

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
PETER M. JONES**
JAY A. CHRISTOFFERSON**
MARISA L. BALCH
JENA M. HARLOS***
JOSIAH M. PRENDERGAST
MICAELA L. NEAL
CAMERON M. PEYTON
DYLAN J. CROSBY

265 E. RIVER PARK CIRCLE, SUITE 310
FRESNO, CALIFORNIA 93720

MAILING ADDRESS
POST OFFICE BOX 28340
FRESNO, CALIFORNIA 93729

TELEPHONE
(559) 233-4800

FAX
(559) 233-9330



OFFICE ADMINISTRATOR
LYNN M. HOFFMAN

Writer's E-Mail Address:
jkinsey@wjhattorneys.com

Website:
www.wjhattorneys.com

* Also admitted in Washington
** Of Counsel
*** Also admitted in Wisconsin

June 22, 2015

VIA ELECTRONIC SUBMISSION & UNITED STATES MAIL

Clerk of the Board
Air Resources Board
1001 "I" Street
Sacramento, California 95814

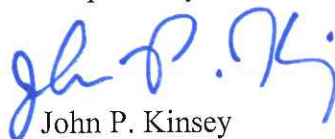
Re: Errata to June 19, 2015, Comments of Growth Energy [June 4, 2015, Notice of Public Availability of Modified Text and Availability of Additional Documents and Information: Proposed Re-Adoption of the Low Carbon Fuel Standard]

Dear Clerk of the Board:

I have enclosed a copy of the signature page to the Declaration of James M. Lyons, which was previously submitted to the California Air Resources Board ("CARB") as part of Growth Energy's June 19, 2015, comments on CARB staff's proposed 15-day modifications to the low carbon fuel standard.

Should you have any questions regarding the enclosed document, please do not hesitate to contact me.

Respectfully submitted,


John P. Kinsey

Enclosure


Developmental Engine Fuel Variance Program operated by CDMS.⁷ Again, the multimedia evaluation requirements of H&S §43830.8 that apply to fuels for which CARB adopts specifications would not apply in this case and adverse environmental impacts can occur. Allowing new fuels that are part of this program to be sold for purposes of LCFS compliance without having an approved multimedia evaluation would increase the likelihood that fuel producers would seek to use this program and the likelihood that new fuel that leads to unmitigated adverse environmental impacts would be used in California. These potential environmental impacts that the LCFS regulation could create as a result of the proposed elimination of the multimedia evaluation requirements were not considered in the Environmental Assessment.

11. In addition, the Alternative Diesel Fuel regulation proposed by CARB staff creates another way by which new fuels with potential adverse environmental impacts could be sold in California for purposes of LCFS compliance should the multimedia evaluation requirements be eliminated. Currently, fuels involved in Stage 1 or Stage 2 of the LCFS regulation are not required to have completed a multimedia evaluation and therefore could not be sold for purposes of LCFS compliance until they reach Stage 3, at which point completion of a multimedia evaluation and adoption of fuel specifications by CARB are required. Elimination of the current multimedia evaluation requirements from the LCFS regulation as now proposed by CARB staff, would allow fuels in Stage 1 and Stage 2 to be sold for purposes of LCFS compliance before the potential adverse environmental consequences have been assessed or mitigated. Again, these potential environmental impacts due to the LCFS were not considered in the Environmental Assessment.

12. In summary, retention of the current LCFS requirements that new fuels have received an approved multimedia evaluation pursuant to H&S §43830.8 before being allowed to be sold for purposes of LCFS compliance is the only way to ensure that the LCFS is not responsible for use of these new fuels creating potential adverse environmental impacts.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of June, 2015 at Sacramento, California.



JAMES M. LYONS

⁷ See <http://www.cdfa.ca.gov/dms/programs/petroleum/DevelopmentalFuels/RelevantLawsInstructionsChecklist.pdf>