



Date: 26th Dec, 2021

Attn: Anil Prabhu
Manager, Fuel Evaluation Section
Transportation Fuels Branch, Industrial Strategies Division
California Air Resources Board
P.O. Box 2815 Sacramento, CA 95812

Re: Public Comment Received for FirstElement Fuel Pathway B0242

I, Isaac Kim, as account administrator of FirstElement Fuel, Inc. (Company ID: E426) reviewed the comment made by The Association of Irrigated Residents, Leadership Counsel for Justice and Accountability, Animal Legal Defense Fund, Food & Water Watch, and Public Justice (collectively "Commenters"). We appreciate the comments provided by Commenters.


FirstElement requests CARB to reject the commenter's objections to the proposed fuel pathway, B0242. FirstElement notes that the commenter's arguments are not based on fact and the commenter has not submitted substantial evidence to support a connection between CARB's temporary pathway and the arguments below.

The commenter raises the two points below, and FirstElement understands that both of them are already investigated and rejected by CARB previously.

1. Exclude All Fuels Derived from Biomethane from Dairy and Swine Manure from the Low Carbon Fuel Standard Program
 - FirstElement understands that eligibility of Biomethane derived from Dairy or Swine manure feedstock as LCFS credit generation source is clearly described in the current regulation, and Commentors' petition made on October 27, 2021 to exclude those sources is already investigated and addressed by CARB without affecting the current effective regulation.
2. Certifying these pathways would perversely reward factory farms for intentionally generating vast amounts of pollution.
 - FirstElement understands that Decisions to permit the construction and operation of concentrated animal feeding operations (CAFO), or any other facilities involved in the proposed manure to hydrogen fuel pathway, however, is beyond the scope of the approval of the pathway, and outside of CARB's control and jurisdictional authority. Rather, CAFO owners/operators must seek permits from local land use and air/water quality agencies, not CARB, to construct and operate new or expanded CAFOs or other similar facilities to accommodate additional livestock, at which point those agencies are required to consider air/water quality impacts from those projects and must adequately mitigate those impacts consistent with applicable laws.
 - The similar point was argued at the public comments for Hydrogen from Biomethane Produced from Dairy and Swine Manure posted on 6th Nov, 2020, and CARB also rejected the objections from Animal Legal Defense's comments.
https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/fuelpathways/comments/tier2/new_tem_p_carb_response.pdf

Thus, FirstElement requests CARB to certify the CI score in accordance with the Staff summary posted on 10th Dec, 2021.

FirstElement Fuel, Inc.

By: 
Print Name: Isaac Kim
Title: Chief Financial Officer