

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

March 24, 2025

RE: Response to Public Comment - Application No. B0771, Tier 2 Pathway: Compressed Natural Gas (CNG) from Swine Manure

Dear Narges,

Public comments were submitted during the 10-day public comment period for the Anew RNG, LLC ("Anew") Tier 2 Pathway for Compressed Natural Gas ("CNG") from Swine Manure for use as transportation fuel in vehicles in California. According to §95488.7(d)(5)(A)(2), this letter provides a 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.

Anew desires to address the comments received 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 B0771 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 (Mar 24, 2025 15:05 CDT)

Scott O'Neill
Head of Implementation & Operations
Anew RNG, LLC

Houston Office

3200 Southwest Freeway
Suite 1310
Houston, TX 77027

Salt Lake City Office

2825 E. Cottonwood Parkway
Suite 400
Cottonwood Heights, UT 84121

Additional Offices

San Francisco, CA Calgary, AB
Los Angeles, CA Budapest, Hungary

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.”
“[M]ore 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, was 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 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 swine 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. Moreover, without an additionality analysis, it is unclear whether these digesters would have been built regardless of the LCFS incentives.”

Applicant Response No. 2

A portion of the commenter’s response is addressed to CARB separately and 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 provided all the documents and information necessary to certify a Tier 2 pathway in conjunction with the approval of CARB staff. The same documents were

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

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 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 exemplifies 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 farm is not a sustainable family farm—it is a massive industrial operation that spans three square miles and confines up to 22,680 pigs each, and over 86,000 pigs collectively. CARB should not allow this factory farm—or its applicant—to profit from the LCFS.”

Applicant Response No. 3

A portion of the commenter’s response is addressed to CARB separately and 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 a third-party verification body and was found to comply with regulatory requirements.

The swine farms pertaining to this application manage their livestock supply and consumer swine products in response to economic demand. Furthermore, the LCFS program incentivizes 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. For example, the lifecycle analysis redacts information critical to understanding the output of the applicant’s CI calculation.”

Applicant Response No. 4

As required by sections §95488.7 and §95488.8 of the LCFS regulation, Anew provided all documents and information necessary to certify a Tier 2 pathway in conjunction with the approval of CARB staff. The same documents were provided to an approved third-party validator according to section §95500 of the LCFS regulation. The documents include 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. Furthermore, CARB also performed their independent review of the prior to 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 and farm operations.

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

Comment No. 5

"...the inflated CI values CARB proposes here impose additional environmental injustices 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 commenter offer no evidence that communities will be further harmed through this pathway, specifically from 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.

Comment No. 6

"(...)In North Carolina, Smithfield and the Department of Environmental Quality have literally laid waste—billions of gallons of it—to Black, Indigenous, and Latino communities in eastern North Carolina. Smithfield pig CAFOs occupy Black communities at far higher rates than white communities. Duplin and Sampson Counties, the two counties that Smithfield's CAFOs occupy, have the highest number of pigs of any counties in the nation, and air pollution from pig CAFOs in Duplin County alone is linked to at least 89 premature deaths per year.(...)" and "A quarter of a century ago, Smithfield agreed to phase out its environmentally devastating anaerobic lagoon and sprayfield manure management system.(...)"

Applicant Response No. 6

Agricultural operations, including those in North Carolina, are subject to comprehensive regulatory oversight by state and federal agencies. These regulations are designed to protect public health and the environment while ensuring responsible management practices.

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

Continuous monitoring and enforcement ensure that agricultural facilities remain in compliance with environmental standards, and Smithfield is no exception to those regulations.

Claims that agricultural operations disproportionately affect communities of color in North Carolina do not account for the broader factors that influence public health outcomes. Independent analyses from the North Carolina Pork Council⁴ indicate that health outcomes in these regions are influenced by a range of variables, including socioeconomic factors and lifestyle choices. It is also important to note that these agricultural regions do not fall within the highest categories for health risks or mortality rates across the state. Additionally, projects like this support the local economy by creating and maintaining jobs, providing economic growth, and offering various employment opportunities in the communities where they operate.

The claim that Smithfield agreed to phase out anaerobic lagoons as part of a 2000 agreement with the state of North Carolina is inaccurate. The agreement did not require the elimination of anaerobic lagoons but instead focused on funding research and evaluating alternative waste management technologies.⁵

Furthermore, Smithfield continues to make substantial investments in environmental enhancements and community-based initiatives. These contributions have supported conservation, pollution mitigation, and environmental education, reinforcing commitment to sustainable practices and long-term environmental stewardship.

⁴ [NC Pork Report \(NCPQ\) - Winter 2020 - The Truth of the Matter - Health Claims Against Hog Farms Don't Add Up](#)

⁵ AGREEMENT BETWEEN ATTORNEY GENERAL OF NORTH CAROLINA; SMITHFIELD FOODS, INC.; BROWN'S OF CAROLINA, INC.; CARROLL'S FOODS, INC.; MURPHY FARMS, INC.; CARROLL'S FOODS OF VIRGINIA, INC.; AND QUARTER M FARMS, INC. (July 25, 2000), <https://perma.cc/JH8K-2DDR>

B0729 Responses to ALDF comment letter

Final Audit Report

2025-03-24

Created:	2025-03-24
By:	Tünde Patrik (tpatrik@anewclimate.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAe3IN2Ey9BhIE-xtGv_FU_YTPibS60TmW

"B0729 Responses to ALDF comment letter" History

-  Document created by Tünde Patrik (tpatrik@anewclimate.com)
2025-03-24 - 8:02:47 PM GMT
-  Document emailed to Scott O'Neill (soneill@anewclimate.com) for signature
2025-03-24 - 8:02:51 PM GMT
-  Email viewed by Scott O'Neill (soneill@anewclimate.com)
2025-03-24 - 8:04:32 PM GMT
-  Document e-signed by Scott O'Neill (soneill@anewclimate.com)
Signature Date: 2025-03-24 - 8:05:19 PM GMT - Time Source: server
-  Agreement completed.
2025-03-24 - 8:05:19 PM GMT