~~4. The carbon intensity value of the hydrogen or the blendstocks used to produce the hydrogen blend determined pursuant to section 95488.~~
- (C)5. Production Company ID and Facility ID.
- (D) For hydrogen reported with a pathway that claims carbon intensity reductions for shifts in time of electricity use for electrolytic hydrogen production, the quantity of electricity (in kWh) used to produce hydrogen for each time-of-use window must be reported

with transaction type FCEV Fueling – TOU.

(5) Specific Quarterly Reporting Parameters for Propane.

- (A) The quantity (in gal) of propane dispensed per FSE with a certified FPC and with transaction type “Propane Fueling.”
- (B) For renewable propane, the Production Company ID and Facility ID.

(e)(4) General and Specific Reporting Requirements for Annual Compliance Reports.

A fuel reporting party entity and project operators must submit an annual compliance report that meets, at minimum, the general and specific requirements for aggregates the quarterly fuel transactions reports and provides the additional information requirements set forth below:

(1)(A) A reporting party must report the following: LRT-CBTS generates an annual summary, for each fuel reporting entity and project operator, that includes the following:

- (A)4. The total credits and deficits generated by the regulated party fuel reporting entity and project operator in the current compliance period, calculated in the LRT-CBTS as per equations in sections 95486.1(b) and 95489;
- (B)2. Any credits carried over from the previous compliance period;
- (C)3. Any deficits carried over from the previous compliance period;
- (D)4. The total credits acquired from another party entity;
- (E)5. The total credits sold or otherwise transferred;
- (F)6. The total credits retired within the LCFS to meet compliance obligation per section 95486(b)(3)95485; and
- 7. The total credits exported to programs outside the LCFS.

(G) Total credits acquired from or pledged for sale into the CCM, if applicable.

(2)(B) A producer of CARBOB, gasoline, or diesel fuel must report, for each of its refineries, the MCON or other crude oil name designation, volume amount (in gal), and Country (or State) of origin for each crude supplied to the refinery during the annual compliance period. Refineries electing to use the refinery-specific incremental deficit calculation as provided in section

95489(e)(4) must report, in addition to the information required from all refineries, the field name and volume (in gal) for all crude supplied from California State or California Federal Offshore fields.

- (3)(C) All pending credit transfers initiated during a compliance period must be completed prior to submittal of the annual compliance report, if possible. If there is still a pending outgoing credit transfer, the credits will be taken from the account of the Seller that initiated the transfer and the annual compliance report will reflect the adjusted credit balance. If there is a pending incoming credit transfer, the Buyer's annual report will not reflect the balance until the transfer is completed. Upon completion, the annual compliance report must be reopened and resubmitted with the adjusted credit balance.
- (4) Attestations Regarding Environmental Attributes for Biomethane. Entities reporting bio-CNG, bio-LNG, and bio-L-CNG must submit the environmental attribute attestation pursuant to section 95488.8(i)(2)(C) along with the annual compliance report in the LRT-CBTS.
- (f)(5) Significant Figures. The A regulated party entity must report the following quantities as specified below:
- (1)(A) Carbon intensity, expressed to the same number of significant figures as shown in Tables 6, 7-1, and 89;
- (2)(B) Credits or deficits, expressed to the nearest whole metric ton CO₂ equivalent;
- (3)(C) Fuel volume amounts in units specified in sections 95491(d)(a)(3) and (a)(4), expressed to the nearest whole unit applicable for that quantity; and
- (4)(D) Any other quantity must be expressed to the nearest whole unit applicable for that quantity.
- (g)(6) The regulated party A fuel reporting entity must maintain a non-negative value for each FPC Total Obligated Amount and Total Amount, as defined in section 95481, for each FPC as summed across all quarterly data in the LRT-CBTS.
- (h)(7) Correcting a Previously Submitted Report. Upon discovery of an error, A regulated party a fuel reporting entity may request to have previously submitted quarterly reports for the current compliance periods reopened for corrective edits and resubmittal by submitting a Correction Request Form online in the LRT-CBTS. The regulated party fuel reporting entity is required to provide justification for the report corrections and indicate the specific corrections to be made to the report. Pursuant to section 95486(a)(2), no credits may be claimed, and no deficits may be eliminated, retroactively for a quarter for which the

quarterly reporting deadline has passed. Each submitted request is subject to Executive Officer review and approval. Permission to correct a report does not preclude enforcement based on misreporting.

Table 11. Summary Checklist of Quarterly and Annual Reporting Requirements.

<i>Parameters to Report</i>	<i>Gasoline & Diesel Fuel Blends</i>	<i>CNG & LNG Natural Gas & Propane</i>	<i>Electricity</i>	<i>Hydrogen or Hydrogen Blends</i>	<i>Neat Ethanol, or Biomass-Based Diesel Fuels, or Alternative Jet Fuel & Other Alternative Fuels</i>
<u>For Quarterly Reporting</u>					
Company or Organization <u>FEIN</u> Name	x	x	x	x	x
Reporting Period <u>(year & quarter)</u>	x	x	x	x	x
Fuel Pathway Code	x	x	x	x	x
Transaction Type	x	x	x	x	x
* Transaction Date	x	x	x	x	x
Business Partner <u>(if applicable)</u>	x	x	*	*	x
Production Company ID and Facility ID	x**	x**	n/a	x	x**
<u>Fueling Supply Equipment ID</u>	<u>n/a</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>n/a</u>
<u>Vehicle Identifier (if applicable)</u>	<u>n/a</u>	<u>n/a</u>	<u>x</u>	<u>n/a</u>	<u>n/a</u>
<u>Fuel Transport Mode</u>	*	*	*	*	*
Aggregated Transaction Indicator (T/F)	x	x	n/a	x	x
Fuel Application/ <u>EER</u>	x	x	x	x	x
Amount of each gasoline and diesel blendstock	x	n/a	n/a	n/a	n/a
Amount of each fuel used as gasoline <u>or diesel</u> replacement	n/a	x	x	x	x
<u>Amount of each fuel used as a jet fuel replacement</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>x</u>
<u>Amount of each fuel used as diesel fuel replacement</u>	<u>n/a</u>	*	*	*	*
<u>***Credits/deficits generated per quarter (MT)</u>	*	*	*	*	*

Parameters to Report	Gasoline & Diesel Fuel Blends	CNG & LNG Natural Gas & Propane	Electricity	Hydrogen or Hydrogen Blends	Neat Ethanol, or Biomass-Based Diesel Fuels, or Alternative Jet Fuel & Other Alternative Fuels
MCON or other crude oil name designation, volume (in gal), and country (or state) of origin for each crude supplied to the refinery	x	n/a	n/a	n/a	n/a
For Annual Reporting (in addition to the items above)					
***Credits and Deficits generated per year (MT)	x	x	x	x	x
***Credits/deficits carried over from the previous year (MT), if any	x	x	x	x	x
***Credits acquired from another party entity (MT), if any	x	x	x	x	x
***Credits sold to another party entity (MT), if any	x	x	x	x	x
***Credits pledged for sale into CCM exported to another program (MT), if any	x	x	x	x	x
***Credits retired within LCFS (MT) to meet compliance obligation , if any	x	x	x	x	x
<u>MCON or other crude oil name designation, volume (in gal), and country (or state) of origin for each crude supplied to the refinery</u>	<u>x</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

* Same as Title Transfer Date; For Aggregated Transactions enter the last day of the reporting period.

** Does not apply to CARBOB, Diesel Fuel, Fossil Propane, or Fossil NG.

*** Value will be calculated, stored and displayed in the LRT-CBTS.

Table 12. Annual Compliance Calendar.

January 31	Electrical Distribution Utility that has opted into LCFS provide <u>CARB data relevant to the calculation of credits for the prior year. (Please see section 95491(a)(3)(D)-95486.1(c)(1)(A))</u>
February 14	Upload all Q4 <u>fuel transactions data</u> in LRT-CBTS and begin any needed reconciliation with <u>counterparties-business partners</u>
March 31	Submit final Q4 <u>fuel transactions report</u> ; <u>Submit Q4 Crude Oil Reports (MCON Reports)</u>
March 31	<u>CARB calculate credits generated by Electrical Distribution Utility (EDU) for the prior year and place them into EDU's LRT-CBTS account</u>

<u>March 31</u>	<u>Annual Fuel Pathway Reports are due to the Executive Officer</u>
April 30	Submit final Annual <u>Compliance Report</u> for preceding year; demonstrate compliance; voluntary pledge of credits <u>for sale</u> into Credit Clearance Market (CCM)
<u>April 30</u>	<u>Annual Crude Oil Reports (MCON Reports) are due to the Executive Officer</u>
May 15	Upload all Q1 <u>fuel transactions data</u> in LRT-CBTS and begin any needed reconciliation with counterparties <u>business partners</u>
May 15	Executive Officer announces whether CCM will occur
June 1	Executive Officer posts list of CCM buyers and sellers
June 1	CCM opens and in effect for June and July
June 30	Submit final Q1 <u>fuel transactions report</u> ; <u>Submit Q1 Crude Oil Reports (MCON Reports)</u>
July 31	CCM for prior year closes
August 14	Upload all Q2 <u>fuel transactions data</u> in LRT-CBTS and begin any needed reconciliation with counterparties <u>business partners</u>
August 31	CCM purchasers submit amended Annual Report
<u>August 31</u>	<u>Verification Statements for Fuel Pathway Reports, Quarterly Fuel Transactions Reports, and Quarterly and Annual Crude Oil Reports are due to the Executive Officer</u>
September 30	Submit final Q2 <u>fuel transactions report</u> ; <u>Submit Q2 Crude Oil Reports (MCON Reports)</u>
November 14	Upload all Q3 <u>fuel transactions data</u> in LRT-CBTS and begin any needed reconciliation with counterparties <u>business partners</u>
December 31	Submit final Q3 <u>fuel transactions report</u> ; <u>Submit Q3 Crude Oil Reports (MCON Reports)</u>

§ 95491.1. Recordkeeping and Auditing.

(b) — ~~Recordkeeping and Auditing.~~

~~(1) Record Retention for Reporting Parties.~~

(A)(a) Record Retention. Any record required to be maintained under this subarticle shall be retained for five ten years. All data and calculations submitted by a

regulated entity for demonstrating compliance, or generating credits or deficits are subject to inspection by the Executive Officer or a third party approved by the Executive Officer, and must be made available within 20 days upon request of the Executive Officer. Records to include:

(1) *Record Retention for Fuel Reporting Entities.* Fuel reporting entities must maintain all records and calculations relied upon for data reported in the LRT-CBTS. These records include, but are not limited to:

- (A)1. Product transfer documents;
- (B)2. Copies of all data reports submitted to the Executive Officer;
- (C)3. Records related to each fuel transaction; and
- (D) Records used for each credit transaction;
- (E) Records related to FSE registration, including but not limited to copies of monthly utility bills, Bills of Lading, Division of Measurement Standards' certificates, and any other document used as a proof at the time of FSE registration pursuant to this subarticle;
- (F) Chain of custody evidence for produced fuel imported into California;
- (G) Attestations regarding environmental attributes associated with book-and-claim accounting for biomethane pursuant to 95488.8(i)(2)(C); and
- (H)4. Records used for compliance or credit and deficit calculations.

(2) *Record Retention for Fuel Pathway Holders and Applicants.* Fuel pathway holders and applicants must maintain all records relied upon in producing fuel pathway applications and annual Fuel Pathway Reports. The retained documents, including CI input source data and supplemental documentation, must be sufficient to allow for verification of each CI calculation. These records include but are not limited to:

- (A) The quantity of fuel produced and subsequently sold in California under the certified fuel pathway. Sales invoices, contracts, and bills of lading for those fuel sales shall be retained.
- (B) The quantity of feedstocks purchased to produce the fuel specified in subsection (A) above. Invoices from the sellers and purchase contracts shall be retained. Records to support material balance and energy balance calculations for facilities processing multiple feedstocks.
- (C) The quantity of all forms of energy consumed to produce the fuel covered in subsection (A) above. All invoices for the purchase of process fuel, and all receipts for the sale of the fuel pathway applicant's finished fuel shall be maintained.

- (D) Copies of the federal RFS Third Party Engineering Review Report, if required pursuant to 40 CFR 80.1450.
- (E) The quantity of all products co-produced with the fuel covered by certified LCFS pathway. Copies of invoices, contracts, and bills of lading covering those sales shall be retained. In addition, copies of the federal RFS Fuel Producer Co-products Report shall be retained, if applicable. If the amount of co-product produced exceeds the amount sold by five percent or more, full documentation of the fate of the unsold fractions shall be maintained.
- (F) Evidence demonstrating chain of custody from the point of origin along the supply chain to the fuel production facility is required for any feedstock defined as a specified source feedstock pursuant to section 95488.8(g). A copy of the federal RFS separated food waste plan required pursuant to 40 CFR 80.1450(b)(1)(vii)(B), if applicable.
- (G) Any additional records that the Executive Officer requests during pathway certification, and records that demonstrate compliance with all special limitations and operating conditions issued at the time of certification.
- (H) Attestations regarding environmental attributes associated with book-and-claim accounting for biomethane pursuant to 95488.8(i)(2)(C).
- (3) *Record Retention for Verification Bodies.* The verification body providing verification services pursuant to this subarticle must retain the following:
 - (A) The sampling plan in paper, electronic, or other format for a period of no less than ten years following the submission of each validation or verification statement. The sampling plan must be made available to the Executive Officer upon request.
 - (B) All material received, reviewed, or generated to render a validation or verification statement for an entity required to validate and verify under LCFS. The documentation must allow for a transparent review of how a verification reached its conclusion in the validation or verification statement, including independent review.
- (e)(b) *Documenting Fuel Transfers Reported in the LRT-CBTS.* A product transfer document provided by a fuel reporting entity pursuant to section 95483 must prominently state the information specified below.

~~(1)~~ A product transfer document provided by a reporting party pursuant to section 95483 must prominently state the information specified below.

~~(A)~~(1) For transfers where an LCFS obligation to act as a credit or deficit generator is being passed to the transferee recipient:

~~1.~~(A) Transferor Company Name, Address and Contact Information;

~~2.~~(B) ~~Transferee~~ Recipient Company Name, Address and Contact Information;

~~3.~~(C) Transaction Date: Date of Title Transfer for Fuel;

a. ~~For Non-Aggregated Transactions: Date of Title Transfer~~

b. ~~For Aggregated Transactions: Quarter End Date~~

~~4.~~(D) Fuel Pathway Code (FPC) and Carbon Intensity (CI);

~~5.~~(E) ~~Volume/Amount~~ Fuel Quantity and Units;

~~6.~~(F) A statement identifying whether the LCFS ~~O~~obligation to act as a credit or deficit generator is passed to the transferee recipient; and

~~7.~~(G) Fuel Production Company ID and Facility ID as registered with RFS2 program or LCFS program. This does not apply to CARBOB, Diesel Fuel or Fossil NG.

~~(B)~~(2) For transfers where the LCFS obligation to act as a credit or deficit generator was retained by the transferor, the following is to be provided to the ~~transferee~~ recipient and passed along to any subsequent owner or supplier:

~~1.~~(A). All information identified in subsection 1. above ~~94591(c)(1)(A)~~ as items ~~1.~~(A) through ~~7.~~(G);

~~2.~~(B). The following notice reading as follows:

“This transportation fuel has been reported to the CARB LCFS Program by *<Insert name of Fuel Reporting Entity Party holding LCFS obligation to act as a credit or deficit generator>* for intended use in California. ~~Any~~ If you export of this fuel from California ~~by any subsequent owner or~~

supplier you must be reported to the CARB LCFS Program (www.arb.ca.gov/lcfsrt). Contact the CARB LCFS Administrator for assistance with reporting exported volumes-amounts (lrtadmin@arb.ca.gov)."

(c) Monitoring Plan for Entities Required to Validate or Verify. Each entity responsible for obtaining a validation or verification statement under this subarticle must complete and retain for review by a verifier, or the Executive Officer, a written Monitoring Plan. Entities also reporting pursuant to MRR may use a single monitoring plan for both programs, so long as all of the following elements are included and clearly identified:

(1) The monitoring plan must contain the following general items and associated references to more detailed information:

- (A) Information to allow CARB and the verification team to develop a general understanding of boundaries and operations relevant to the entity, facility, or project, including participation in other markets and other third-party audit programs;
- (B) Reference to management policies or practices applicable to reporting pursuant to this subarticle, including recordkeeping;
- (C) Explanation of the processes and methods used to collect necessary data for reporting pursuant to this subarticle, including identification of changes made after January 1, 2019;
- (D) Explanations and queries of source data to compile summary reports of intermediate and final data necessary for reporting pursuant to this subarticle;
- (E) Reference to one or more simplified block diagrams that provide a clear visual representation of the relative locations and positions of measurement devices and sampling locations, as applicable, required for calculating reported data (e.g., temperature, total pressure, LHV or HHV, fuel consumption); the diagram(s) must include storage tanks for raw material, intermediate products, and finished products, fuel sources, combustion units, and production processes, as applicable;
- (F) Clear identification of all measurement devices supplying data necessary for reporting pursuant to this subarticle,

including identification of low flow cutoffs as applicable, with descriptions of how data from measurement devices are incorporated into the submitted report;

- (G) Descriptions of measurement devices used to report LCFS data and how acceptable accuracy is demonstrated, e.g., installation, maintenance, and calibration method and frequency for internal meters or how the criteria in MRR section 95103(k)(7) are met to demonstrate meters are financial transaction meters such that the accuracy is acceptable;
- (H) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems, flow meters, and other instrumentation used to provide data for LCFS reports;
- (I) Original equipment manufacturer (OEM) documentation or other documentation that identifies instrument accuracy and required maintenance and calibration requirements for all measurement devices used to collect necessary data for reporting pursuant to this subarticle;
- (J) The dates of measurement device calibration or inspection, and the dates of the next required calibration or inspection;
- (K) Requests for postponement of calibrations or inspections of internal meters and subsequent approvals by the Executive Officer. The entity must demonstrate that the accuracy of the measured data will be maintained pursuant to the measurement accuracy requirements of 95488.8(j);
- (L) A listing of the equation(s) used to calculate flows in mass, volume, or energy units of measurement, and equations from which any non-measured parameters are obtained, including meter software, and a description of the calculation of weighted average transport distance;
- (M) Identification of job titles and training practices for key personnel involved in LCFS data acquisition, monitoring, reporting, and report attestation, including reference to documented training procedures and training materials;

- (N) Records of corrective and subsequent preventative actions taken to address verifier and CARB findings of past nonconformance and material misstatements;
 - (O) Log of modifications to fuel pathway report conducted after attestation in response to review by third-party verifier or CARB staff;
 - (P) Written description of an internal audit program that includes data report review and documents ongoing efforts to improve the entity's LCFS reporting practices and procedures, if such an internal audit program exists; and
 - (Q) Methodology used to allocate the produced fuel quantity to each certified FPC.
- (2) The monitoring plan must also include the following elements specific to fuel pathway carbon intensity calculations and produced quantities of fuels per FPC, as applicable:
- (A) Explanation of the processes and methods used to collect necessary data for fuel pathway application and fuel pathway reports and all site-specific CA-GREET3.0 inputs, as well as references to source data;
 - (B) Description of steps taken and calculations made to aggregate data into reporting categories, for example aggregation of quarterly fuel transactions per FPC;
 - (C) Methodology for assigning fuel volumes by FPC, if not using a method prescribed/suggested by CARB. If using a CARB suggested methodology, the methodology should be referenced;
 - (D) Methodologies for testing conformance to specifications for feedstocks and produced fuels, particularly describing physical testing standards and processes;
 - (E) Description of procedure taken to ensure measurement devices are performing in accordance with the measurement accuracy requirements of 95488.8(i);
 - (F) Methodology for monitoring and calculating weighted average feedstock transport distance and modes, including the specific documentation records that will be collected and retained on an ongoing basis;

- (G) Methodology for monitoring and calculating fuel transport distance and modes, including the specific documentation records that will be collected and retained on an ongoing basis;
 - (H) References to contracts and accounting records that confirm fuel quantities were delivered into California for transportation use in CI determination, and confirm feedstock and finished fuel transportation distance;
 - (I) All documentation required pursuant to 95488.8(g)(1)(B) for specified source feedstocks, defined in 95488.8(g)(1)(A);
- (3) The monitoring plan must also include the following elements specific to quarterly fuel transactions reports for importers, exporters and producers of alternative fuels, gasoline and diesel, as well as quarterly reports of crude oil information, as applicable:
- (A) Documentation that can be used to justify transaction types reported for fuel in the LRT-CBTS must be referenced in the monitoring plan. This can pertain to the production amount, sale/purchase agreements and final fuel dispensing records.
- (d) Verification of Pathway, CI, Report Outcomes. All data and calculations submitted by a regulated party for demonstrating compliance or claiming credit are subject to verification by the Executive Officer or a third party approved by the Executive Officer. Each entity responsible for obtaining a validation or verification statement under this subarticle must obtain third-party verification services from a verification body that meets the requirements specified in section 95502. A positive or qualified positive verification statement for the previous calendar year must be submitted to the Executive Officer by the verification or certification body by August 31st in order to maintain a valid fuel pathway code for use in reporting fuel transactions for credit generation. An adverse transactions verification statement would result in Executive Officer investigation and possible enforcement action.
- (e) Access to Records. Pursuant to H&S section 41510, the Executive Officer has the right of entry to any premises used, leased, or controlled by a regulated party entity, a reporting party, a verifier, or an applicant, in order to inspect and copy records relevant to the determination of compliance. Scheduling of access shall be arranged in advance where feasible and must not unreasonably disturb normal operations, provided, however that access shall not be unreasonably delayed.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v.*

Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95492. Enforcement Protocols.

Notwithstanding any provision of this subarticle, the Executive Officer may enter into an enforceable written protocol with any person to identify conditions under which the person may lawfully meet the recordkeeping, reporting, or demonstration of ~~fuel-transport mode requirements~~ under this subarticle in sections 95491(a) and (b). The Executive Officer may only enter into such a protocol if he or she reasonably determines that the provisions in the protocol are necessary under the circumstances and at least as effective as the applicable provisions of this subsection. Any such protocol shall include the person's agreement to be bound by the terms of the protocol(s).

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95493. Jurisdiction.

- (a) ~~Any person who, pursuant to section 95483, is the regulated party or a person to whom the compliance obligation has been transferred directly or indirectly (including the reporting party) from the regulated party, is~~ The following persons are subject to the jurisdiction of the State of California, including the administrative authority of CARB and the jurisdiction of the Superior Courts of the State of California, irrespective of whether the person has registered as a regulated party-fuel reporting entity in the LRT-CBTS: (1) any person who, pursuant to section 95483 or 95483.1, is the fuel reporting entity; (2) any person to whom the obligation to generate credits or deficits has been transferred directly or indirectly (including the reporting party); (3) any verifier; (4) any project operator; and (5) any fuel pathway or project applicant.
- (b) Any of the following actions shall conclusively establish a person's consent to be subject to the jurisdiction of the State of California, including the administrative authority of CARB and the jurisdiction of the Superior Courts of the State of California:
- (1) Opting in pursuant to section 95483.1;

- (2) Receipt of compensation of any kind, including sales proceeds and commissions, from any transfers of a LCFS credit made pursuant to ~~section 95485(b)~~ this subarticle; or
- (3) Submittal of information to the Executive Officer pursuant to this subarticle ~~to the crude oil innovative method provisions set forth in section 95489(d)(2)~~.
- ~~(4) Submittal of information to the Executive Officer pursuant to the fuel pathway certification provisions set forth in section 95488(c)~~.
- ~~(5)~~(4) Registration in the LRT-CBTS as a broker pursuant to section 95483.2~~(d)~~(b)(2).
- (5) Verification of reports submitted pursuant to this subarticle.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 3951 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95494. Violations.

- (a) CARB may seek penalties and injunctive relief for any violation of this subarticle pursuant to Health and Safety Code section 38580 and Chapter 1.5 of Part 5 of Division 26. Penalties may be assessed for each day of any violation of this subarticle. Violations shall be subject to all other penalties and remedies permitted under State law. In determining any penalty amount, CARB shall consider all relevant circumstances, including the criteria in Health and Safety Code section 43031.
- (b) Each day or portion thereof that any report required by this subarticle remains unsubmitted, incomplete, or inaccurate constitutes a separate violation. For purposes of this subsection, "report" means any submittal to the Executive Officer or made in the LRT-CBTS, including any information submitted in response to an Executive Officer request for additional or clarifying information.
- (c) Each deficit that is not eliminated at the end of a compliance period or carried over as permitted by section 95485 constitutes a separate day of violation, subject to a penalty not to exceed \$1000 per deficit.

NOTE: Authority cited: Sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 43000, 43025, 43026, 43027, 43028,

43029, 43030 and 43031, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95495. Authority to Suspend, Revoke, ~~or Modify,~~ or Invalidate.

- (a) If the Executive Officer determines that any basis for invalidation set forth in subsection (b)(1) below occurred, in addition to taking any enforcement action, he or she may: suspend, restrict, modify, or revoke an LRT-CBTS account; modify or delete an ~~Approved~~ Certified CI; restrict, suspend, or invalidate credits; or recalculate the deficits in a ~~regulated party's an~~ LRT-CBTS account. For purposes of this section, "~~Approved~~ Certified CI" includes any determination relating to carbon intensity made pursuant to sections 95488 through 95488.10, or relating to a credit-generating activity approved under section 95489.
- (b) *Determination that a Credit, Deficit Calculation, or ~~Approved~~ Certified CI is Invalid.*
- (1) *Basis for Invalidating.* The Executive Officer may modify or delete an ~~Approved~~ Certified CI and invalidate credits or recalculate deficits based on any of the following:
- (A) ~~a~~Any of the information used to generate or support the ~~Approved~~ Certified CI was incorrect for reasons including the omission of material information or changes to the process following submission;
 - (B) ~~a~~Any material information submitted in connection with any ~~Approved~~ Certified CI or credit transaction was incorrect;
 - (C) ~~f~~Fuel reported under a given pathway was produced or transported in a manner that varies in any way from the methods set forth in any corresponding pathway application documents submitted pursuant to sections 95488 through 95488.10 ~~(or former section 95486, effective January 1, 2010);~~
 - (D) ~~f~~Fuel transaction or other data reported into LRT-CBTS and used in calculating credits and deficits was incorrect or omitted material information;
 - (E) ~~e~~Credits or deficits were generated or transferred in violation of any provision of this subarticle or in violation of other laws, statutes or regulations; ~~and~~

(F) ~~a party~~ A person obligated to provide records under this subarticle refused to provide such records or failed to produce them within the required time; and

(G) The sequestered CO₂ associated with credits generated for verified greenhouse gas emission reductions by a CCS project was released or otherwise leaked to the atmosphere.

~~(G)~~(H) For purposes of this section, “material information” means:

1. ~~i~~Information that would affect by any amount the Executive Officer’s determination of a carbon intensity score, expressed on a gCO₂e/MJ basis to two decimal places, or
2. ~~i~~Information that would affect by any whole integer the number of credits or deficits generated under sections 95486, 95486.1, 95489, or resulting from any transaction or other activity reported in the LRT-CBTS.

(2) *Notice.* Upon making an initial determination that a credit (other than a provisional credit), deficit calculation, or ~~Approved-Certified CI~~ (other than a provisionally-~~approved-certified~~ CI) may be subject to modification, deletion, recalculation, or invalidation under subsection (b)(1), above, the Executive Officer will notify all potentially affected parties, including those who hold or generate credits or deficits based on an ~~Approved~~ Certified CI that may be invalid, and may notify any linked program. The notice shall state the reason for the initial determination, and may be distributed using the LRT-CBTS. Any party receiving such notice may submit, within 20 days, any information that it wants the Executive Officer to consider. The Executive Officer may request information or documentation from any party likely to have information or records relevant to the validity of a credit, deficit calculation, or ~~Approved-Certified~~ CI. Within 20 days of any such request, a regulated ~~party~~ entity shall make records and personnel available to assist the Executive Officer in determining the validity of the credit, deficit calculation, or ~~Approved-Certified~~ CI.

(3) *Interim Account Suspension.* When the Executive Officer makes an initial determination pursuant to the preceding subsection, the Executive Officer may immediately take steps to suspend an account or an ~~Approved-Certified~~ CI as needed to prevent additional accrual of credits or deficits under the ~~Approved-Certified~~ CI and to prevent transfer of potentially invalid credits or deficits. Suspension of an account may include locking an account within the LRT-CBTS to prevent credit transfers or report alteration.

- (4) *Final Determination.* Within 50 days after making an initial determination under sections ~~95483~~395495(b)(1) and (2), above, the Executive Officer shall make a final determination based on available information whether, in his or her judgment, any of the bases listed in subsection (b)(1) exists, and notify affected parties and any linked program. If the final determination invalidates credits or deficit calculations, the corresponding credits and deficits will be added to or subtracted from the appropriate LRT-CBTS accounts. Where such action creates a deficit in a past compliance period, the deficit holder has 60 days from the date of the final determination to purchase sufficient credits to eliminate the entire deficit. A return to compliance does not preclude further enforcement actions.
- ~~(5) *Responsibility for Invalidated Credits or Miscalculated Deficits.* Any party that generated, previously held, or holds invalidated credits or whose account reflects an invalid deficit calculation is responsible for returning its account to compliance without regard to fault.~~
- (5) *Adjustment of Invalidated Credits or Miscalculated Deficits.* The Executive Officer will seek the following options to address any invalid credits or miscalculated deficits in the program:
- (A) First, the Executive Officer may remove the invalid credits from, or add miscalculated deficits to, the account of the credit or deficit generator, or other entity deemed responsible for the invalidation or miscalculation in the final determination pursuant to section 95486. The entity is responsible for returning its account to compliance.
- (B) Next, the Executive Officer may choose to retire credits from the Buffer Account to address invalidated credits or uncovered deficits.
- (C) After exercising options in subsection (A) and (B) above, the Executive Officer may remove remaining invalid credits from an entity's account that holds or previously held invalid credits. The entity is responsible for returning its account to compliance.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95496. Regulation Review. [Reserved].

~~As provided in this section, the Executive Officer shall review the implementation of the LCFS program and present his findings to the Board in a progress report by July 30, 2017 and a full program review by January 1, 2019.~~

- ~~(a) The 2017 progress report shall include, at a minimum, consideration of the following areas:~~
- ~~(1) The LCFS program's progress against LCFS targets, including any appropriate comparisons to prior scenarios produced by staff and external parties;~~
 - ~~(2) The availability and use of ultra-low carbon fuels to achieve the LCFS standards; and~~
 - ~~(3) The program benefits provided by the following provisions:
 - ~~(A) credits for producing crudes using innovative methods;~~
 - ~~(B) low-complexity/low-energy-use refinery credits;~~
 - ~~(C) refinery investment credits, including a review of the use of the provision, the types of actions generating credits, the number of credits generated, and any associated potential benefits as well as potential disbenefits associated with the provision;~~
 - ~~(D) renewable hydrogen refinery credits; and~~
 - ~~(E) incremental deficits that result from increases in the carbon intensity of crude oil.~~~~
- ~~(b) The 2019 review shall include, at a minimum, consideration of the following areas:~~
- ~~(1) The LCFS program's progress against LCFS targets;~~
 - ~~(2) Adjustments to the compliance schedule, if needed;~~
 - ~~(3) The availability and use of ultra-low carbon fuels to achieve the LCFS standards;~~
 - ~~(4) The LCFS program's impact on the State's fuel supplies;~~
 - ~~(5) An assessment of the air quality impacts on California associated with the implementation of the LCFS to date; and whether the use of the fuel in the State will affect progress towards achieving State or federal air quality standards, or results in any significant changes in toxic air contaminant emissions; and recommendations for mitigation to address adverse air quality impacts identified;~~

- ~~(6) Identification of hurdles or barriers (e.g., permitting issues, infrastructure adequacy, research funds) and recommendations for addressing such hurdles or barriers;~~
 - ~~(7) Significant economic issues; fuel adequacy, reliability, and supply issues; and environmental issues that have arisen; and~~
 - ~~(8) The advisability of harmonizing with international, federal, regional, and state LCFS and life cycle assessments.~~
- ~~(c) The Executive Officer shall solicit comments and evaluations from the public on the ARB staff's assessments of the areas and elements specified in subsection (a) and (b) above, as well as on other topics relevant to the progress report and program review.~~
- ~~(d) In presenting the results, the Executive Officer shall propose any amendments or such other action as the Executive Officer determines is warranted.~~

~~NOTE: Authority cited: Sections 38510, 38560, 38560.5, 38571, 38580, 39600, 39601, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).~~

§ 95497. Severability.

Each provision of this subarticle shall be deemed severable, and in the event that any provision in this subarticle is held to be invalid, the remainder of this subarticle shall continue in effect.

~~NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).~~

§ 95498. [Reserved].

§ 95499. [Reserved].

§ 95500. Requirements for Validation of Fuel Pathway Applications; and Verification of Annual Fuel Pathway Reports, Quarterly Fuel Transactions

Reports, Crude Oil Quarterly and Annual Volumes Reports, Project Reports, and Low-Complexity/Low-Energy-Use Refinery Reports.

(a) Validation of Fuel Pathway Applications (CIs).

(1) Applicability. The following entities must obtain the services of a verification body accredited by the Executive Officer for purposes of conducting verification services, including required site visit(s), for each fuel pathway application submitted under this subarticle.

(A) Fuel pathway applicants supplying site-specific CI data for the fuel pathway application, as specified in sections 95488.5 through 95488.8.

(B) Specified source feedstock suppliers and other entities with site-specific CI data who apply for separate Executive Officer recognition as a joint applicant and elect to be responsible for separate validation and verification as specified in section 95488(b).

(b) Verification of Annual Fuel Pathway Report (CIs).

(1) Applicability. The following entities must obtain the services of a verification body accredited by the Executive Officer for purposes of conducting verification services, including required site visit(s), for each Fuel Pathway Report submitted under this subarticle.

(A) Holders of certified fuel pathways who supplied site-specific CI data for pathway certification and are required to update site-specific CI data on an annual basis, as specified in this subarticle, are responsible for annual verification of their Fuel Pathway Report.

(B) Specified source feedstock suppliers and other entities with site-specific CI data who apply for separate Executive Officer recognition as a joint applicant and elect to be responsible for separate validation and verification as specified in section 95488(b).

(2) Verification Schedule. Entities required to contract for verification of Fuel Pathway Reports (CI) must ensure a fuel pathway verification statement for each Fuel Pathway Report is submitted to the Executive Officer according to the following schedule.

(A) Annual Verification. Verification statements are due to the Executive Officer by August 31st of the year the annual Fuel Pathway Report is submitted, beginning in 2021 for 2020 data.

unless eligible for less frequent verification, as specified in section 95500(b)(2)(B).

- (B) *Less Frequent Verification.* Fuel pathway holders producing alternative liquid fuels may defer verification of their annual Fuel Pathway Reports and Quarterly Fuel Transactions Reports for each production facility up to two years if the quantity of fuel produced at the production facility and reported by any entity does not result in more than 6,000 credits generated in LRT-CBTS during the prior calendar year.

The verification body must submit fuel pathway verification statements and transactions verification statements to the Executive Officer for all prior unverified reports on August 31st of the year verification is required for the production facility.

- (C) Verification services may not begin until the entity required to contract for verification services attests that the data submitted to the Executive Officer is true, complete, and accurate by certifying under penalty of perjury under the laws of the State of California.

(c) *Verification of Quarterly Fuel Transactions Reports*

- (1) *Applicability.* Entities submitting Quarterly Fuel Transactions Reports under this subarticle that include the following transaction types must obtain the services of a verification body accredited by the Executive Officer for purposes of conducting verification services, including required site visit(s). The scope of verification services would be limited to the following transaction types, including associated corrections submitted in annual reports under this subarticle.

- (A) For all liquid fuels:

1. Production in California;
2. Production for Import;
3. Import;
4. Export;
5. Gain of Inventory;
6. Loss of Inventory; and
7. Not Used for Transportation.

- (B) NGV Fueling;

- (C) Propane Fueling; and

(D) FCV Fueling for hydrogen produced from biomethane supplied using book-and-claim accounting pursuant to section 95488.8(i)(2).

(2) Verification Schedule. Entities responsible for verification of Quarterly Fuel Transactions Reports must ensure a transactions data verification statement is submitted to the Executive Officer according to the following schedule.

(A) Annual Verification. The entity required to contract for verification of Quarterly Fuel Transactions Reports must ensure a transactions verification statement is submitted annually by August 31st, beginning in 2021 for 2020 data, to the Executive Officer for the prior calendar year of data unless specified otherwise in sections 95500(c)(2)(B) or 95500(c)(2)(C).

(B) Less Frequent Verification. Alternative liquid fuel pathway holders qualifying for less frequent verification of Fuel Pathway Reports, as specified in section 95500(b)(2)(B), also qualify for less frequent verifications of their Quarterly Fuel Transactions Reports.

(C) Entities reporting fuel transactions as Export, Gain of Inventory, Loss of Inventory, and Not Used for Transportation, which result in no more than 6,000 credits and no more than 6,000 deficits in a calendar year are exempt from verification of the Quarterly Fuel Transactions Reports for that calendar year if all the following conditions are met:

1. The entity did not report any liquid fuel using the transaction types: Production in California, Production for Import, or Import; and
2. The entity did not report any transactions specified in section 95500(c)(1)(B) or 95500(c)(1)(C).

(d) Verification of Crude Oil Quarterly and Annual Volumes Reports.

(1) Applicability. Entities submitting crude oil volume data must obtain the services of a verification body accredited by the Executive Officer for purposes of conducting verification services, including required site visit(s), for Crude Oil Quarterly and Annual Volumes Reports submitted under this subarticle.

(2) Verification Schedule. Entities required to contract for verification of Crude Oil Quarterly and Annual Volumes Reports must ensure a crude oil volume verification statement for the prior calendar year of data is submitted to the Executive Officer annually by August 31st, beginning in

2021 for 2020 data.

(e) Verification of Project Reports.

- (1) Applicability. The following entities must obtain the services of a verification body accredited by the Executive Officer for purposes of conducting verification services, including required site visit(s), for Project Reports submitted under this subarticle:
 - (A) Project operators and joint applicants for refinery investment project reports;
 - (B) Project operators and joint applicants for innovative crude project reports;
 - (C) Project operators and joint applicants for renewable hydrogen project reports; and
 - (D) Project operators and joint applicants for direct air capture project reports.
- (2) Verification Schedule. Entities required to contract for verification of Project Reports must ensure a project data verification statement is submitted to the Executive Officer for credits requested in 2020 and thereafter. Entities may elect annual verification or quarterly verification. Entities may defer verification when the quantity of credits requested does not exceed 25,000 in a calendar year.

(f) Verification of Low-Complexity/Low-Energy-Use Refinery Reports.

- (1) Applicability. Entities submitting Low-Complexity/Low-Energy-Use refinery data must obtain the services of a verification body accredited by the Executive Officer for purposes of conducting verification services, including required site visit(s), for Low-Complexity/Low-Energy-Use Refinery Reports submitted under this subarticle.
- (2) Verification Schedule. The verification body must submit an annual verification statement to the Executive Officer for the prior calendar year by August 31st, beginning in 2021 for 2020 data.

(g) Verification Body and Individual Verifier Rotation Requirements. An entity that is required to contract for validation or verification must not use the same verification body or individual verifier(s) to perform validation and verification services under this subarticle for a period of more than six consecutive years, beginning January 1st, 2020.

The six-year period begins on the execution date of the entity's first contract for any validation or verification under this subarticle and ends on the date the final verification statement is submitted. The six-year limit does not reset upon a change in the entity required to contract for validation or verification services ownership or operational control.

If the entity is required or elects to contract with another verification body or verifier(s), the entity may re-engage the previous verification body or verifier(s) after three years, except in the case of a set-aside of a validation or verification statement as specified in section 95501. An entity required to contract for validation or verification services must, in time for the next verification, replace a verification body that has a suspended or revoked Executive Order.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§ 95501. Requirements for Validation and Verification Services.

Validation and verification services are valid only when performed by verification bodies accredited by the Executive Officer; in addition, such services must meet the following requirements (the general term "verification services" includes validation services for fuel pathway applications unless otherwise provided):

- (a) Notice of Verification Services. The verification body must submit a notice of validation or verification services to the Executive Officer.

For verification bodies, the notice must be submitted to the Executive Officer after the Executive Officer has provided a determination that the potential for a conflict of interest is acceptable, as specified in section 95503(e), and that verification services may proceed. The verification body may begin services for the entity required to contract for verification services after the notice is received by the Executive Officer, but the verification body must allow a minimum of 14 calendar days advance notice of the site visit unless an earlier date is approved by the Executive Officer in writing. In the event that the conflict of interest statement and the notice of verification services are submitted together, services cannot begin until ten calendar days after the Executive Officer has deemed acceptable the potential for conflict of interest as specified in 95503(e).

The verifier's notice must include all the following information:

- (1) A list of personnel who will be designated to provide verification services as a verification team, including the names of each designated employee.

the lead verifier, and all subcontractors, and a description of the roles and responsibilities each team member will have. The independent reviewer must also be listed separately.

- (2) Documentation that the verification team has the skills required to provide verification services for the entity required to contract for verification services and type of application or report. The notice must include a demonstration that the verification team includes at least one member with specified competency that is not also the independent reviewer, when required below:

 - (A) Specified competency as evidenced by experience in alternative fuel production technology and process engineering when providing validation services for fuel pathway applications or verification services for fuel pathway reports;
 - (B) Specified competency as evidenced by accreditation by the Executive Officer as an oil and gas systems specialist pursuant to MRR when providing verification services for Quarterly Fuels Transactions Reports submitted by producers and importers of gasoline or diesel, Crude Oil Quarterly and Annual Volumes Reports, and Project Reports as listed in section 95500.
- (3) General information on the entity required to contract for verifications, including:

 - (A) The entity's name and the facilities and other locations that will be subject to verification services, and the contact, address, telephone number and e-mail address for the entity required to contract for verification services;
 - (B) The LCFS ID(s) for the entity required to contract for verification services;
 - (C) The date(s) of the on-site visit, if required in section 95501(b)(3), with physical address and contact information;
 - (D) A brief description of expected verification services to be performed, including expected completion date.
- (4) If any of the information under section 95501(a)(1) or 95501(a)(2) changes after the notice is submitted to the Executive Officer, the verification body must notify the Executive Officer as soon as the change is made and submit an updated notice of verification services.

The verification body must also submit an updated conflict of interest self-

evaluation form with an updated notice of verification services as soon as the change is made. The conflict of interest must be reevaluated pursuant to section 95503(f) and the Executive Officer must approve any changes in writing.

(b) Verification services must include, but are not limited to, the following:

(1) Validation or Verification Plan. The verification team must develop a validation or verification plan based on the following:

(A) Information from the fuel pathway applicant, pathway holder, or reporting entity. Such information must include all the following:

1. Information to allow the verification team to develop an understanding of facility or entity boundaries, operations, accounting practices, type of LCFS report(s) the entity is responsible for, LCFS regulatory sections they are subject to, other renewable or low carbon fuels markets they participate in, and other mandatory or voluntary auditing programs they are subject to, as applicable;
2. Organizational chart and list of key personnel involved in developing applications and reports submitted to the Executive Officer, as specified in section 95500, and their qualifications, including training;
3. Description of the specific methodologies used to quantify and report data, as required in this subarticle, which are needed to develop the validation or verification plan, including but not limited to calibration procedures and logs for measurement devices capturing site-specific data;
4. Information about the data management systems and accounting procedures used to capture and track data for fuel pathway application and each type of report as needed to develop the validation or verification plan;
5. Information about the entities in the supply chain upstream and downstream of the fuel producer that contribute to site-specific CI data, including a list of feedstock suppliers and contact names with physical addresses;
6. Evidence demonstrating that any joint applicants are being separately verified and thus are outside the scope of the instant verification services being provided by the verification body; and

7. Previous LCFS validation and verification reports, as applicable, and other audit reports including reports from production or management system certifications and internal audits.

(B) Timing of verification services. Such information must include:

1. Dates of proposed meetings and interviews with the entity required to contract for verification services personnel;

2. Dates of proposed site visits;

3. Types of proposed document and data reviews;

4. Expected date for completing validation or verification services.

(2) *Planning Meetings with the Entity Required to contract for Verification Services.* The verification team must discuss with the entity contracting for verification services the scope of the verification services and request any information and documents needed for the verification services. The verification team must create a draft sampling plan and verification plan prior to the site visit. The verification team must also review the documents provided, and plan and conduct a review of original documents and supporting data for the verification services specified in section 95501.

(3) *Site Visits.* At least one lead LCFS verifier accredited by the Executive Officer on the verification team must, in addition to one visit to validate an application, annually visit each facility; and, if different from the fuel production facility, the central records location for which the records supporting an application or report subject to verification are submitted.

(A) During site visits, the verification team member(s) must carry out tasks that, in the professional judgment of the team, are necessary, including the following:

1. Review supporting evidence used to develop reports listed in section 95500 submitted to the Executive Officer;

2. Interview key personnel, such as process engineers, metering experts, accounting personnel, and project operators, as well as staff involved in compiling data and preparing the LCFS reports;

3. Review and understand the data management systems and accounting practices used by the entity to acquire, process, track, and report LCFS data. The verification team member(s) must evaluate the uncertainty and effectiveness of these systems;
4. Directly observe production equipment, confirming diagrams for processes, piping, and instrumentation; measurement system equipment; and accounting systems for data types determined in the sampling plan to be high risk;
5. Assess conformance with measurement accuracy requirements specified in this subarticle for measurement devices that do not meet criteria for financial transactions meters, assess the reasonableness of temporary measurement methods, assess conformance with the monitoring plan, and assess conformance with data capture requirements specified in this subarticle, if applicable.
6. Review financial transactions to confirm complete and accurate reporting.

(4) *Sampling Plan.* As part of validating fuel pathway applications and verifying LCFS reports the verification team must develop a sampling plan that meets the following requirements:

- (A) The verification team must develop a sampling plan based on a strategic analysis developed from document reviews and interviews to assess the likely nature, scale and complexity of the verification services for the entity required to contract for verification services and type of report. The analysis must include a review of: the inputs for the development of the submitted applications and reports specified in section 95500; the rigor and appropriateness of data management systems; and the coordination within the responsible entity's organization to manage the operation and maintenance of equipment and systems used to complete applications and reports.
- (B) The sampling plan must include a ranking of data sources by relative contribution to the data type to be assessed for material misstatement and a ranking of data sources with the largest calculation uncertainty, including risk of incomplete reporting, based on type of report or application.
- (C) The sampling plan must include a qualitative narrative of uncertainty risk assessment in the following areas as applicable in

this subarticle:

1. Data acquisition equipment;
2. Data sampling and frequency;
3. Data processing and tracking;
4. Tracking of fuel transportation into California to include modes of transportation and distances traveled, as applicable;
5. CI calculations, as applicable;
6. Fuel pathway code (FPC) allocation methodology, as applicable;
7. Management policies or practices in developing LCFS reports.

(D) After completing the analysis required by sections 95501(b)(4)(A) through (C) above, the verification team must include in the sampling plan a list which includes the following:

1. Data sources that will be targeted for document reviews, data checks as specified in 95501(b)(5), and an explanation of why they were chosen;
2. Methods used to conduct data checks for each data type;
3. A summary of the information analyzed in the data checks and document reviews conducted for each data type.

The sampling plan list must be updated and finalized prior to the completion of verification services. The final sampling plan must describe in detail how the identified risks were addressed during the verification.

(E) For Fuel Pathway Applications and Fuel Pathway Reports That Include Specified Source Feedstocks. The verification team must use professional judgment and include in its risk assessment and sampling plan its analysis of the need for a desk review or site visit for verification of any entity in the feedstock chain of custody upstream of the fuel producer. This analysis must include an evaluation of the need to trace feedstock through feedstock suppliers, including aggregators, storage or pretreatment facilities, and traders or brokers, to the point of origin as required in section 95488.8(g). If an error is detected during data checks of the entity required to contract for verification services accounts, the verification team must update its risk assessment and sampling plan to assure specified source feedstock characterization and quantities to the point of origin.

- (F) The verification team must revise the sampling plan to describe tasks completed by the verification team as information becomes available and potential issues emerge with material misstatement or nonconformance with the requirements of this subarticle.
 - (G) The verification body must retain the sampling plan in paper or electronic format (which includes digital media) for a period of no less than ten years following the submission of each validation or verification statement. The sampling plan must be made available to the Executive Officer upon request.
 - (H) The verification body must retain all material received, reviewed, or generated to render a validation or verification statement for the entity required to contract for verification services for a period of no less than ten years. The documentation must allow for a transparent review of how a verification body reached its conclusion in the validation or verification statement, including independent review.
- (5) Data Checks. To determine the reliability of the submitted data, the verification team must conduct data checks. Such data checks must focus on the most uncertain data and on data with the largest contributions to greenhouse gas emissions (including life cycle greenhouse gas emissions) and greenhouse gas emission reductions. The selection of data checks must meet all the following criteria:
- (A) The verification team must use data checks to ensure that the appropriate methodologies have been applied for the data submitted in applications and reports required in this subarticle;
 - (B) The verification team must choose data checks to ensure the accuracy of the data submitted in applications and reports required in this subarticle;
 - (C) The verification team must choose data checks based on the relative contribution to greenhouse gas emissions or reductions and the associated risks of contributing to material misstatement or nonconformance, as indicated in the sampling plan;
 - (D) The verification team must use professional judgment in establishing the extent of data checks for each data type, as indicated in the sampling plan, which are needed for the team to conclude with reasonable assurance whether the data type specified for the application or report is free of material

misstatement. At a minimum, the data checks selected by the verification team must include the following:

1. Tracing data in the application or report to its origin;
2. Reviewing the procedure for data compilation and collection;
3. Recalculating intermediate and final data to check original calculations;
4. Reviewing calculation methodologies used by the entity required to contract for verification services for conformance with this subarticle; and
5. Reviewing meter and analytical instrumentation measurement accuracy and calibration for consistency with the requirements of this subarticle.

(E) The verification team is responsible for determining via data checks whether there is reasonable assurance that the application or report conforms to the requirements of this subarticle.

(F) The verification team must compare its own calculated results with the submitted data in order to confirm the extent and impact of any omissions and errors. Any discrepancies must be investigated. The comparison of data checks must also include a narrative to indicate which data were checked, the quantity of data evaluated for each data type, the percentage of reported source data covered by the data checks, and any separate discrepancies that were identified in the application or report.

(6) *Application and Report Modifications.* As a result of data checks by the verification team and prior to completion of a validation or verification statement, the entity required to contract for verification services must fix all correctable errors that affect the data submitted in the application or reports specified in section 95500 and submit a revised application or report to the Executive Officer. Failure to do so before completion of verification services will result in an adverse verification statement. Failure to fix misreported data that do not affect credit or deficit calculations represents a nonconformance with this subarticle but does not, absent other errors, result in an adverse validation or verification statement.

The verification team must use professional judgment in identifying correctable errors as defined in section 95481(a), including determining whether differences are not errors but result from truncation or rounding or

averaging.

The verification team must document the source of any difference identified, including whether the difference results in a correctable error or on the other hand, was the result of truncation, rounding, or averaging.

- (7) *Findings.* To verify that the application or report is free of material misstatements, the verification team shall make its own calculation of the specified data types reported by substituting the checked data from 95501(b)(5). The verification team must determine whether there is reasonable assurance that the application or report does not contain a material misstatement, as defined for each application or report type in section 95481, and calculated pursuant to section 95501(b)(9) through (11), using the units required by the applicable parts of this subarticle. To assess conformance with this subarticle, the verification team must review the methods and factors used to develop the application or report for adherence to the requirements of this subarticle and identify whether other requirements of this subarticle are met.
- (8) *Log of Issues.* The verification team must keep a log that documents any issues identified in the course of verification services that may affect determinations of material misstatement and nonconformance, whether identified by the verifier, the entity required to contract for verification services, or the Executive Officer, regarding the original or subsequent application or report versions. The issues log must identify the regulatory section related to the nonconformance or potential nonconformance, if applicable, and indicate if the issues were corrected by the entity required to contract for verification services prior to completing the verification services. Any other concerns that the verification team has with the preparation of the application or report must be documented in the issues log and communicated to the entity required to contract for verification services during the course of the verification services. The log of issues must indicate whether each issue has a potential bearing on material misstatement, nonconformance, or both and whether an adverse verification statement may result if not addressed.
- (9) *Material Misstatement Assessments for Fuel Pathways and Quarterly Fuel Transactions.* Assessments of material misstatement are conducted separately on each calculated operational CI value and each quarterly fuel transaction quantity per FPC (expressed in units from the applicable sections of this subarticle).
- (A) *Operational CI.* In assessing whether a fuel pathway application or fuel pathway report contains a material misstatement, as defined in section 95481(a), the verification team must populate a controlled version of the Simplified CI Calculator for Tier 1 pathways, or

CARB-approved CA-GREET3.0 for Tier 2 pathways, and determine whether any reported operational CI value contains a material misstatement using the following equations for relative error threshold and absolute error threshold. The following calculations of relative error threshold, absolute error threshold, and percent error must be included in the final verification report pursuant to section 95501(c)(3)(A)8.

Each fuel pathway CI is subject to data checks in section 95501(b)(5) and must be assessed separately for material misstatement. One or more material misstatements results in a finding of material misstatement for the fuel pathway application or for the fuel pathway report.

$$\text{Percent error (CI)} = \frac{\sum | \text{Difference in CI} |}{| \text{Reported Operational CI} |} \times 100\%$$

Relative error threshold (CI)

$$\equiv | \text{Difference in CI} | \geq 0.05 \times | \text{Reported Operational CI Value} |$$

Absolute error threshold (CI)

$$\equiv | \text{Difference in CI} | \geq 2 \text{ gCO}_2\text{e/MJ}$$

where:

“Difference in CI” means the absolute value result of the reported operational CI minus the verifier’s calculation of CI. The verifier’s calculation of CI is based on site-specific data inputs modified to include discrepancies, omissions, and misreporting found during the course of verification services;

“Discrepancies” means any differences between the reported site-specific CI inputs and the verifier’s calculated site-specific CI inputs subject to data checks in section 95501(b)(5);

“Omissions” means any site-specific CI inputs or associated source data the verifier concludes must be part of the fuel pathway application or fuel pathway report, but were not included;

“Misreporting” means duplicate, incomplete or other CI input data the verifier concludes should, or should not, be part of the fuel pathway application or fuel pathway report; and

“| Reported Operational CI Value |” means the absolute value of the operational CI submitted in the fuel pathway application or fuel pathway report.

- (B) Quarterly Fuel Transaction Quantities per FPC. In assessing whether a quarterly fuel transaction report contains a material misstatement, as defined in section 95481(a), the verification team must determine whether any quarterly fuel transaction quantity per FPC specified in section 95500(c)(1) contains a material misstatement using the following equation. The reported quarterly fuel transaction quantity for an FPC contains a material misstatement if the 5 percent error threshold is exceeded. The following calculation of percent error must be included in the final verification report pursuant to section 95501(c)(3)(A)8.

Each aggregated quarterly fuel quantity per FPC is subject to data checks in section 95501(b)(5) and must be assessed separately for material misstatement. One or more material misstatements results in a finding of material misstatement for the verification period.

Percent error (fuel transaction quantity)

$$= \frac{\sum [\text{Discrepancies, Omissions, Misreporting}]}{\text{Reported Quarterly Fuel Transaction Quantity for FPC}} \times 100\%$$

where:

“Discrepancies” means any differences between the fuel quantity for the FPC reported in the Quarterly Fuel Transactions Report and the verifier’s calculation of fuel quantity subject to data checks in section 95501(b)(5);

“Omissions” means any fuel quantity the verifier concludes must be part of the Quarterly Fuel Transactions Report, but was not included;

“Misreporting” means duplicate, incomplete or other fuel quantity data the verifier concludes should, or should not, be part of the Quarterly Fuel Transactions Report; and

“Reported Quarterly Fuel Transaction Quantity for FPC” means the total of all reported fuel quantities for each FPC for each transaction type specified in section 95500(c)(1) for each quarter for which the verifier is conducting a material misstatement

assessment.

- (C) When evaluating material misstatement, verifiers must deem correctly substituted missing data to be accurate, regardless of the amount of missing data.

(10) Material Misstatement Assessment for Project Reports (Project-based Crediting).

- (A) Verification services, including assessment of material misstatement, are conducted separately for each Project Report. In assessing whether a Project Report contains a material misstatement, as defined in section 95481(a), the verification team must determine whether the greenhouse gas reductions quantified and reported in the Project Report contain a material misstatement using the following equation.

Any discrepancies, omissions, or misreporting found by the verification team must include the positive or negative impact on the total reported greenhouse gas emission reductions when entered in the material misstatement equation. The reported project data contain a material misstatement if the 5 percent error threshold is exceeded. The following calculation of percent error must be included in the final verification report pursuant to section 95501(c)(3)(A)8.

Percent error (project data)

$$= \frac{\sum [\text{Discrepancies, Omissions, Misreporting}]}{\text{Reported GHG Emissions Reduction}} \times 100\%$$

where:

“Discrepancies” means any differences between the reported greenhouse gas emissions reductions in the Project Report and the verifier’s calculated value based on data checks required in section 95501(b)(5);

“Omissions” means any greenhouse gas emissions, excluding any greenhouse gas reductions, the verifier concludes must be part of the Project Report, but were not included;

“Misreporting” means duplicate, incomplete or other greenhouse gas emissions or reductions data the verifier concludes should, or should not, be part of the Project Report;

“Reported GHG emissions reduction” means the total of all greenhouse gas emissions reductions reported in the Project Report for which the verifier is conducting a material misstatement assessment.

(B) When evaluating material misstatement, verifiers must deem correctly substituted missing data to be accurate, regardless of the amount of missing data.

(11) Material Misstatement Assessment for Low-Complexity/Low-Energy-Use Refinery Reports.

(A) Verifications and assessments of material misstatement are conducted separately for volumes of CARBOB produced from crude oil and for volumes of diesel produced from crude oil for the calendar year. In assessing whether a Low-Complexity/Low-Energy-Use Refinery Report contains a material misstatement, as defined in section 95481(a), the verification team must determine whether the Low-Complexity/Low-Energy-Use refinery data specified in this subarticle contains a material misstatement using the following equation.

Any discrepancies, omissions, or misreporting found by the verification team must include the positive or negative impact on the total CARBOB or diesel volume produced from crude oil when entered in the material misstatement equation. The reported refinery data contain a material misstatement if the 5 percent error threshold is exceeded. The following calculation of percent error must be included in the final verification report pursuant to section 95501(c)(3)(A)8.

Percent error (low complexity low energy use refinery data)

$$= \frac{\sum [Discrepancies, Omissions, Misreporting]}{CARBOB \text{ or Diesel Volume Produced from Crude Oil}} \times 100\%$$

where:

“Discrepancies” means any differences between the sum of the quarterly volumes of CARBOB or diesel produced from crude oil reported in the Low-Complexity/Low-Energy-Use Refinery Report and the verifier’s calculation based on data checks in section 95501(b)(5);

“Omissions” means any volume of CARBOB or diesel produced from crude oil or associated source data the verifier concludes must

be part of the Low-Complexity/Low-Energy-Use Refinery Report, but was not included;

“Misreporting” means duplicate, incomplete or other refinery data the verifier concludes should, or should not, be part of the Low-Complexity/Low-Energy-Use Refinery Report;

“CARBOB or Diesel Volume Produced from Crude Oil” means the sum of the quarterly volumes of CARBOB or diesel produced from crude oil in a calendar year reported in the Low-Complexity/Low-Energy-Use Refinery Report for which the verifier is conducting a material misstatement assessment.

“CARBOB Produced from Crude Oil” and “Diesel Produced from Crude Oil” are separately subject to data checks in section 95501(b)(5) and must be assessed separately for material misstatement. One or more material misstatements results in a finding of material misstatement for the Low-Complexity/Low-Energy-Use Refinery Report.

(B) When evaluating material misstatement, verifiers must deem correctly substituted missing data to be accurate, regardless of the amount of missing data.

(12) Crude Oil Quarterly and Annual Volumes Reports. Material misstatement assessment does not apply to data submitted in crude oil quarterly and annual volumes reports, but the data must be assessed for reasonable assurance of conformance with this subarticle.

(13) Review of Missing Data Substitution. If a source selected for a data check was affected by a loss of data used for the reported data in the application or report, pursuant to this article:

(A) The verification team must confirm that the reported data were calculated using:

1. the applicable missing data procedures, or
2. a reasonable temporary method, or
3. an Executive Officer approved alternate method.

(B) The verifier must note the date, time and source of any missing data substitutions discovered during the course of verification in the validation or verification report.

(c) Completion of verification services must include:

- (1) Validation or Verification Statement. Upon completion of the verification services specified in section 95500, the verification body must complete a validation or verification statement, and provide its statement to the entity required to contract for verification services and Executive Officer by the applicable verification deadline specified in section 95500. Before the validation or verification statement is completed, the verification services and findings of the verification team must be independently reviewed by an employee of the verification body who is an accredited lead verifier not involved in verification services for the entity required to contract for verification services during that application period or reporting period.
- (2) Independent Review. The independent reviewer must serve as a final check on the verification team's work to identify any significant concerns, including:
- (A) Errors in planning,
 - (B) Errors in data sampling, and
 - (C) Errors in judgment by the verification team that are related to the draft validation or verification statement.

The independent reviewer must maintain independence from the verification services by not making specific recommendations about how the verification services should be conducted. The independent reviewer will review documents applicable to the services provided, and identify any failure to comply with requirements of this subarticle or with the verification body's internal policies and procedures for providing verification services. The independent reviewer must concur with the verification findings before the validation or verification statement is issued.

- (3) Completion of Findings and Validation or Verification Report and Statement. The verification body is required to provide each entity required to contract for verification services with the following:
- (A) A detailed validation or verification report, which must at a minimum include:
 - 1. A detailed description of the facility or entity including all data sources and boundaries;
 - 2. A detailed description of the data management system and accounting procedures;
 - 3. A detailed description of entities in the supply chain contributing CI parameters;

4. The validation or verification plan;
5. The detailed comparison of the data checks conducted during verification services;
6. The log of issues identified in the course of verification services and their resolution;
7. Any qualifying comments on findings during verification services;
8. Findings of omissions, discrepancies, and misreporting and the material misstatement calculations required in section 95501(b)(9) through (11).

- (B) The validation or verification report must be submitted to the entity required to contract for verification services at the same time as or before the final validation or verification statement is submitted to the Executive Officer. The detailed validation or verification report must be made available to the Executive Officer upon request.
- (C) The verification team must have a final discussion with the entity required to contract for verification services explaining its findings, and notify the entity required to contract for verification services of any unresolved issues noted in the issues log before the validation or verification statement is finalized.
- (D) The verification body must provide the validation or verification statement to the entity required to contract for verification services and the Executive Officer, attesting whether the verification body has found the submitted application or report to be free of material misstatement, and whether the application or report is in conformance with the requirements of this subarticle. For every qualified positive validation or verification statement, the verification body must explain the nonconformances contained within the application or report, and must cite the section(s) in this subarticle that corresponds to the nonconformance and why the nonconformances do not result in a material misstatement. For every adverse validation or verification statement, the verification body must explain all nonconformances or material misstatements leading to the adverse validation or verification statement and must cite the sections in this subarticle that correspond to the nonconformance and material misstatements.
- (E) The lead verifier on the verification team must attest that the

verification team has carried out all verification services as required by this subarticle. The lead verifier who has conducted the independent review of verification services and findings must attest to his or her independent review on behalf of the verification body and his or her concurrence with the findings.

1. The lead verifier must attest in the validation or verification statement, in writing, to the Executive Officer as follows:

“I certify under penalty of perjury under the laws of the State of California that the verification team has carried out all validation or verification services as required by this subarticle.”

2. The lead verifier who has conducted the independent review of verification services and findings must attest in the validation or verification statement, in writing, to the Executive Officer as follows:

“I certify under penalty of perjury under the laws of the State of California that I have conducted an independent review of the validation or verification services and findings on behalf of the verification body as required by this subarticle and that the findings are true, accurate, and complete.”

(4) *Adverse validation or verification statement and petition process.* Prior to the verification body providing an adverse validation or verification statement for the application or report to the Executive Officer, the verification body must notify the entity required to contract for verification services and the entity required to contract for verification services must be provided at least 14 calendar days to modify the application or report(s) to correct any material misstatement or nonconformances found by the verification team. The verification body must provide notice to the Executive Officer of the potential for an adverse validation or verification statement at the same time it notifies the entity required to contract for verification services, and include a current issues log. The modified application or report and validation or verification statement must be submitted to the Executive Officer before the verification deadline, even if the entity required to contract for verification services makes a request to the Executive Officer as provided below in section 95501(c)(4)(A).

(A) If the entity required to contract for verification services and the verification body cannot reach agreement on modifications to the data that result in a positive validation or verification statement, the responsible entity may, before the validation or verification deadline and before the validation or verification statement is submitted,

petition the Executive Officer to make a final decision as to the verifiability of the submitted application or report. At the same time that the entity required to contract for verification services petitions the Executive Officer, the entity required to contract for verification services must submit all information it believes is necessary for the Executive Officer to make a final decision.

(B) The Executive Officer shall make a final decision no later than October 31st following the submission of a petition pursuant to section 95501(c)(4)(A). If at any point the Executive Officer requests information from the verification body, or the entity required to contract for verification services, the information must be submitted to the Executive Officer within ten calendar days. The Executive Officer will notify the entity required to contract for verification services and the verification body of its determination.

d) *Validated Applications and Verified Reports Considered Final by the Executive Officer.* Upon provision of a validation or verification statement to the Executive Officer, the reported data is deemed final by the Executive Officer. No changes may be made to the application or report as submitted to the Executive Officer, and all verification requirements of this subarticle shall be considered complete except in the circumstance specified in section 95501(e).

(e) *Set Aside of Validation or Verification Statement.* If the Executive Officer finds a high level of conflict of interest existed between a verification body and a reporting entity, an error is identified, or an application or report that received a positive or qualified positive verification statement fails an audit by the Executive Officer, the Executive Officer may set aside the positive or qualified positive verification statement issued by the verification body, and require the reporting entity to have the report re-verified by a different verification body within 90 calendar days. In instances where an error to a report is identified and determined by the Executive Officer to not affect the final value submitted in the application or report, the change may be made without a set aside of the positive or qualified positive verification statement.

(f) *Executive Officer Audits and Data Requests to the Entity Required to Contract for Verification Services.* Upon request by the Executive Officer, the entity required to contract for verification services must provide the data used to generate the application or report including all data available to a verifier in the conduct of validation or verification services, within 14 calendar days. Upon written notification by the Executive Officer, the entity required to contract for verification services must make available for an Executive Officer audit itself, its personnel, and other entities in its feedstock and finished fuel supply chain, as applicable.

(g) *Executive Officer Audits and Data Requests to the Verification Body.* Upon request by the Executive Officer, the verification body must provide the Executive

Officer the validation or verification report given to the entity required to contract for verification services, as well as the sampling plan, contracts for verification services, and any other supporting documents and calculations, within 14 calendar days. Upon written notification by the Executive Officer, the verification body must make itself and its personnel available for an Executive Officer audit.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§95502. Accreditation Requirements for Verification Bodies, Lead Verifiers, and Verifiers.

- (a) Verification bodies, lead verifiers, and non-lead verifiers that will provide verification services (including validation services) under this subarticle must become accredited through fulfilling the accreditation requirements set forth in MRR sections 95132(b) through (e), with the exception of subsections 95132(b)(1)(G), 95132(b)(2), 95132(b)(3), 95132(b)(5), and 95132(e)(1).

MRR text is as referred to, except as otherwise specifically provided:

- (1) Wherever “section 95102(a)” is referenced, “section 95481” must be substituted. Wherever “section 95132(b)(2) is referenced, “section 95502(c)” must be substituted. Wherever “section 95133” is referenced, “section 95503” must be substituted.
- (2) Whenever “Performance Review” is referenced, the definition in 95481(a) of this subarticle must be substituted.
- (b) The Executive Officer may issue accreditation to verification bodies, lead verifiers, and non-lead verifiers that meet the requirements specified in this section.
- (1) *Verification Body Accreditation Application.* In addition to the requirements specified in MRR section 95132(b)(1), the applicant must submit the following to the Executive Officer:
- (A) Documentation that the proposed verification body has procedures and policies to support staff technical training as it relates to validation or verification. This training must include CARB’s verifier training curriculum and be provided by a verification body or verification body applicant to its employees and subcontractors that participate on verification teams. Participation of individual verifiers, including verifiers that are not acting as

lead verifiers, must be documented.

(B) The verification body's templates for risk assessment, sampling, and log of issues for the entity types and report types the verification body intends to verify, as specified in section 95500.

(C) Verification body staffing changes are considered an amendment to the verification body accreditation application and therefore the Executive Officer must be notified of any such changes.

(2) *Verifier Accreditation Application.* To apply for accreditation as a lead verifier, the applicant must submit documentation to the Executive Officer that provides the evidence that the applicant meets the criteria in sections 95502(c)(1) through (6). To apply for accreditation as a non-lead verifier, the applicant must submit documentation to the Executive Officer that provides the evidence that the applicant meets the criteria in sections 95502(c)(1) through (2).

(c) *Verifier Competency Requirements.* To perform LCFS verifications, verifiers must be employed by, or contracted with, a verification body accredited by the Executive Officer and submit evidence to demonstrate that competency requirements are met.

(1) Verifiers must provide evidence demonstrating the minimum educational background required to act as a verifier for CARB. Minimum educational background means that the applicant has either:

(A) A bachelor's level college degree or equivalent in engineering, science, technology, business, statistics, mathematics, environmental policy, economics, or financial auditing; or

(B) Evidence demonstrating the completion of significant and relevant work experience or other personal development activities that have provided the applicant with the communication, technical, and analytical skills necessary to conduct verification.

(2) Verifiers must provide evidence demonstrating sufficient workplace experience to act as a verifier, including evidence that the applicant verifier has a minimum of two years of full-time work experience in a professional role involved in emissions data management, emissions technology, emissions inventories, environmental auditing, financial auditing, life cycle analysis, transportation fuel production, or other technical skills necessary to conduct verification.

(3) To act as a lead verifier, in addition to the qualifications in sections 95502(c)(1) and (2), one of the following qualifications must be met:

- (A) The verifier must have participated within the previous two years as part of the verification team in at least three completed LCFS validations or verifications under the supervision of a lead verifier accredited under this subarticle by the Executive Officer;
- (B) The verifier must be accredited as a lead verifier under MRR or the Cap-and-Trade Regulation by the Executive Officer;
- (C) The verifier must have experience acting as the lead on an attestation engagement services team for the U.S. EPA Renewable Fuel Standard (RFS) program within the previous two years or currently be acting as a team lead;
- (D) The verifier must have experience acting as the lead on a Quality Assurance Program (QAP) services team for the U.S. EPA RFS program within the previous two years or currently be acting as a team lead;
- (E) The verifier must have experience acting as the lead on a biofuels certification audit within the previous two years or currently be acting as a lead under one of the following international certification systems: International Sustainability and Carbon Certification (ISCC), Roundtable on Sustainable Biomaterials (RSB), or Bonsucro; or
- (F) The verifier must have worked as a project manager or lead person for no less than four years, of which two may be graduate level work:
1. In the development of greenhouse gas or other air emissions inventories; or,
 2. As a lead environmental data or financial auditor.
- (G) Candidates meeting one of the lead verifier qualifications in sections 95502(c)(3)(A) through (E) must complete training specific to the LCFS program to become a lead verifier under this subarticle.

Candidates applying under section 95502(c)(3)(F) for accreditation as a lead verifier under this subarticle must take the CARB-approved comprehensive general verification training and examination in addition to the training specific to the LCFS program.

- (4) To become accredited as a lead verifier for validation of fuel pathway applications (CI) or verification of Fuel Pathway Reports (CI) as specified in section 95500(a) and 95500(b), in addition to the qualifications in sections 95502(c)(1) through (3), the verifier must have experience in alternative fuel production technology and process engineering.
- (5) To become and remain accredited as a lead verifier for verification of Quarterly Fuel Transactions Reports submitted by producers and importers of gasoline or diesel, Low-Complexity/Low-Energy-Use Refinery Report, Crude Oil Quarterly and Annual Volume Reports, and Project Reports as specified in section 95500, in addition to the qualifications in sections 95502(c)(1) through (3), the verifier must be accredited as an oil and gas systems specialist pursuant to MRR section 95131(a)(2).
- (6) Nothing in this section shall be construed as preventing the Executive Officer from requesting additional information or documentation from a verifier or affiliated verification body to demonstrate that the verifier meets the competency requirements set forth here, or from seeking additional information from other persons or entities regarding the verifier's fitness for qualification.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

§95503. Conflict of Interest Requirements for Verification Bodies and Verifiers

- (a) *Applicability of Conflict of Interest Provisions.* The conflict of interest provisions of this section shall apply to verification bodies and lead verifiers, including independent reviewers, accredited by the Executive Officer to perform LCFS validation and verification services for responsible entities and must apply to all verification team members.

Any individual person or company that is hired by the entity required to contract with a verification body on behalf of the entity required to contract for verification services is also subject to the conflict of interest assessment in this subarticle. In such instances, the verification body must assess the potential conflict of interest between itself and the contracting entity as well as between itself and the responsible entity, and must also address the potential conflict of interest between the contracting entity and the responsible entity, including a written assessment provided and signed by the contracting entity.

- (1) "Member" for the purposes of this section means any employee or

subcontractor of the verification body or its related entities.

- (2) “Related Entity” for the purposes of this section means any direct parent company, direct subsidiary, or sister company.
- (3) “Lookback Period” for the purposes of this section means to disclose services provided and assess potential for conflicts of interest beginning five years preceding the start of verification services.
- (4) Emerging conflicts of interest must also be monitored. The monitoring period for determining emerging conflicts of interest is during the period verification services are offered and one year after verification services are completed.

(b) Disclosure of Services with High Potential for Conflict of Interest. If any of the following occurred during the lookback period, the activity or activities must be disclosed to the Executive Officer with a description of actions the verification body has taken to avoid, neutralize, or mitigate any ongoing potential for conflict of interest.

The potential for a conflict of interest must be deemed high if any of the following occurred during the lookback period. If the Executive Officer determines the verification body or any member of the verification team meets the criteria specified in section 95503(b), the Executive Officer shall find a high potential conflict of interest with the following exceptions:

Prior to January 1, 2022, the Executive Officer shall deem the following services to be medium potential for conflict of interest and allow verification services to proceed when the verification body or its related entities or a member of the verification team has provided the services listed in sections 95503(b)(2)(A), (B), (E), (G), (H), (I), or (N) within the five year lookback period, provided that the potential conflict of interest is mitigated by meeting the minimum mitigation plan requirements in section 95503(d)(1). On and after January 1, 2022, if any of the situations or services listed in section 95503(b) occurred during the five year lookback period by a verification body and its related entities or a verification team member, verification services may not proceed and rotation is required.

- (1) Organizational High Potential Conflict of Interest Conditions. The verification body and responsible entity share any management staff or board of directors membership, or any of the senior management staff of the responsible entity have been employed by the verification body, or vice versa; or
- (2) Organizational and Individual High Potential Conflict of Interest Conditions. Any employee of the verification body, or any employee of a related entity, or a subcontractor who is a member of the verification team

has provided to the responsible entity any of the following services:

- (A) Designing, developing, implementing, reviewing, or maintaining an information or data management system for data submitted pursuant to this subarticle or MRR unless the review was part of providing independent quality assurance audit services, attestation engagement services, providing validation or verification services pursuant to the U.S. EPA RFS or the EU RED;
- (B) Developing CI or fuel transaction data or other greenhouse gas-related engineering analysis that includes facility-specific information;
- (C) Designing or providing consultative engineering or technical services in the development and construction of a fuel production facility; or energy efficiency, renewable power, or other projects which explicitly identify greenhouse gas reductions as a benefit;
- (D) Designing, developing, implementing, conducting an internal audit, consulting, or maintaining a greenhouse gas emissions reduction or greenhouse gas removal offset project as defined in the Cap-and-Trade Regulation and reported to the Executive Officer, or a project to receive LCFS credits;
- (E) Preparing or producing LCFS fuel pathway application or LCFS reporting manuals, handbooks, or procedures specifically for the responsible entity;
- (F) Directly managing any health, environment or safety functions for the responsible entity;
- (G) Any service related to development of information systems, including providing accounting software or consulting on the development of environmental management systems is considered high conflict of interest except for systems that will not be part of the validation or verification process;
- (H) Verification services that are not conducted in accordance with, or equivalent to, section 95503 requirements, unless the systems and data reviewed during those services, as well as the result of those services, will not be part of the verification process;
- (I) Reporting pursuant to this subarticle, or uploading data for the Executive Officer, on behalf of the entity required to contract for verification services;

- (J) Owning, buying, selling, trading, or retiring LCFS credits, RINs, or credits in any carbon market;
 - (K) Dealing in or being a promoter of credits on behalf of the responsible entity;
 - (L) Appraisal services of carbon or greenhouse gas liabilities or assets;
 - (M) Brokering in, advising on, or assisting in any way in carbon or greenhouse gas-related markets;
 - (N) Bookkeeping or other services related to accounting records or financial statements;
 - (O) Appraisal and valuation services, both tangible and intangible;
 - (P) Any actuarially oriented advisory service involving the determination of amounts recorded in financial statements and related accounts;
 - (Q) Any internal audit service that has been outsourced by the entity required to contract for verification services that relates to the entity required to contract for verification services internal accounting controls, financial systems or financial statements, unless the result of those services will not be part of the verification or validation process;
 - (R) Fairness opinions and contribution-in-kind reports in which the verification or validation body has provided its opinion on the adequacy of consideration in a transaction, unless the resulting services will not be part of the verification or validation process;
 - (S) Acting as a broker-dealer (registered or unregistered), promoter or underwriter on behalf of the responsible entity;
 - (T) Any legal services;
 - (U) Expert services to the entity required to contract for verification services, a trade or membership group to which the entity required to contract for verification services belongs, or a legal representative for the purpose of advocating the entity required to contract for verification services interests in litigation or in a regulatory or administrative proceeding or investigation.
- (3) Prohibition on Monetary or Non-Monetary Incentives. The potential for conflict of interest shall be disclosed and deemed to be high when any

member of the verification body provides any type of monetary or non-monetary incentive to an entity required to contract for verification services to secure a validation or verification services contract.

The potential for conflict of interest shall be deemed to be high when any member of the entity required to contract for verification services provides any type of monetary or non-monetary incentive to a member of the verification body to influence validation or verification documentation or findings.

(4) Potential for High Conflict of Interest if Rotation Limit Exceeded. The potential for a conflict of interest shall also be disclosed and deemed to be high where any member of the verification body or verification team has provided verification services for the entity required to contract for verification services except within the time periods in which the entity required to contract for verification services is allowed to use the same verification body or team members as specified in section 95500(g).

(c) *Low Conflict of Interest.* The potential for a conflict of interest shall be deemed to be low where the following conditions are met:

(1) No potential for a high conflict of interest is found pursuant to section 95503(b); and

(2) Any services provided by any member of the verification body or verification team to the entity required to contract for verification, within the look-back period specified in section 95503(a)(3), are valued at less than 20 percent of the fee for the proposed verification services. Any verification conducted in accordance with, or substantially equivalent to, section 95503 provided by the verification body or verification team outside the jurisdiction of the Executive Officer is excluded from this financial assessment, but must be disclosed to the Executive Officer in accordance with section 95503(e).

(3) Non-CARB verification services are deemed to be low risk if those services are conducted in accordance with, or substantially equivalent to, section 95503, including, but not limited to, third-party certification of environmental management system under ISO 14001, energy management system under 50001 standards, or certification systems recognized by other governmental agencies, including the European Commission.

(d) *Medium Conflict of Interest.* The potential for a conflict of interest shall be deemed to be medium where the potential for a conflict of interest is not deemed to be either high or low as specified in sections 95503(b) and 95503(c). The potential for conflict of interest will also be deemed to be medium where there are

any instances of personal or familial relationships between the members of the verification body and management or members of the entity required to contract for verification services.

(1) If a verification body identifies a medium potential for conflict of interest and intends to provide verification services for the entity required to contract for verification services, the verification body shall submit, in addition to the submittal requirements specified in section 95503(e), a plan to avoid, neutralize, or mitigate the potential conflict of interest situation. At a minimum, the conflict of interest mitigation plan shall include:

(A) A demonstration that any individuals with potential conflicts have been removed and insulated from the project.

(B) An explanation of any changes to the organizational structure or verification body to remove the potential conflict of interest. A demonstration that any unit with potential conflicts has been divested or moved into an independent entity or any subcontractor with potential conflicts has been removed.

(C) Any other circumstance that specifically addresses other sources for potential conflict of interest.

(2) The Executive Officer shall evaluate the conflict of interest mitigation plan and determine whether verification services may proceed pursuant to section 95503(e).

(e) *Conflict of Interest Submittal Requirements for Accredited Verification Bodies.* Verification bodies accredited by the Executive Officer to perform validation or verification services must adhere to the conflict of interest submittal, determinations, and monitoring requirements in MRR section 95133(e) through (g), except section 95133(f)(2) and (3).

Except as otherwise specifically provided:

(1) Wherever the term “reporting entity” is used, the term “entity required to contract for validation or verification services” shall be substituted;

(2) Whenever the term “emissions data report” is used, the term “applications or reports specified in section 95500 of this subarticle” shall be substituted;

(3) Whenever the term “verification services” is used, the term “verification or validation services” shall be substituted;

(4) Wherever “section 95133(d)” referenced, “section 95503(d)” shall be

substituted; and

- (5) When potential for a conflict of interest is deemed to be low, as specified in section 95503(c), the verification body must submit its self-assessment to the Executive Officer, except the Executive Officer authorization to perform verification services as specified in MRR sections 95133(e)(1) and 95133(f)(3) is not required prior to performing LCFS verification services.

NOTE: Authority cited: Sections 38510, 38530, 38560, 38560.5, 38571, 38580, 39600, 39601, 41510, 41511, and 43018 Health and Safety Code; 42 U.S.C. section 7545, and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000, Health and Safety Code; Section 25000.5, Public Resources Code; and *Western Oil and Gas Ass'n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

REGULATION ON COMMERCIALIZATION OF ALTERNATIVE DIESEL FUELS

Amend section 2293.6 and Appendix 1 in title 13, chapter 5, article 3, subarticle 2, California Code of Regulations, to read as follows:

[Note: The revised regulatory text is shown in underline to indicate addition to existing regulations and ~~strikeout~~ to show deletions from existing regulations. All other portions of the subarticle remain unchanged and are indicated by the symbol *****.]

Chapter 5. Standards for Motor Vehicle Fuels

Article 3. Specifications for Alternative Motor Vehicle Fuels

Subarticle 2. Commercialization of Alternative Diesel Fuels

§2293.6. In-use Requirements for Specific ADFs subject to Stage 3A.

(a) Biodiesel Provisions for Blends of B20 and Below

(4) Sunset of Biodiesel In-use Requirements

NOx Control requirements under 2293.6(a)(2) for biodiesel blends up to B20 will no longer be in effect when the following occur:

(A) When the vehicle miles travelled (VMT) by ~~NTDE~~ heavy-duty on-road vehicles ~~NTDEs~~ in California reaches 90 percent of total VMT by the California heavy-duty on-road diesel vehicle fleet. The portion of VMT by on-road diesel vehicles in California represented by NTDEs ~~shall~~ will be determined using the most current CARB mobile source emission inventory and related tools based on EmFAC.

(B) When the hours of operation of off-road NTDEs in California reaches 90 percent of total hours of operation by the California heavy-duty off-road diesel engine fleet. The portion of hours of operation of off-road diesel engines in California represented by NTDEs will be determined using the most current CARB mobile source emission inventory and related tools.

~~(C)~~ The Executive Officer issues an Executive Order certifying that the conditions in section 2293.6(a)(4)(A) and (B) have been met and that as a consequence, the provisions of section 2293.6(a)(2) are no longer in effect. The Executive Order will be posted on the CARB website and CARB will initiate a rulemaking process to remove the requirement from the regulation.

(5) Exemption from In-Use Requirements

~~(C) Limited Producer/Importer Exemption~~

~~The Executive Officer shall grant a producer or importer of biodiesel an exemption from the requirements of section 2293.6(a)(2) for sales to fleets identified in the application if the producer or importer can meet the requirements specified below. The applicant must submit an application by January 1, 2017 and include all documentation to support the exemption claim, including information, data, surveys, or other proof. At a minimum the applicant must provide:~~

- ~~1. Documentation to demonstrate that the producer or importer had sales in California of at least 750,000 gallons of biodiesel in 2014, and that at least 40 percent of those sales was ultimately sold as B6-B20.~~
- ~~2. A list of all fleets that will potentially receive biodiesel under the exemption and a description of the equipment types in each fleet. The description of equipment types shall include proportions of the fleet that are light and medium duty vehicles (GVWR \leq 14,500lbs), heavy duty vehicles with NTDE, and heavy duty vehicles without NTDE, as well as a description of the duties and typical work patterns of the heavy duty vehicles.~~
- ~~3. An attestation from the owner or operator of each fleet that may buy the exempted fuel that: (1) the exempted fuel will be used only in light duty, medium duty, or heavy duty NTDE vehicles, or (2) that any non-NTDE heavy duty vehicle that uses the exempted fuel will not enter the South Coast or San Joaquin Air Basins for any purpose other than a declared state of emergency.~~

~~(CD)~~ In order for an exemption to be granted, the applicant must submit an application containing the following:

1. The name, title, address and telephone number of the person(s) requesting an exemption from whom further information may be requested;
2. Whether the application is for an exemption for a fleet, or a retail fueling station, ~~or a producer or importer~~; and
3. The additional information and demonstrations required under section 2293.6(a)(5)(A), and (B), and (C).

(DE) Within 20 business days after receipt of an application, the Executive Officer shall advise the applicant in writing either that the application is complete or that specified additional information is required to make it complete. Within 15 business days of submittal of additional information, the Executive Officer shall advise the applicant in writing that the information submitted makes the application complete or that specified additional information is still required to make the application complete. Within 20 business days after an application has been deemed complete, the Executive Officer shall grant or deny an application.

(EF) The Executive Officer shall grant an exemption if the Executive Officer determines the applicant has satisfied all requirements of this section 2293.6(a)(5), while considering the impact on air quality. The Executive Officer may request any additional information reasonably necessary to determine the applicant's eligibility for an exemption. The exemption shall be granted in the form of an executive order which shall automatically terminate effective upon a sunset of the in-use requirements in accordance with 2293.6(a)(4). The executive order shall contain such terms and conditions that the Executive Officer believes are needed to ensure the exempted activities continue to meet the requirements of this section 2293.6(a)(5), including but not limited to a requirement for periodic updates on the composition of fleets under an exemption or updates to fleet attestations. Failure to comply with all terms and conditions in an executive order are grounds for the Executive Officer to revoke the exemption.

~~If ARB observes or obtains information that a fleet vehicle using exempt fuel is operating in the South Coast or San Joaquin Air Basins, ARB may conduct fuel testing to determine whether that vehicle is operating within the conditions of the exemption, and may use such information to revoke an exemption.~~

~~(G) An exemption granted to a producer or importer of biodiesel under section 2293.6(a)(5)(C) shall be limited to the producer's 2014 volume of biodiesel ultimately sold as B6-B20 in California.~~

Note: Authority cited: Sections 39600, 39601, 39667, 43013, 43018, and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 40000, 43000, 43016, 43018, 43026, 43101, and 43865, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal.Rptr. 249 (1975).

Appendix 1 of Subarticle 2. In-use Requirements for Pollutant Emissions Control

(a) Biodiesel:

(1) Approved Emissions Equivalent Additives:

(2) Certification of Alternative Diesel Fuels Resulting in Emissions Equivalence with Diesel

(D) *Biodiesel additive certification fuel.*

The biodiesel additive certification fuel shall be a biodiesel (fatty acid methyl ester) produced by transesterification of low saturation feedstock with the following properties.

Table A.8: Additive certification fuel blendstock properties

Property	Test Method	Fuel Specifications
Sulfur Content	ASTM D5453-93	15 ppm maximum
Nitrogen Content	ASTM D4629-12	10 ppm maximum
Unadditized Cetane Number	ASTM D613-14, or ASTM D6890-13be1, ASTM D7170-14; or ASTM D7668-14a	47-50
API Gravity	ASTM D287-12b	27 – 33
Viscosity at 40°C, cSt	ASTM D445-14e2	2.0 – 4.1 1.9-6.0
Flash Point, °F, minimum	ASTM D93-13e1	266
Distillation, °F	ASTM D86-12	
90 % Recovered		620-680
FAME Content %	EN 14103:2011	Report

(E) *The Reference CARB Diesel.*

The Reference CARB Diesel used in the comparative testing described in (a)(2)(F) of this appendix shall be produced from straight-run California diesel fuel by a hydrodearomatization process and shall have the characteristics set forth below under “Reference Fuel Specifications” (the listed ASTM methods are incorporated herein by reference):

Table A.9: Reference Fuel Specifications

Property	Test Method	Fuel Specifications
Sulfur Content	ASTM D5453-93	15 ppm maximum
Aromatic Hydrocarbon Content, Volume %	ASTM D5186-03(2009)	10 % maximum
Polycyclic Aromatic Content, Weight %	ASTM D5186-03(2009)	10 1.4 % maximum
Nitrogen Content	ASTM D4629-12	10 ppm maximum
Unadditized Cetane Number	ASTM D613-14, or ASTM D6890-13be1, ASTM D7170-14; or ASTM D7668-14a	48 minimum
API Gravity	ASTM D287-12b	33 – 39
Viscosity at 40°C, cSt	ASTM D445-14e2	2.0 – 4.1
Flash Point, °F, minimum	ASTM D93-13e1	130
Distillation, °F	ASTM D86-12	
Initial Boiling Point		340 – 420
10 % Recovered		400 – 490
50 % Recovered		470 – 560
90 % Recovered		550 – 610
End Point		580 – 660
