



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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STEPHEN R. MAGUIN
Chief Engineer and General Manager

January 7, 2009
File No.: 31-380.10B

Mr. James Goldstene
Executive Officer
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, California 95812

Dear Mr. Goldstene:

Comments on the ARB CEQA Greenhouse Gas Proposal

The Sanitation Districts of Los Angeles County (LACSD) appreciate this opportunity to comment on the ARB's efforts to incorporate climate change concerns into CEQA policy. After reviewing the October 24, 2008 proposal and the December 9th, 2008 workshop, it is clear to us that the ARB has much work to do before a comprehensive and polished product is ready for adoption.

As a CEQA lead agency for essential public wastewater and refuse projects, LACSD is concerned that the incomplete standards offered by this CEQA significance threshold proposal will lead to project delays and litigation. ARB should also realize that its strong guidance will be needed to discourage an uneven patchwork of CEQA requirements for projects in California. ARB has yet to demonstrate how the proposal's major features including the numeric threshold and mitigation mandates will help the state achieve its climate change goals. We encourage further discussion on this proposal including the release of a comprehensive staff report that justifies the choices ARB made in generating its proposal and hope that ARB issues a refined product later this month.

We respectfully offer the following comments on information relayed during the December 9th, 2008 workshop and the October 24th, 2008 proposal:

1. Regardless of the project, ARB should consider an amortized construction emissions threshold. Such an option is featured in the proposal set forth by the SCAQMD and is appropriate since the project life may far surpass the brief construction period.
2. The ARB proposal seems to imply that performance standards should be met for all non-exempt projects regardless of size. ARB should consider some de minimis level of emissions that does not warrant these requirements which could be costly and have very little benefit in reducing overall statewide GHG emissions.

3. Compliance with regulations derived from the state's AB 32 scoping plan and/or participation in cap and trade programmatic reductions should be sufficient in and of themselves to keep a project below significance. Projects captured in a GHG cap and trade program would, by definition, be forced below significance (zero net impact or less), which would eliminate the need for a CEQA assessment of GHGs.
4. The proposal seems to require that aggressive targets including construction debris recycling (at least 75%) and use of recycled materials for construction occur immediately. These aggressive targets should be phased in as markets for such activities will take time to develop. Moreover, it is not always true that recycle means less energy (and less emissions). While those requirements might be nice "sustainability" goals that an agency/developer could choose to embrace via a LEED certification, forcing all projects down this path seems unjustified and questionable as to the greenhouse gas emissions benefits.
5. Emissions from carbon-neutral renewable fuels and other biogenic emissions would occur anyway and should thus not be included in emission estimates. To do so would conflict with the state's goals for its renewable portfolio standard. Significance determinations should only be assessed based on *anthropogenic* emissions.
6. Discussion of quantifiable mitigations should begin immediately. The measures offered to-date are inadequate and, absent documentable emissions reductions, unusable. A numerical threshold invites numerical mitigations. There should be a rock-solid and consistent understanding on what mitigation is worth.
7. The ARB should provide examples of what is meant by "alternative" modes of transportation for workers.

We thank you for the opportunity to provide these comments and allow our participation in this important process. If you have any questions regarding these comments, please do not hesitate to contact Mr. Patrick Griffith at (562) 908-4288, extension 2117.

Mr. James Goldstene

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January 7, 2009

Very truly yours,
Stephen R. Maguin

A handwritten signature in black ink, appearing to read "Gregory M. Adams", written in a cursive style.

Gregory M. Adams
Assistant Departmental Engineer
Air Quality Engineering
Technical Services Department

GMA:PG:bb

cc: Kurt Karperos – ARB
Doug Ito – ARB
Cynthia Bryant – OPR
Terry Roberts - OPR
Steve Smith – SCAQMD
Michael Krause – SCAQMD