

CARB's Second 15-day Notice

On Tuesday, CARB issued a second 15-day Notice in connection with its efforts to amend the ADF¹ as well as updated "proposed modifications" to the ADF.² We are in the midst of reviewing CARB's most recent proposal and we will be submitting comments. In the meantime, we wish to call stakeholder attention to the following two items:

- CARB's second 15-day notice states "Appendix 1 of Subarticle 2, Subsection (a)(2)(J) is modified to **adjust from April 1, 2021, to August 1, 2021**, the date after which only biodiesel additives or ADF formulations approved or certified under the proposed amendments can be used to comply with biodiesel in-use requirements. The proposed modifications address stakeholder comments that an April 1, 2021, effective date for this provision may not allow sufficient time for certification applicants to certify biodiesel additives and ADF formulations consistent with the proposed amendments or to transition to use of other compliance options, including use of the approved ADF formulations."

While the August 1 proposal is a welcome change in the right direction (although, as we will be explaining in our upcoming public comment, still insufficient), CARB created market confusion by informing customers as late as the week before Christmas that April 1, 2021 was the deadline for use of previously approved NOx Mitigants. While others may be withdrawing from the NOx Mitigant market, we want to make it abundantly clear that we are ready, willing and able to serve the marketplace. We've been working with customers, new and old, to ensure their needs are met. Please feel free to reach out to us if you need any assistance in purchasing VESTA®.

- CARB is proposing to approve two (2) ADF Formulations, combinations of renewable diesel and biodiesel. (1) "Blends consisting solely of renewable hydrocarbon diesel at not less than 75 percent by volume, biodiesel, and CARB diesel, where the total biodiesel content of the blend does not exceed 20 percent by volume.", and (2) "Blends consisting solely of renewable hydrocarbon diesel at not less than 55 percent by volume, biodiesel, and CARB diesel, where the total biodiesel content of the blend does not exceed 20 percent by volume."

These ADF Formulations correspond to a 3.75:1 and 2.75:1 ratio of renewable diesel to biodiesel. No publicly available data exists to support the use of either ratio as a means to mitigate NOx. We've previously commented on this matter in our 12.30.20 newsletter. Since then, while we've received additional information from CARB as a result of our Public Records Act request, it was limited and not worthy of further comment. Suffice to say, we remain in discussions with CARB regarding both their slow pace of compliance with their statutory obligations under the PRA and, more importantly, their apparent misappropriation of California Fueling's confidential information. In an effort to provide stakeholders with further transparency while attempting to reconcile this matter with CARB, we will be posting the Low Emissions Diesel (LED) emission data on legacy vehicles used to generate CE-CERT's Interim Report (previously posted on our web site). We will also be posting a second spreadsheet which calculates the NOx differential between a CARB ULSD and a blend of 65% RD 35% biodiesel (1.85:1 ratio) using CARB's proposed new ADF Formulation requirement which states "[o]ffset factor equal to 1.0 for all referenced pollutants for all candidate fuels, except for NOx for candidate fuels containing renewable hydrocarbon diesel, for which the offset factor is equal to 0.98." The LED testing in a 2009 John Deere legacy type vehicle clearly shows that the 1.85 ratio fuel emissions, tested using either the D2 or NRTC cycles, does not provide equivalent or better emissions than the CARB ULSD. As a result, CARB cannot support the use of higher ratios, such as 3.75 or 2.75, as is currently being proposed; the data speaks for itself.

Lastly, we've commented previously on CE-CERT's emissions test results' repeatability. We want to draw stakeholder's attention to this issue once again when reviewing the newly posted LED emission data (see the red data in the columns to the right of the NOx emissions data). For the Reference Fuel, repeatability is as high as 4% versus the average NOx emissions and approximately 3% versus the previous run's NOx emissions. For the Candidate Fuel (65% RD 35% Biodiesel) those numbers are 2.5% and 1.9%, respectively. CARB's proposed certification testing requirements and its 2019 analysis of our thrice-approved VESTA® NOx Mitigants does not consider the variability of emissions testing. CARB must consider such in any new rulemaking yet have made no effort to understand the inherent variability of emissions testing while incorporating it into the rulemaking.

If you are interested in VESTA® supply or wish to address any of our views, please feel free to contact Pat McDuff at pat@californiafueling.com or (303) 618-5310.

¹https://ww3.arb.ca.gov/regact/2020/adf2020/second15daynotice.pdf?utm_medium=email&utm_source=govdelivery

²<https://ww3.arb.ca.gov/regact/2020/adf2020/second15dayatta.pdf>

³Appendix 1 of Subarticle 2. In-use Requirements for Pollutant Emissions Control (a)(2)(G)(5)