

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT  
SINCE 1955

September 3, 2008

James Goldstene, Executive Officer  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Dear Mr. Goldstene,

**ALAMEDA COUNTY**

Tom Bates  
Scott Haggerty  
Janet Lockhart  
Nate Miley

**CONTRA COSTA COUNTY**

John Gioia  
Mark Ross  
Michael Shimansky  
Gayle B. Uilkema

**MARIN COUNTY**

Harold C. Brown, Jr.

**NAPA COUNTY**

Brad Wagenknecht  
(Secretary)

**SAN FRANCISCO COUNTY**

Chris Daly  
Jake McGoldrick  
Gavin Newsom

**SAN MATEO COUNTY**

Jerry Hill  
(Chair)  
Carol Kíatt

**SANTA CLARA COUNTY**

Erin Garner  
Yoriko Kishimoto  
Liz Kniss  
Ken Yeager

**SOLANO COUNTY**

John F. Silva

**SONOMA COUNTY**

Tim Smith  
Pamela Torliatt  
(Vice-Chair)

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

Bay Area Air Quality Management District staff (District staff) appreciates the opportunity to comment on the Draft Scoping Plan required by the Global Warming Solutions Act (AB32). District staff recognizes the tremendous effort made by California Air Resources Board (CARB) staff in preparing this document.

However, District staff are concerned that the Draft Scoping Plan is incomplete in terms of the measures identified and needs to provide adequate detail regarding those measures that are identified. Accordingly, District staff offers the following comments and suggestions.

In light of the legislative mandate set forth in AB 32, all measures which will result in emissions reductions designed to reach the goal of reducing 169 MMT CO<sub>2</sub> must be enforceable. In addition, CARB should develop methods to ensure regular tracking of the implementation of the measures. Furthermore, the Scoping Plan should identify contingency measures to be adopted in the event that measures fail to yield estimated reductions. CARB should also include the stationary source measures listed as "under review" in the final list of recommended measures. Moreover, the final Scoping Plan should include development of a measure to ensure greenhouse gas emission reductions from new and modified stationary sources. In implementing Scoping Plan measures affecting stationary sources, CARB should utilize a consolidated permitting program that can offer the clarity and efficiency needed to be successful. District staff is willing to assist CARB with the development and implementation of a consolidated permitting system.

District staff is concerned that the Draft Scoping Plan is premised upon a market mechanism providing approximately one fifth of the needed reductions. This concern is particularly acute because the proposed cap and trade proposal has been loosely defined and depends on the voluntary collaboration of multiple external entities. California's long history of successful air pollution control has relied primarily on regulatory mechanisms. The cap and trade proposal contained in the Draft Scoping Plan represents a significant departure from California's proven approach. Moreover, the Draft Scoping Plan presents no alternative in the event that the cap and trade program does not evolve to provide the projected reductions in the required time frame.

To the extent that the cap and trade program credits greenhouse gas emissions reductions that occur in projects outside of California against the AB32 targets, California communities will fail to benefit from related air quality benefits such as reductions in criteria air pollutants and toxic air pollutants. The cap and trade program must embody sufficient protections for local communities. CARB should explore whether revenue generated by auctioning the initial allowances for the cap and trade program rather than distributing those allowances at no charge could be used to fund in-state clean air programs including in impacted communities. Ultimately, the protection of public health should remain the priority of clean air programs.

District staff is pleased to see Local Government Actions and Regional Targets identified as a reduction measure (Measure T-9). However, Measure T-9 presents a limited approach and fails to catalyze the transformative transportation and land use changes needed to meet greenhouse gas emission reduction targets in 2050 as set forth in the Governor's Executive Order S-3-05. Projected emission reductions from Measure T-9 underestimate the potential for significant transportation sector greenhouse gas reductions. The Bay Area is already employing transportation and land use innovations like the FOCUS planning process and the incorporation of greenhouse gas targets and reduction projects in the regional long range transportation plan. This measure should be strengthened in the following ways.

First, the regional targets should be linked to appropriate incentives, such as funding for local transportation projects or plans that accelerate greenhouse gas emission reductions. The measure should also include required actions for regions that fail to meet a minimum reduction target.

Second, Measure T-9 should reach beyond the Blueprint Planning process and include tools that regions can begin to implement sooner, and which can yield reductions in a shorter timeframe. Some of these tools are in the Draft Scoping Plan section titled "Other Measures under Evaluation." Examples include indirect source rules for new development and congestion pricing. Other additions to this list should include regional transit improvements and innovative parking strategies to reduce vehicle miles traveled and greenhouse gas emissions. The scoping plan should also seek to implement statewide strategies such as Pay as You Drive insurance and "feebates," as these strategies also have the potential to reduce vehicle miles traveled and greenhouse gas emissions.

Third, because State agencies can provide additional support for low-greenhouse gas land use decisions by coordinating with one another regarding distinct policies, programs, guidance, funding, and analytical tools, these concepts should be included in the Scoping Plan.

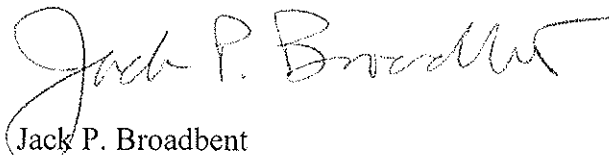
Fourth, the Scoping Plan should also address how the passage of SB 375, Senator Steinberg's bill on land use and transportation planning and greenhouse gas emissions, may affect implementation of measure T-9, should the bill be signed by the Governor. CARB should further clarify the measure via discussion with local and regional agencies. It will also be critical for CARB to work closely with local and regional agencies to implement Measure T-9. Together, CARB and the regions can identify achievable targets based on a region's infrastructure and resources and the region's ability to create mode shift. Within the Bay Area, the District and its regional agency partners have been working to align climate protection efforts

to facilitate and accelerate climate action. We are developing a regional climate protection program that builds on the roles of each agency.

Fifth, the current version of Measure T-9 merges together regional GHG targets and local government actions. Two separate measures should be included in the Scoping Plan. Measure T-9 would continue to focus on regional GHG targets to be achieved through improved transportation and land use planning at the regional and local levels. CARB should collaborate with regional agencies in setting the regional targets. A new measure would focus on reducing greenhouse gases through other types of actions that can be implemented at the local level, including actions to reduce solid waste, water use, and energy use. Many Bay Area cities and counties are developing local Climate Action Plans that include such actions. The District has been providing technical assistance and resources to help cities and counties develop greenhouse gas emission inventories to use as the baseline for their Climate Action Plans. This is a challenging task for city and county staffs that must learn inventory principles and practices, collect data, and formulate a community-wide inventory. The local government protocols being developed by CARB and CCAR will help. District staff urges CARB to provide additional statewide technical and financial resource assistance for this effort.

Once again, District staff appreciates the opportunity to comment on the Draft Scoping Plan. District staff is prepared to assist CARB in implementation of the Scoping Plan, including development and implementation of regulations, permitting, enforcement, voluntary programs, incentives, and public outreach. District staff looks forward to implementation of the Scoping Plan as a collaborative endeavor with CARB.

Sincerely,



Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

cc: Supervisor Jerry Hill