

California Wastewater Climate Change Group

November 10, 2009

Mr. Christopher Calfee
Special Counsel
California Air Resources Board
1017 "L" Street, #2223
Sacramento, CA 95814

Dear Mr. Calfee:

Comments on Natural Resources Agency's October 2009 Proposed Changes to the CEQA Guidelines

The California Wastewater Climate Change Group's (CWCCG) mission is to address climate change policies, initiatives, and challenges through a unified voice representing California wastewater community perspectives. Together, CWCCG's members provide an essential public service by treating over 90% of the sewered municipal wastewater in California.

We have reviewed not only these proposed guidelines but also the developing inconsistent patchwork of proposals introduced by the individual air districts. These proposals are being developed in a regulatory vacuum while awaiting the final authoritative guidance from the Resources Agency which SB 97 sought to address¹. Given the importance of the Resources Agency's Guidelines, we feel it is critical that it distinguish between *anthropogenic* and *biogenic* emissions of CO₂².

As we stated in both our testimony to the Resources Agency staff at its Los Angeles public workshop and in our follow-up letter (attached), biogenic emissions of CO₂ mimic nature's short-term carbon cycle and ultimately do not change the atmospheric concentration of CO₂, and hence cause no "direct physical change in the environment." Furthermore, the IPCC, U.S. EPA and the U.S. Climate Change Science Program all recognize the role of biogenic emissions in this natural cycle, and thus this source of CO₂ is considered by these authorities to have no environmental impact³.

¹ As specified in SB 97, OPR shall develop for the Resources Agency guidelines for the mitigation of greenhouse gas emissions. Also, the CERES website speaks to the guidelines utility as a resource for public agencies: "The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally."

² For example, BAAQMD, Staff Report Proposed Amendments to BAAQMD Regulation 3: Fees, P.14-15, addresses the distinction between biogenic and anthropogenic emissions of CO₂ by stating: "Biogenic CO₂ emissions are being excluded from fees because these emissions are the result of materials in the biological/physical carbon cycle, rather than the geological carbon cycle. It is the use of materials in the geological carbon cycle, such as fossil fuels, that is believed to be the primary cause of climate change."

³ Biogenic emissions of CO₂ have been excluded from regulation in all major GHG regulatory programs implemented to date around the world. For example, the US EPA's Mandatory Reporting Rule states, "The calculation of total emissions for the purposes of determining whether a facility exceeds the threshold should not include biogenic CO₂ emissions (e.g., those resulting from combustion of biofuels)." Moreover, Chapter 6, page 6.6 of the 2006 IPCC Guidelines for National Greenhouse Gas Inventories states, "Carbon dioxide emissions from wastewater are not considered in the IPCC Guidelines because these are of biogenic origin and should not be included in national total emissions." Finally, The First State of the Carbon Cycle Report (SOCCR) from the U.S. Climate Change Science Program states, "Carbon dioxide, generated from aerobic metabolism in waste removal and storage processes, arises from biological material and is considered GHG neutral."

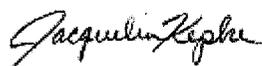
Regrettably, the Resources Agency has yet to respond to our recommendation to make this distinction clear in its Guidelines. Were they to do so, a consistent framework would be available to the local air districts to resolve this critical issue. A simple solution would be to refine the definition of greenhouse gases in §15364.5 to accommodate this understanding as follows:

"Greenhouse gas" or "greenhouse gases" includes but is not limited to: ~~carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride,~~ and anthropogenic emissions of carbon dioxide.

If such a distinction is not made between anthropogenic and biogenic emissions of CO₂, the combustion of renewable fuels such as landfill and digester gas could falsely trigger a determination of significance, thus discouraging their use as a key strategy needed to combat climate change. Addressing this issue is necessary to avoid creating disincentives to the Resources Agency's existing Guidelines advocating alternative fuels⁴, the state⁵ and federal⁶ low carbon fuel standards, and the proposed state renewable electricity standard⁷.

Thank you again for the opportunity to provide comments on the proposed amended Guidelines. If you have any questions regarding this transmittal, please contact me at (510) 587-7709 or jkepke@ch2m.com.

Sincerely,



Jackie Kepke, P.E.
Program Manager
California Wastewater Climate Change Group

PG:bb
Enclosure

cc: Ian Peterson – Natural Resources Agency
Kirk Miller – Natural Resources Agency

⁴ See Title 14, Division 6, Chapter 3, Article 20, Appendix F: Energy Conservation.

⁵ See §95480 of the Low Carbon Fuel Standard: "The purpose of this regulation is to implement a low carbon fuel standard, which will reduce greenhouse gas emissions by reducing the full fuel-cycle, carbon intensity of the transportation fuel pool..."

⁶ See 40 CFR, Part 80, Regulation of Fuels and Fuel Additives: Renewable Fuel Standard Program, Summary. "...we believe that the expanded use of renewable fuels will provide reductions in carbon dioxide emissions that have been implicated in climate change."

⁷ See Proposed Concept Outline for the California Renewable Electricity Standard. ARB, October 2009. p.1, "The ARB's RES rule would reduce greenhouse gas emissions..."

CALIFORNIA WASTEWATER CLIMATE CHANGE GROUP

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August 27, 2009

Mr. Christopher Calfee
Special Counsel
California Air Resources Board
1017 "L" Street, #2223
Sacramento, CA 95814

Dear Mr. Calfee:

CWCCG Comments on the Natural Resources Agency's July, 2009 Proposed Changes to the CEQA Guidelines

The California Wastewater Climate Change Group (CWCCG) is a statewide coalition of wastewater treatment agencies. Approximately 90% of California's municipal wastewater is treated by CWCCG members. This coalition has reviewed the Resources Agency's efforts to incorporate climate change into the CEQA Guidelines and wish to highlight one of our concerns.

We feel that any greenhouse gas proposal, CEQA or otherwise, should distinguish between anthropogenic emissions of CO₂ and those CO₂ emissions derived from activities that mimic the natural short-term carbon cycle, i.e., biogenic emissions.

In the short-term carbon cycle, atmospheric CO₂ absorbed by plants during photosynthesis can take several paths before reentering the atmosphere as CO₂¹. Activities such as renewable fuel combustion, respiration and the release of CO₂ from municipal wastewater treatment plants all return atmospheric CO₂ absorbed by plants weeks earlier. Unlike fossil-fuel emissions that release carbon entombed deep underground for centuries, these "biogenic" carbon dioxide emissions do not change the atmospheric concentration of CO₂.

We are concerned that CEQA significance thresholds under discussion do not distinguish between fossil-fuel based and other anthropogenic emissions of carbon dioxide vs. renewable or biogenic emissions of carbon dioxide.

If no distinction is made between these two, for example, the combustion of renewable fuels could falsely trigger a determination of significance. CEQA should not discourage the use of renewables or non-fossil fuel carbon as that would frustrate a key strategy needed to combat climate change.

¹ See BAAQMD, Staff Report Proposed Amendments to BAAQMD Regulation 3: Fees, p. 15, May 12, 2008.

We ask that the Resources Agency advise lead agencies that biogenic emissions exert no net adverse impact on the environment. Consequently, the Resources Agency should also advise that these biogenic emissions should NOT be considered in any "bright-line" significance threshold nor any performance standard under CEQA.

We thank you for this opportunity to provide you with our concerns and look forward to discussing these issues with you further. If you have any questions or comments, please contact Patrick Griffith at (562) 908-4288 ext. 2117.

Sincerely,



California Wastewater Climate Change Group

cc: Ian Peterson
Kirk Miller
Jackie Kepke