

SIERRA CLUB



KERN-KAWEAH CHAPTER

P.O. Box 3357
Bakersfield, CA 93385
August 1, 2008

VIA ELECTRONIC MAIL

California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812

Re: AB 32 Draft Scoping Plan

Dear Sirs:

The Kern-Kaweah Chapter of the Sierra Club endorses the comments of Sierra Club California on the Climate Change Draft Scoping Plan. We would like to emphasize several issues with which we have had strong involvement at the local level and with which we have experience and expertise.

LAND USE MITIGATION MEASURES

The Scoping Plan should require new development to mitigate their greenhouse gas (GHG) emissions, first with onsite mitigation measures and then with offsite measures. We are currently bringing developers and local agencies to the negotiating table via CEQA lawsuits. The following is a partial list of potential GHG and criteria pollutant mitigation measures that we are pursuing:

- A GHG surcharge on the local transportation impact fee to be used to reduce VMT or for other related GHG reduction measures. Such a surcharge could be used to fund upgraded public transportation, other VMT reduction measures, to fund a solar PV rebate program like Lemoore's, or to fund other solar incentive programs. Such a surcharge should be proportional to project VMT.
- The programs above should be funded somehow in any case.
- A zero criteria pollutant emission requirement on new projects. The SJVAPCD holds a number of agreements with development projects that require onsite mitigation measures as well as funding for offsite measures so that the pollution associated with the project is completely offset.
- A requirement that new development be 25% more energy efficient than current Title 24 standards.
- A requirement that new commercial and industrial buildings be LEED certified and that new residential projects earn at least 90 points on the Build It Green checklist.

- A transfer fee requirement on all new housing. The transfer fee would apply to each future sale and would go to the regional Air District for GHG reduction projects.
- A requirement that solar photovoltaics (PV) and solar water heating be built into every structure.
- A requirement that the developer retrofit solar PV on existing area buildings.
- A requirement that all new building incorporate solar PV if the state has adopted a feed-in tariff law when the building permit is issued. This assumes that the feed-in tariff (advanced renewable tariff) would make it profitable to generate electricity from solar PV.
- Upgrade the traffic level of service standard to LOS C from LOS D (in the City of Tulare and elsewhere where it makes sense). Better traffic flow under LOS C would decrease both GHG and criteria pollutants.

We suggest that CARB evaluate the above measures and include a list of such on-the-ground measures in the Scoping Plan so that local agencies would know what they should require as GHG mitigation and so that they might be emboldened to attach such requirements.

INDIRECT SOURCE RULE

The SJVAPCD adopted an Indirect Source Rule (ISR) for criteria pollutants in December 2005. ISR requires development projects that exceed size thresholds to mitigate about half of the criteria pollutants associated with the projects, first with onsite mitigation if feasible and then by funding offsite air pollution reduction projects.

In the Kern-Kaweah Chapter's opinion, CARB should explicitly support an ISR extended to include greenhouse gasses and the criteria pollutants not covered by the existing ISR. In order for ISR to be effective in reducing VMT, it should discourage developers from building far from existing services and jobs, and it should encourage close-in development. To this end, the amount of the fee should be proportional to the VMT, and the computer model used to compute a project's emissions should accurately account for the individual project's VMT. (The URBEMIS model used to compute emissions associated with projects needs to be upgraded so as to more precisely account for an individual project's VMT.) As a means of encouraging green building, reducing energy use, and promoting good community design measures such as mixed use and walkability, such an ISR should follow the precedent set by the existing ISR to incorporate fee reductions for onsite GHG reduction measures. Remaining fees should be used for projects that reduce GHG as well as criteria pollutants and achieve other environmental co-benefits.

It has been our experience that fees and other mitigation measures are easier for the individual developer to accept if they are uniform – if everybody has to do them. Thus, adopting a statewide ISR, perhaps adapted on the regional level to regional issues, would undermine one BIA opposition argument.

FEED-IN TARIFFS

The Kern-Kaweah Chapter strongly supports the State adopting a strong feed-in tariff program to replace the existing dysfunctional system. Having operated successfully in Germany and many other countries, feed-in tariffs are efficient tools for speeding adoption of renewable electricity generation and stabilizing market prices of new technologies.

We've been attempting on the ground to get solar PV built in to new construction as standard. What better place to generate electricity from the sun than California! It's very difficult at this point because PV is costly and doesn't pay off for a number of years. The solution is a good feed-in tariff system like the proven German system. If California had a feed-in tariff system, solar PV would take off and soon become standard in new construction. Those of us on the GHG mitigation front lines would have a lot easier sell. The CARB scoping plan should explicitly back feed-in tariffs.

CUMULATIVE SIGNIFICANCE

The Center for Biological Diversity (CBD) argues convincingly in their September, 2007, report entitled *The California Environmental Quality Act – On the Front Lines of California's Fight Against Global Warming* that "In light of the magnitude and scope of the climate change impacts facing California and the mandate of both the California Global Warming Solutions Act of 2006 and Executive Order S-3-05 that existing levels of greenhouse gases be significantly reduced, any new emissions generated by a project should be considered cumulatively significant." We agree that all new GHG emissions should be considered cumulatively significant; CEQA significance thresholds for GHG emissions should be zero or very low.

ADDITIONAL POINTS

Please include the following in your Final Scoping Plan:

- The 33% Renewables Portfolio Standard for electricity providers should be retained, and feed-in tariffs and community choice aggregation are two ways to help meet the 33% level by 2020.
- The plan should include specific requirements for automakers to sell zero-emission vehicles.
- The plan should include specific measures to increase recycling of organics and other materials, and those measures should have emission reduction numbers and deadlines attached to them.
- Polluters should have to pay for cleaning up the damage they cause. Therefore, if a carbon market is established, all emission allowances should be auctioned.
- Revenues raised by fees and/or auctions should go toward clean energy technologies, public transit, environmental mitigation, green jobs, and aiding low-income consumers.
- Any offsets should be limited in number and subjected to rigorous criteria.
- Minimize air quality impacts in our most-polluted communities.
- Public transportation projects that promote efficiency and sustainability are critical.

- Reduction targets large enough to preclude business-as-usual sprawl should be incorporated. Specifically, the 2 MMTCO₂E reduction target for land use and local government should be much larger, and the 2.1 MMTCO₂E reduction target for electricity could be larger if feed-in tariffs are adopted.

CBD, in the report referenced above, states, “The importance of reducing greenhouse gas pollution cannot be overstated: reductions made today not only make economic sense, but will determine the type of climate and quality of life experienced by our children and grandchildren.” We appreciate CARB’s efforts to this end in the Draft Scoping Plan, and we ask that you strengthen it by incorporating the suggestions above.

Sincerely,

A handwritten signature in blue ink that reads "Gordon L. Nipp". The signature is written in a cursive, flowing style.

Gordon L. Nipp
Vice-Chair
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