

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-12-012

*Relating to the Public Hearing to Amend the California
Low Carbon Fuel Standard Regulation*

WHEREAS, on December 16, 2011, the Air Resources Board (ARB or Board) conducted a public hearing to consider for approval the proposed amendments to the California Low Carbon Fuel Standard (LCFS) regulation, as set forth in the Initial Statement of Reasons released to the public on October 26, 2012;

WHEREAS, the environmental analysis included in the Initial Statement of Reasons, prepared in accordance with ARB's certified regulatory program and the policy and substantive requirements of CEQA, concluded that the amendments will not result in any significant adverse impacts on the environment;

WHEREAS, following the public hearing on December 16, 2011, the Board adopted Resolution 11-39, in which the Board approved for adoption the proposed amendments to sections 95480.1, 95481, 95482, 95484, 95485, 95486, 95488, and 95490, and the proposed adoption of new sections 95480.2, 95480.3, 95480.4, and 95480.5 of subarticle 7, article 4, subchapter 10, chapter 1 of division 3, title 17, CCR, as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 11-39 directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and take final action to adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days, consider such written comments as may be submitted during this period, make such further modifications as may be appropriate in light of the comments received, or return the regulatory amendments to the Board for further consideration if warranted;

WHEREAS, on April 10, 2012, August 9, 2012, and September 17, 2012, the modified regulatory text, reflecting the amendments approved by the Board and other conforming modifications to best reflect the intent of the Board at the hearing, and additional materials added to the rulemaking file; were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44 and Government Code section 11340.85;

WHEREAS, Resolution 11-39 further directed the Executive Officer to consider and approve the written responses to any comments raising environmental issues in accordance with CCR, title 17, section 60007 prior to taking final action to adopt the regulatory amendments;

WHEREAS, a number of written comments were received during the initial 45-day comment period and three supplemental 15-day comment periods, and those comments have been considered by the Executive Officer;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 11-39 are incorporated herein.

IT IS FURTHER ORDERED, the written responses prepared to the comments received are hereby approved, including the written responses to any environmental issues raised as required by CCR, title 16, section 60007.

IT IS FURTHER ORDERED that sections amendments to sections 95480.1, 95481, 95482, 95484, 95485, 95486, 95488, and 95490, and new sections 95480.2, 95480.3, 95480.4, and 95480.5, title 17, California Code of Regulations, are adopted as set forth in Attachment 1 hereto.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 10th day of October 2012, at Sacramento, California.

 /s/
James N. Goldstene
Executive Officer

Attachments