REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB) requests an early effective date for the amendments to sections 95480.1, 95481, 95482, 95484, 95485, 95486, and 95488, title 17, California Code of Regulations (CCR) and adoption of new sections 95480.2, 95480.3, 95480.4, and 95480.5, title 17, CCR. ARB believes the following demonstrates good cause for OAL to allow the regulations to become effective upon filing with the Secretary of State.

The Low Carbon Fuel Standard (LCFS) was adopted by ARB pursuant to its authority under AB 32. It promotes reduction of greenhouse gas (GHG) emissions by reducing the carbon intensity of transportation fuels used in California by an average of 10 percent by the year 2020. Carbon intensity is a measure of the GHG emissions associated with the combination of all of the steps in the “lifecycle” of a transportation fuel.

In this rulemaking, ARB adopted amendments to the LCFS to implement additional changes to the regulation. These amendments include provisions to update and refine the accounting procedure that ARB will use to measure carbon intensity values for crude oils, a procedure that regulated parties will use to execute trades of LCFS credits, and a mechanism to allow providers of low carbon intensity fuels to opt-in to the LCFS program and allow providers of these low carbon intensity fuels to participate in the LCFS.

An early effective date will provide clarify and certainty to regulated parties as they plan their fuel purchases for 2013, negotiate sales and transfers of LCFS credits, and anticipate quarterly and annual reporting requirements. An early effective date would avoid ambiguity and resulting confusion for regulated parties who must meet the reporting and compliance requirements, would permit providers of low carbon intensity fuels to opt-in to and participate in the LCFS at the earliest possible date, and would allow ARB to effectively and expeditiously administer and enforce the amended regulation.

For these reasons, ARB believes good cause exists for OAL to approve an early effective date to coincide with filing of the regulations with the Secretary of State.

Date: October 9, 2012

/s/

Diana Jeschke
Staff Counsel