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State of California
Submitted via email to: CEQA.GHG@opr.ca.gov
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Subject: Proposed amendments to the CEQA Guidelines for greenhouse gas (GHG) emissions.

Dear Mr. Peterson,

Thank you for the opportunity to submit comments on the proposed CEQA Guideline changes. I have been a CEQA practitioner for over 20 years with most of my work focused on air quality. Climate change is real and possibly accelerating, as documented by many researchers and summarized by the United Nations International Climate Change Panel. Therefore action is needed now and CEQA can be a powerful tool to minimize GHG emissions. In my view, the real benefit of CEQA is to have development either avoid creating problems or apply solutions for impacts that cannot be avoided. The key is the selection of what is significant and at what limit must mitigation occur. Up until now CO₂ emissions at any level were considered insignificant; hence our planet's peril.

My comments focus on significance thresholds as found in the Guidelines Section 15064.7 *Thresholds of Significance*. I believe that a minimum significance standard should be used *statewide* and not left to local entities (as is now proposed in the draft CEQA Guideline changes). Climate change is a *global* concern and thus must be looked at from the broadest perspective. CO₂ and other important GHGs are gases that persist in the atmosphere for many years, levels are increasing dangerously as a result of man's actions (e.g. fossil fuel combustion), and it does not matter where the emissions occur – the result is the same. Thus, local minimum significance standards, that may vary considerably, are not appropriate.

Allow me to give an example: Consider CO₂ emitted by diesel fuel combustion at proposed Project X. As proposed in a standard design typical of this project type, Project X will burn 10,000 gallons of fossil diesel and thereby emit about 110 tons of CO₂. Does it matter where in the state of California these emissions are created? In terms of climate change, the answer is clearly 'NO'.

For other pollutant species, such as the ozone precursor NO_x, the project's location does matter, and the CEQA thresholds can reflect that. If Project X were in Humboldt County, the diesel NO_x emissions might not be significant, since the North Coast Air Basin attains the state and federal ozone standards. However, in Los Angeles County, NO_x emissions from burning 10,000 gallons of fossil diesel would probably be significant, since the Los Angeles region has very substantial ozone problems. In the case of ozone precursors, it makes sense to have varying

significance thresholds based on local conditions (i.e. ozone standard attainment). This logic does not hold for climate forcing gases such as CO₂.

Does having one statewide minimum significance threshold have precedence? As a matter of air pollution regulation, many toxic and hazardous compounds are regulated uniformly. For instance, benzo-furans are known as one of the most toxic compounds on earth. Once emitted into the atmosphere furans can travel widely and enter the food chain at many locations. They also tend to persist in the food chain, water supplies, etc. A primary furan source is open-barrel trash burning. Hence, in 1997, the US EPA banned open-barrel burning except for very limited hardship cases. The rationale is that furan concentrations were increasing globally and presenting a clear and present danger to human health and welfare. This is exactly the case with CO₂, methane, nitrous oxide, and other important GHGs that may be emitted by projects considered under CEQA.

Following this logic of uniform regulation the next question is, “What significance threshold to apply?” AB32 is the primary GHG guidance tool for the state and it is appropriate to use legislative targets. The goal in AB32 for the next decade or so is to reduce CO₂ emissions statewide by about 25%. Therefore, this is an appropriate significance threshold. I suggest the following language to define GHG emission significance:

“The emissions of any project subject to CEQA using *standard design* are considered significant. Any project that can reduce GHG emissions by 25% below the levels emitted by a *standard design* would not have significant impacts. *Standard design* means the normal practice employed for similar projects in the region.” Standard design emission levels can be developed by state and local agencies using information recommended by many sources, including the California Air Resources Board, US EPA, Green Building Council, US Climate Action Partnership, and others.

So how does this logic apply to Project X? The proponent must reduce CO₂ emissions to 82.5 tons (110 x 1-0.25) or less for the project to avoid having significant impacts. The proponent has several options. First, he could redesign the grading plan that will reduce heavy equipment use (e.g. water catchment basins instead of culverts). Second, he could use locally-sourced recycled materials (e.g. broken concrete instead of quarried rock transported from 75 miles away). Third, he could use alternative fuels, such as biodiesel or CNG, to reduce CO₂ emission. And finally he could specify that the contractor use newer, more fuel-efficient machinery (which also probably reduces other air pollutant emissions as well). In this idealized project, the proponent was able to reduce expected CO₂ emissions to 75 tons, and the project avoided creating a significant impact.

The Guidelines should also allow local agencies to adopt more stringent GHG significance thresholds. Eventually the state will work toward the greater goal of 80% reductions set by AB32 for the year 2050. There is no reason to hold back local agencies that choose to try for more reductions now. The planet and human family can only benefit from these efforts.

In not every instance will a proponent be able to reduce emissions on the project site to a level below significance. In these cases verifiable and permanent offsets should be allowed and

regulated by existing agencies. Offsets and emission banking are well known and commonly used tools by air pollution regulatory agencies. These concepts can be readily applied by all the state's air districts and the ARB. I am not suggesting an unfunded mandate, so local entities can adopt a small developer fee to manage the program, but again this is not rocket science – developers pay for mitigation monitoring programs all the time.

Thank you for the opportunity to present these suggestions. I do not normally comment on state regulations but in this case the problem of climate change is too important to sit on the sideline quietly. CEQA is an important tool and we must use it assertively to change business as usual. There is too much at stake not to move forward quickly. With uniform CEQA GHG standards we encourage innovation, new technology, and greater efficiency.

Yours very truly,

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