



WASTE MANAGEMENT

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Via Email: CEQA.GHG@opr.ca.gov
terry.roberts@opr.ca.gov

Subject: Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions

Dear Ms. Roberts:

Thank you for the opportunity to comment on the Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas (GHG) Emissions. Waste Management (WM) provides comprehensive solid waste management and recycling services throughout California. WM recognizes the importance of evaluating the impact of GHG Emissions as part of environmental review conducted under CEQA, and has actively been evaluating such impacts as part of our facility projects review for the past several years.

WM is supportive of the development of guidelines to assist project developers and lead agencies in evaluating the impact of greenhouse gases as part of CEQA review. WM is a founding member of the informal industry group, Solid Waste Industry for Climate Solutions (SWICS). SWICS submitted the attached letter to the California Air Resources Board (CARB) on November 21, 2008 regarding the development of CEQA "significance thresholds" for GHGs. Many of our concerns regarding the CEQA analysis of GHG emissions are embodied in that letter and we ask that be included with our comments today. WM also offers the following comments.

- **Broader view of GHG impacts from both emissions "sources" and "sinks".** The regulations (page 4) seem to focus only on project "emissions". WM requests that this language be broadened to recognize that projects can both result in "emissions" and can incorporate activities that act as GHG "sinks". There are no GHG emissions associated with GHG sinks, but greater GHG emissions can be avoided due to such project attributes. Thus, we believe the CEQA guidelines should not only focus on "emissions", but also recognize the "avoidance of emissions". For example, a waste to energy facility may very well have GHG emissions associated with that project. However, such a facility, by producing biomass energy, would reduce the demand for fossil fuel energy produced elsewhere. Likewise a

compost facility may have GHG emissions from the facility, but the production of compost would result in avoided emissions elsewhere through carbon sequestration in soils and reduced use of pesticides and irrigation water. Similarly, a landfill project has GHG emissions, but also stores carbon -- preventing emissions.

For more information on the concept of sources and sinks associated with the solid waste and recycling industry, we request that OPR review the US EPA publication, "Solid Waste Management and Greenhouse Gases: A Life-Cycle Assessment of Emissions and Sinks". This publication explores the linkages between waste management, greenhouse gas (GHG) emissions, and energy and quantifies the emissions and energy use associated with source reducing, recycling, composting, incinerating, and landfilling a variety of materials and mixed material waste streams (Updated October 2006). WM requests that this document be incorporated by reference into our comments. This document is available on line at:

<http://www.epa.gov/climatechange/wycd/waste/reports.html>

WM requests that the draft CEQA guidelines be further modified such that a projects "net" GHG impact can be evaluated -- not just its direct emissions. OPR may encourage lead agencies to take a holistic approach to their analysis of individual projects in the introductory language to Appendix G. OPR should also consider including, as part of section VII, Appendix G, the following: "Would the project:" Result in a substantial contribution to GHG emissions after consideration of the whole of the project, including but not limited to the potential for the project to sequester or otherwise offset GHG emissions."

All cumulative GHG impacts of a project should be considered -- both "sources and sinks". More importantly a project may have more GHG impacts than just "within the fence line". A biogas or biomass to energy or biofuels project may have profound GHG benefits beyond just the fence-line of the project. The totality of the project's impacts needs to be considered. In the SWICS letter to CARB on CEQA thresholds we discussed the issue of needing to do lifecycle assessments to understand the true GHG benefits of waste projects -- not just the localized emissions.

- **Mitigation (p 13).** WM is very supportive of the language that recognizes the importance of carbon sequestration as a means of mitigating the impacts of GHG emissions. We strongly support the continued inclusion of this provision in the CEQA guidelines. However, mitigation measures may not only include measures that sequester carbon, but also measures that *maintain* the sequestration of carbon that has previously occurred. An example would be a forest that grows trees that, through photosynthesis, sequesters the carbon in those trees. Once the trees are cut down, that sequestered carbon can be re-released as part of the natural near-term carbon cycle. Projects that continue the sequestration of that carbon (e.g., landfills, compost, preserved wood products) need to be recognized. Even though the sequestered carbon is part of the near-term carbon cycle, the continued maintenance of that sequestration lowers the overall CO₂ concentration in the atmosphere. The currently proposed language needs to be clarified to include not only projects that sequester CO₂, but also projects that maintain and preserve that sequestration of CO₂. We suggest that paragraph (c)(4) on page 13 be modified as follows:

(4) Mitigation measures may include measures that sequester carbon, ~~or~~ carbon-equivalent emissions, or maintain previously sequestered carbon.

- **Biogenic vs. Anthropogenic carbon.** The Preliminary Draft Guidelines don't seem to make any distinction between biogenic and anthropogenic carbon sources and sinks -- although extra focus on and concern for fossil fuel emissions is mentioned. Please refer to the comments in the SWICS letter on the issue of biogenic vs. anthropogenic emissions. The draft proposed guidelines should be modified to clarify that biogenic emissions from the combustion of biomass that are part of the "near-term" carbon cycle should be viewed as carbon-neutral. WM recognizes this is a complex issue, but is one that must not be ignored. WM understands that CARB is considering scheduling workshops and meetings on this matter to further discuss how the "carbon-intensity" of biomass combustion is to be viewed in the context of global warming and GHG emissions, WM recommends that language be included in the final draft CEQA guidelines that recognizes the GHG benefit of reducing GHG emissions from fossil fuels and replacing those emissions from fuels that are part of the near-term carbon cycle. Failure to do so could conceivably require a project whose only emissions are from the combustion of waste biomass to be treated the same as a project that burns fossil fuels. This would be totally in conflict with the Governor's BioEnergy Action Plan:

http://www.energy.ca.gov/bioenergy_action_plan/index.html

Please let me know if you have any questions or require further information regarding our comments and suggestions in this letter.



Charles A. White, P.E.
Director of Regulatory Affairs

Attachment: November 21, 2008 SWICS letter to Douglas Ito of CARB Concerning Significance Thresholds for GHGs Under CEQA.

cc: Ian Peterson, OPR, ian.peterson@opr.ca.gov