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CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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August 24, 2009

Mr. Christopher Calfee, Special Counsel
California Natural Resources Agency
1017 L Street, Suite 2223
Sacramento, CA 95814

Dear Mr. Calfee:

COMMENTS REGARDING PROPOSED DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE AMENDMENTS FOR GREENHOUSE GAS EMISSIONS (RELEASED JULY 3, 2009)

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) I want to thank the California Natural Resources Agency (NRA) for the opportunity to comment on the Proposed CEQA Guideline Amendments for Greenhouse Gas Emissions (Proposed CEQA Guidelines) released July 3, 2009. On January 29, 2009, the Task Force forwarded comments on the Preliminary Draft CEQA Amendments to Ms. Cynthia Bryant, Director of the Governor's Office of Planning and Research (OPR), a copy enclosed. While the Proposed CEQA Guidelines appears to have incorporated some of our comments, we would like to reiterate the critical issues presented in that letter that do not appear to be included as well as provide additional comments.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County with a combined population in excess of 10 million. Consistent with these responsibilities, and to ensure a coordinated and cost-effective and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

In order to further enhance the Proposed CEQA Guidelines, we respectfully request your consideration of the following comments. Recommended language is underlined and bold.

1. Section 15064.4 (a) and (1) – This section has been completely rewritten from the previous draft. As such we would recommend the section be rephrased to read *“The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort based on available information, to describe, calculate or estimate the amount of **net** greenhouse gas emissions resulting from the project. A lead agency shall have discretion to determine, in the context of a particular project, whether to: 1) Use a model, methodology, **or lifecycle analysis** to quantify greenhouse gas emissions resulting from a project, and which model, methodology, **or lifecycle analysis** to use. The lead agency has discretion to select the model, methodology, or **lifecycle analysis** it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model, methodology, **or lifecycle analysis** selected for use.”*
2. Sections 15125(d), 15130(b)(1)(B), and 15130(d) – To ensure consistency in analysis and in planning document citations, these sections need to be expanded to include the term **“integrated waste management plan”** as initially identified in Section 15064(h)(3).
3. Appendix G, Sample Questions, Subsection VII - Since a lifecycle analysis would provide additional justification regarding net environmental impacts or benefits of a project, the following sentence should be amended to read (shown bold and underlined) *“Would the project: (a) Generate **net** greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, (b) Conflict with any applicable plan, policy, regulation, or **lifecycle analysis conducted by the lead agency or another public agency** for the purpose of reducing the emissions of greenhouse gases?”*
4. Appendix G, Item VII. (a), Pg 7 – Expand to read *“Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance **or a lifecycle a conducted by the lead agency or another public agency addressing the affected resource(s)**”.*

5. Appendix G, Sample Questions, Subsection XVII – The adequacy of the solid waste management infrastructure is critical for the management of solid waste that may be generated by a project. Additionally, how the project addresses the solid waste management needs can have significant (positive or negative) impacts on the generation of GHG emissions. As such, this Subsection needs to be expanded to include the following question: **“Comply with applicable integrated waste management plan and its goals and requirements, as adopted pursuant to the California Integrated Waste Management Act by an agency having jurisdiction over the project?”**
6. Appendix G, Sample Questions, Subsection XVII (f) – To ensure consistency with the California Integrated Waste Management Act of 1989, and in particular with Section 40194 of the Public Resources Code, this question should be amended to read: **“Be served by a landfill solid waste facility with sufficient permitted capacity to accommodate the project’s solid waste disposal needs”**

We recognize that these amendments do not establish a threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures. These guidelines are intended to help lead agencies meet their CEQA obligations. As part of this process, OPR has asked the California Air Resources Board (ARB) technical staff to recommend statewide interim thresholds of significance for greenhouse gases. It appears that the interim thresholds of significance will be quantitative and sector-specific.

Once quantitative interim statewide thresholds of significance are established, it is expected that they would be used widely. Many agencies across the state may look to these thresholds for guidance. For this reason we encourage ARB and NRA to recommend thresholds that are 1) based on scientific fact and evidence, 2) result in measurable benefits to public health and the environment, and 3) are realistic and do not unnecessarily delay the growth of California’s green economy. Mitigating greenhouse gas impacts at a project level using statewide thresholds may prove challenging and should be carefully vetted by topic experts before implementation.

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We appreciate the work of both the Governor's Office of Planning and Research and the Natural Resources Agency on this endeavor. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor, City of Rosemead

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Enc.

cc: Mike Chrisman, California Natural Resources Agency
Cynthia Bryant, Governor's Office of Planning and Research
Ian Peterson, Governor's Office of Planning and Research
Mary Nichols, California Air Resources Board
James Goldstene, California Air Resources Board
California State Association of Counties
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
League of California Cities, Los Angeles County Division
Southern California Association of Governments
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each Member of the Alternative Technology Advisory Subcommittee



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January 29, 2009

Ms. Cynthia Bryant, Director
Governor's Office of Planning and Research
P.O. Box 3022
Sacramento, CA 95812

Dear Ms. Bryant:

COMMENTS REGARDING PRELIMINARY DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE AMENDMENTS FOR GREENHOUSE GAS EMISSIONS (RELEASED JANUARY 8, 2009)

On behalf of the Los Angeles County Integrated Waste Management Task Force (Task Force), I want to thank the Governor's Office of Planning and Research (OPR) for the opportunity to comment on the *Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions* released January 8, 2009. Pursuant to Senate Bill 97 (Chapter 185 of the 2007 State Statutes), OPR has developed preliminary draft regulatory guidance with respect to the analysis and mitigation of the potential effects of greenhouse gas (GHG) emissions. We recognize that these amendments do not establish a threshold of significance for GHG emissions, nor do they prescribe assessment methodologies or specific mitigation measures.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities, and to ensure a coordinated and cost-effective and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the Los Angeles County Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Since efforts are still underway to ascertain the net GHG emissions impacts from various potential sources, mitigating the impact of GHG emissions at the project level under CEQA is a unique challenge requiring careful consideration of potentially conflicting priorities. The *Preliminary Draft CEQA Guideline Amendments* worked to balance those priorities while

respecting the need for lead agencies to establish thresholds of significance for GHG emissions that are supported by substantial evidence, including expert opinion based on facts. In order to further enhance the *Preliminary Draft CEQA Guideline Amendments*, we respectfully request your consideration of the following comments:

1. Section 15064.4(a)(1) -- Since a lifecycle analysis would provide additional justification regarding the net environmental impacts or benefits of a project, the following sentence should be amended to read (shown in bold and underlined): "A project may be considered to help attainment of the state's goals by being consistent with an adopted statewide 2020 greenhouse gas emissions limit or the plans, programs, and regulations adopted to implement the Global Warming Solutions Act of 2006 **or verified by a lifecycle analysis conducted by the lead agency or another public agency addressing the affected resource(s)**;"
2. Section 15064.4(a)(2) -- In assessing the significance of impacts, it is important to consider the net environmental impact, especially for GHG emissions which may increase emissions in one area but lead to a decrease elsewhere. As a result, this section should be amended to read (shown in bold and underlined): "The extent to which the project may **lead to a net increase in** the consumption of fuels or other energy resources, especially fossil fuels that contribute to greenhouse gas emissions when consumed;"
3. Sections 15125(d), 15130(b)(1)(B), and 15130(d) -- To ensure consistency in planning document citations, these sections should include the term "**integrated waste management plan**" as initially identified in Section 15064(h)(3).
4. Appendix G, Environmental Factors Potentially Affected Section -- To ensure consistency with Appendix G, Sample Question VII, the following environmental factor should be included in the list of factors: "**Greenhouse Gas Emissions**."
5. Appendix G, Sample Questions, Subsection VII(a) -- Since a lifecycle analysis would provide additional justification regarding the net environmental impacts or benefits of a project, the following sentence should be amended to read (shown in bold and underlined): "Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance **or a lifecycle analysis conducted by the lead agency or another public agency addressing the affected resource(s)**?"
6. Appendix G, Sample Questions, Subsection XVII -- The adequacy of the solid waste management infrastructure is critical for the management of solid waste that may be generated by a project. Additionally, how the project addresses the solid waste management needs can have significant (positive or negative) impacts on the generation of GHG emissions. As such, this Subsection needs to be expanded to

Ms. Cynthia Bryant
January 29, 2009
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include the following question: **“Comply with applicable integrated waste management plan and its goals and requirements, as adopted pursuant to the California Integrated Waste Management Act by an agency having jurisdiction over the project?”**

7. Appendix G, Sample Questions, Subsection XVII(f) – To ensure consistency with the California Integrated Waste Management Act of 1989, and in particular with Section 40194 of the Public Resources Code, this question should be amended to read: [Would the project] “Be served by a **landfill solid waste facility** with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?”

The Task Force looks forward to the opportunity to work with OPR and other appropriate agencies to ensure an environmentally and economically viable integrated waste management system that is protective of public health and safety as well as the environment. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: Governor Arnold Schwarzenegger
Mike Chrisman, Secretary of the California Natural Resource Agency
Ian Peterson, Governor’s Office of Planning and Research
California State Association of Counties
The League of California Cities
Each Member of the County of Los Angeles’ Board of Supervisors
Each City Mayor in Los Angeles County
The League of California Cities, Los Angeles County Division
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