

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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July 23, 2008
File No.: 31-380.10B

Ms. Elaine Chang, Dr. P.H.
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765-4182

Dear Ms. Chang:

**Comments Following the June 2008 Meeting SCAQMD Greenhouse Gas Significance
Threshold Working Group**

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate this opportunity to comment on the SCAQMD's efforts to incorporate climate change concerns into the CEQA process. 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 be required to have an EIR or mitigated negative declaration if an inappropriate threshold for GHGs is established.

The Sanitation Districts very much appreciate your invitation to participate in the GHG CEQA Significance Threshold Working Group. We commend your efforts to provide guidance to local lead agencies on determining significance of GHG emissions in their CEQA documents. Our preliminary comments are as follows:

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, and are a critical part of the State's proposed Draft Scoping Plan¹. Emissions from carbon-neutral fuel combustion are part of the natural "short-term" carbon cycle that do 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 not be included in any significance determination because these emissions automatically are "netted-out" by nature. As such, these emissions create no impact, cumulative or otherwise, on the environment. This treatment is consistent with the emissions inventories developed by the IPCC², U.S. EPA³, California's 1990 baseline emissions inventory⁴, and, most recently, the California Climate Action Registry's (CCAR) Local Government Operations Protocol⁵.

The Existing Set of Categorical Exemptions Should Be Retained

Thus far, there has been little discussion of which projects would populate the Tier 1 category. We suggest as a starting point in that discussion to bring the projects already granted categorical exemptions for criteria pollutants in Tier 1, given that these projects do serve the public interest and meet critical societal needs. Later, the Tier 1 list could be updated, if warranted, when the pending OPR guidelines are available. Certainly, more discussion is needed regarding Tier 1 projects to prevent important projects from being unnecessarily delayed.

¹ See Climate Change Draft Scoping Plan, June 2008 Discussion Draft, p. 24.
<http://www.arb.ca.gov/cc/scopingplan/document/draftscopingplan.pdf>

² 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.

³ 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.

⁴ 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.

⁵ See Draft Local Government Operations Protocol, p. 27. <http://www.climateregistry.org/resources/docs/protocols/progress/local-government/draft-lgo-protocol-061908.pdf>

Development of Mitigation Measures

Current practice allows for mitigation measures to compensate for criteria pollutant emissions from projects. 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. *Unfortunately, the workgroup discussions appear to be weighted far more heavily on establishing 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. Perhaps a second workgroup needs to convene to begin these important mitigation discussions.

Performance-Based Criteria Should Be Considered over Emissions Thresholds

Calculated emissions thresholds may be difficult or inaccurate in some instances. Please consider the following:

1. Establishing a numerical level of any kind assumes that all of the emissions associated with a project can be calculated, or if they can be calculated, that they can be calculated with some degree of accuracy. This may not be the case in several sectors of the industrial economy. For example, in the wastewater industry, almost no emission factors for certain GHG pollutants exist, and instead, high-flying “top-down” numerical approaches are used. To estimate nitrogen emissions from wastewater treatment plants, for example, the starting point in the calculation is the amount of protein an average person consumes in a day. Consider the difficulties as well in determining appropriate business-as-usual scenarios and what baseline to start from when determining “net” emissions changes and “existing” conditions. These methodologies are in their infancy in many cases, so a bright-line emissions threshold for all projects is not supported by the available methodologies and should not be required at this time.

2. How far would the calculations actually go? To borrow from CCAR’s Local Government Operations Protocol, Scope 3 emissions would cover “indirect emissions” and include upstream and downstream emissions, outsourced activities, transportation activities to deliver construction materials to a worksite, etc. Different projects may require that different boundaries be defined, making the use of a *single*, universally applicable threshold inappropriate.

3. Early implementation of AB 32 measures may be a rosy unreality. Given the ambitious 2007 AQMP and the relatively high degree of control technology already installed at

stationary sources in the Basin (most are at BARCT and BACT levels), there may be very little opportunity to implement AB 32 command and control measures “earlier.” Because of the high level of BACT & BARCT and coupled with an arbitrary limitation of the use of offsets, it may be extremely difficult for stationary sources to operate under the Scoping Plan. A performance standard would be more doable, and would provide a consistent approach throughout the state.

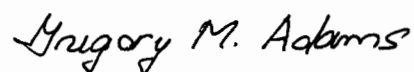
4. A good industry practice standard could ideally be drawn up by each industry with regulatory guidelines. The best “performing” source in the category might serve as part of the standard. An across-the-board percent reduction mandate for all source categories may not be feasible as some source categories may be able to reduce emissions easily while others cannot (exactly the premise behind a cap and trade program).

Other Comments

- We agree that construction emissions should be amortized over the estimated lifetime of the project.
- Failure to fully mitigate GHG emissions from a project should not trigger a full blown EIR as the minutes state, but simply a focused analysis of the GHG aspects of the project. The aspects to be addressed could be included in regulatory guidelines.
- We also agree that projects with GHG emissions that provide benefits statewide (Comment j on Page 6) should be treated specially.

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,
Stephen R. Maguin



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