

Narges Manavi
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

December 24, 2024

RE: Response to Public Comment - Application No. B072901, Tier 2 Pathway: Compressed Natural Gas (CNG) from Dairy Manure

Dear Narges,

Public comments were submitted during the 10-day public comment period for Anew RNG, LLC (“Anew”) Tier 2 Pathway for Compressed Natural Gas (“CNG”) from Dairy Manure for use as transportation fuel in vehicles in California. According to §95488.7(d)(5)(A)(2), this letter provides written response to the Executive Officer explaining why Anew, as fuel pathway holder, believes that revisions to the fuel pathway application are not necessary or required.

Pursuant to §95488.7(d)(5)(A): “Only comments related to potential factual or methodological errors will require responses from the fuel pathway applicant.” The comments received (collectively the “Commenters”) are not related to factual or methodological errors. However, Anew desires to address these claims as a participant in the Low Carbon Fuel Standard (“LCFS”) program, because the comments incorrectly attribute adverse environmental damage to the renewable natural gas production project (“project”). To the contrary, the project provides long-term improvements to air quality and reductions in greenhouse gas emissions.

Anew’s responses to all public comments submitted by the Animal Legal Defense Fund are included below and Anew’s position is that no revisions to fuel pathway application B0729 are needed. We thank you for the opportunity to respond to comments on this fuel pathway application and we respectfully request that CARB certify the pathway pursuant to §95488.7(d)(5)(B).

Sincerely,



Scott O’Neill
Head of Implementation & Operations
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Public Comment to the Application and Applicant Response

Comment No.1

“...the application incorporates an unlawfully truncated system boundary that ignores feedstock production at the source...” and “...other emissions such as those from storage and disposal of digestate, resulting in artificially low Carbon Intensity (CI) values and inflated credit generation.” Also, “...more recent research indicates that emissions from factory farm gas production are significantly higher than currently appreciated, with especially high emissions from digestate storage...”

Applicant Response No.1

The complete life cycle assessment (“LCA”), including the project system boundary, emissions associated with open-air storage and disposal of digestate, has been conducted according to the existing LCFS program requirements. CARB staff verified compliance with requirements while the accredited third-party verification body verified accuracy of inputs. Anew has fully utilized the CARB approved and publicly published CA-GREET3.0 (“GREET Model”)¹ for Anaerobic Digestion of Dairy and Swine Manure life cycle analysis tool for this pathway application.

In the baseline, the wastewater treatment system at the dairy farms included open air anaerobic digestion lagoons designed, permitted, and operated in accordance with established design parameters and applicable state regulations. The addition of closed-off anaerobic treatment digesters allows for the capture of biogas that would otherwise have been emitted to the atmosphere from the treatment of wastewater. Greenhouse gas (“GHG”) emissions are decreased, and air quality is improved. Current operations at the farms are in compliance with all applicable laws and regulations.

Comment No.2

“... CARB has failed to ensure that the additionality requirements of Health and Safety Code section 38562 are met. If CARB had done so, it would have concluded that the methane capture at issue is patently not additional, as these digesters have existed since 2022. Thus, these purported methane emission reductions would have occurred without the LCFS and are not additional. Certification of these pathways with this proposed CI value would openly violate § 38562 by crediting nonadditional reductions.”

Applicant Response No.2

A portion of the Commenter’s response is addressed to CARB separately and as such, is outside the scope of comments to this fuel pathway application. As required by sections §95488.7 and §95488.8 of the LCFS regulation², Anew has provided all the documents and information necessary to certify a Tier 2 pathway in conjunction with the approval of CARB staff. The same

¹ [Tier 1 Simplified CI Calculator for Biomethane from Anaerobic Digestion of Dairy and Swine Manure](#)

² https://ww2.arb.ca.gov/sites/default/files/2020-07/2020_lcfs_fro_oal-approved_unofficial_06302020.pdf

documents were provided to an approved third-party validator according to section §95500 of the LCFS regulation - a complete unredacted fuel pathway application and supporting material. As such, CARB has issued a report (“Staff Summary”) which provides an overview of the fuel pathway application, the renewable natural gas production operations, and ongoing operating conditions to which the fuel pathway will be subject.

Comment No.3

“... This application is a good example of how CARB’s flawed approach is rewarding the biggest factory farm polluters and incentivizing further expansion and herd consolidation, which does more climate harm than good. The source factory farms are not sustainable family farms—they are large industrial operations that confine 22,400 cows. CARB should not allow these factory farms—or the applicant—to profit from the LCFS.”

Applicant Response No.3

A portion of the Commenter’s response is addressed to CARB separately and as such, is outside of the scope of this fuel pathway application. However, we agree with the mission and objective of the LCFS program to incentivize the reduction of methane and support a project's ongoing operations by rewarding project owners that mitigate methane venting, reduce flaring, or improve manure management practices and reduce the overall energy demand of the project. The pathway application was vetted by both CARB and the third-party verification body and was found to comply with regulatory boundaries.

The dairy farms pertaining to this application manage their livestock supply and consumer dairy products in response to economic demand. Furthermore, the LCFS program incentivizes the farm owners to make environmentally conscious investments to collect, clean and repurpose biogas generated from a preexisting by-product of the farms.

Comment No.4

“...this application is so opaque that it is impossible for Commenters or other stakeholders to meaningfully evaluate it. The lifecycle analysis redacts information critical to understanding the CI calculation.”

Applicant Response No.4

As required by sections §95488.7 and §95488.8 of the LCFS regulation, Anew has provided all the documents and information necessary to certify a Tier 2 pathway in conjunction with the approval of the CARB staff. The same documents were provided to an approved third-party validator according to section §95500 of the LCFS regulation. This documentation includes comprehensive baseline and project information, including, but not limited to, the number of livestock, manure management practices and parameters, local environmental conditions, and metered project operational records.

The third-party validator reviewed the entirety of the baseline and project data Anew used in the GREET Model and issued a positive validation statement. The final review of fuel pathway application material was determined by CARB staff for the purposes of an independent

engineering review of the project prior to the pathway being posted for the 10-day public comment period.

The CARB Staff Summary posted for public review ensures that all pathway information required for public comment is unredacted. For example, an LCA report discloses a summary of historic and current manure management practices, average number of swine livestock and other details regarding the fuel pathway application operations.

All redacted information in the documents posted for public comment constitutes "Confidential Business Information" and is exempt from public disclosure under the California Public Records Act (see Section 7924.510 of the California Government Code and CARB guidance document 20-05)³. In addition, any modifications to the default equations or assumptions of the GREET Model were also included with applicant's public posting.

Comment No.5

"...The inflated CI values CARB proposes here work an additional environmental injustice on California citizens who will be exposed to higher levels of pollution from fossil transportation fuel and dirty vehicles made possible by excessive credit generation..."

Applicant Response No.5

The Commenters offer no analyses that evidence communities will be further harmed through this pathway, specifically the higher levels of pollution from fossil transportation fuel and dirty vehicles. This project will reduce methane and other GHG emissions with the capture of biogas produced from uncovered lagoons and supports CARB's objective to reduce greenhouse gas emissions and decrease petroleum dependence in the transportation sector. Methane is a short-lived climate pollutant that is 25 times more harmful and potent than carbon dioxide as indicated by CARB's default value in the submitted GREET Model.

³ [Low Carbon Fuel Standard \(LCFS\) Guidance 20-05](#)