



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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Ms. Elaine Chang, Dr. Ph
South Coast Air Quality Management District
21865 Copley Drive
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Dear Elaine:

Comments on CAPCOA's CEQA and Climate Change White Paper

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate this opportunity to comment on CAPCOA's document *CEQA and Climate Change* (White Paper). The Sanitation Districts provide environmentally sound, cost-effective wastewater and solid waste management for about 5.3 million people in Los Angeles County and, in the process, convert waste into resources such as reclaimed water, energy, and recycled materials. The Sanitation Districts' service area covers approximately 800 square miles and encompasses 78 cities and unincorporated territory within the County through a partnership agreement with 24 independent special districts. The Sanitation Districts' reach extends well beyond the South Coast Air Basin with facilities planned in other California counties and air basins. As managers of multiple infrastructure improvement projects serving a significant portion of the state's population, we are very concerned that every sewer rehabilitation project, for example, could require an EIR or mitigated negative declaration if an inappropriate threshold is established.

The Sanitation Districts also appreciate your invitation to participate in the GHG CEQA Significance Threshold Working Group, which is being formed by the South Coast Air Quality Management District (SCAQMD). We commend your efforts to provide guidance for local lead agencies on determining significance of GHG emissions in their CEQA documents. The Sanitation Districts intend to have staff from our Planning and Air Quality Engineering Sections attend working group meetings. In preparation for the first meeting, the Sanitation Districts have reviewed the California Air Pollution Control Officers Association's (CAPCOA's) *CEQA & Climate Change* guidance document (White Paper), dated January 2008, and respectfully offer the following comments.

Treatment of Carbon-Neutral Renewable Fuels and Biogenic Emissions

Carbon-neutral renewable fuels are an important part of the solution to climate change. Requirements to increase the state's renewable portfolio standard reflect the importance of these fuels in achieving the goals of AB 32. Emissions from carbon-neutral fuel combustion are part of the natural "short-term" carbon cycle that does not add new carbon to the atmosphere but rather just returns it to where it originated. Additionally, the biogenic emissions of CO₂ from wastewater treatment activities, composting and other biogenic emissions sources, are carbon-neutral as well, for the same reason. Emissions of CO₂ from carbon-neutral fuels like landfill gas and wastewater derived digester gas should be distinguished from anthropogenic fuel and process emissions in any determination of significance because these emissions automatically are "netted-out" by nature. This treatment is consistent with the emissions inventories developed by the IPCC¹, U.S. EPA² and California's 1990 baseline emissions inventory³.

Development of Mitigation Measures

Current practice allows for mitigation measures to compensate for criteria pollutant emissions from projects and it appears the White Paper aims to follow that practice. We believe this current practice is reasonable and appropriate. In the case of criteria pollutants, established mitigation measures can be implemented to achieve emissions reductions, if necessary. Project planners and decision makers know ahead of time which measures are useful and which are insufficient to drop a project below significance. *However, the White Paper appears to be weighted more heavily on discussions of thresholds rather than the GHG mitigation options that will be needed to effect GHG emissions reductions.* This imbalance will create problems for planners since they may adopt ineffective measures and will create problems for SCAQMD staff in its role as a responsible agency since they will also be unaware of which measures to suggest. Much more effort needs to be devoted to *establishing understandable, definitive mitigation measures* to reduce the significance of projects.

Emissions Thresholds

The Sanitation Districts cannot support the "No Threshold" level of significance since it would require lead agencies to undertake a new level of analysis for each non-exempt project under CEQA regardless of size. Similarly, we are opposed to the "Zero-Emissions Threshold" because it would result in the need to prepare an Environmental Impact Report (EIR) for all projects that result in any GHG emissions, no matter how minute. This runs contrary to the spirit and intent of CEQA.

¹ See 2006 IPCC Guidelines for National Greenhouse Gas Inventories, Volume 5: Waste, Chapter 6, page 6. http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/5_Volume5/V5_6_Ch6_Wastewater.pdf.

² See Inventory Of U.S. Greenhouse Gas Emissions And Sinks: 1990-2006, (April 2008), Executive Summary, page 1. http://epa.gov/climatechange/emissions/downloads/08_ES.pdf.

³ See Staff Report, California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit, page 5. http://www.arb.ca.gov/cc/inventory/pubs/reports/staff_report_1990_level.pdf, and http://www.arb.ca.gov/cc/inventory/doc/doc_index.php.

Overall emission threshold scenarios could prove problematic for both project planners and the SCAQMD, if adopted. Project planners need to have threshold scenarios that are logical, consistent, and achievable, while the SCAQMD staff need a methodology that will allow them to process their workload of roughly 4000 PTC/PTOs per year without having to review EIRs or mitigated negative declarations. Scenarios that would result in an EIR for every project, no matter its size, such as the ones requiring that all emissions be netted-out, would be tremendously burdensome for both project planners and SCAQMD staff. Some proposals calling for emission reduction targets would require that emissions from the “no project” scenario be established as the baseline for each project. Such a practice could invite inflated baseline assessments to artificially boost reductions achieved by proposed projects. SCAQMD staff would then be compelled to verify both the existing and projected emissions for each permit application. The effort for both project planners and SCAQMD staff would be increasingly burdensome if different project scenarios were also considered. Given the backlog of permit applications in the queue, GHG CEQA guidelines should minimize the burden to the SCAQMD’s already over-worked staff.

Regulatory Overlap

The state has already embraced aggressive goals for reducing GHGs to be achieved through regulation. Emissions reductions will be demanded by AB 32 programs from all sectors of society, including those previously out of regulatory reach. Given that mandated emissions reductions are in the works and the imminent development of OPR guidelines under SB 97, there is no need for local CEQA guidance to be the instrument driving emissions reductions.

Statewide Consistency

Many projects cut across air district boundaries; also air emissions do not respect political boundaries. Planners of projects considering competing areas need to compare and balance potential impacts in those areas against each other to determine which is the least impactful choice. This analysis will be made vastly more complicated if there is a patchwork of CEQA approaches amongst the different air districts. The SCAQMD should recognize in their efforts that many projects are subject to overlapping jurisdictions and should aim to procedurally harmonize their efforts with other air districts.

Public Health Impacts

The White Paper on page 20 states, in essence, that if there is a conflict between criteria and toxic concerns versus GHG concerns, the former will prevail. The public health impacts borne out by the increase in greenhouse gases are triggered by climate change itself and not the result of direct exposure to the pollutants themselves or their atmospheric reaction by-products.

In other words, breathing air with 350 ppm CO₂ is no different from a direct health perspective than breathing air containing 450 ppm CO₂ for even the most sensitive individual. The health impact derives from the presumed longer-term ecosystem changes that the emission increase triggers: heat stress, droughts, floods, etc. that may lead to disease vector re-distribution, malnourishment, etc⁴. These impacts more properly fall under the scope of threats to public welfare. In discussing secondary standards, the Clean Air Act in §302(h) defines welfare effects as “effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, *weather*, visibility and *climate*...”. Secondary standards are chosen to be protective of public welfare and are not health-based standards. The greenhouse gas thresholds should be set analogously.

Other Comments

- The Sanitation Districts support the White Paper’s recommendation against a requirement that “life cycle” emissions of materials or products incorporated into a project be included in the emissions inventory, since the underlying calculations are highly speculative and lack authority.
- As allowed under the New Source Review rules, the Sanitation Districts request that consideration continue to be provided to “essential public services,” which include wastewater treatment and landfill gas control facilities that are publicly owned or operated, and consistent with an approved regional growth plan.
- Given that GHG emissions is a global problem, any mandated emissions reductions should not be required until there exists an effective *regional* emissions credit market. Establishment of a local GHG emission credit market could potentially cause significant socioeconomic impacts and would encourage business relocation. Such a result would not reduce global GHG emissions, but would only shift emissions elsewhere in the United States or other countries.

⁴ See IPCC Summary for Policy Makers: http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf

If you have any questions regarding these comments, please do not hesitate to contact Mr. Patrick Griffith at (562) 908-4288, extension 2117.

Very truly yours,
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GMA:PG:bb

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