

Name: Jim Sandoval, P.E.

Organization: Tri-TAC Air Committee

Date Received: November 10, 2009

Subject: Comments to Title 14-Guidelines for CEQA

Dear Mr. Calfee,

This comment letter regarding the subject CEQA guidelines is sent on behalf of the Air Committee of Tri-TAC, a Technical Advisory Committee representing numerous sanitation agencies throughout California. Tri-TAC's Mission is to improve the overall effectiveness and accountability of environmental programs that impact publicly owned treatment works (POTWs) in California by working with State and Federal regulatory agencies and interest groups on matters related to POTWs. The Air Committee has reviewed the Resources Agency's efforts to incorporate climate change into the CEQA Guidelines and wish to highlight two of our concerns.

Concern No. 1

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 CO₂ (see BAAQMD, Staff Report Proposed Amendments to BAAQMD Regulation 3: Fees, p. 15, May 12, 2008). 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 such as digester gas and landfill gas could falsely trigger a determination of significance. CEQA should not discourage the use of renewable fuels or non-fossil fuel carbon as that would frustrate a key strategy needed to combat climate change.

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 or any performance standard under CEQA.

Concern No. 2

During a recent review of the proposed update to text of the proposed amendments to the State CEQA Guidelines, our membership noticed the following text in the original language of Title 14, Section 15064 (d)(2):

"For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution."

Please understand that expansions to public sewage treatment services are sized for projected growth based on land use planning. The example cited above inaccurately portrays sewage treatment plant construction as facilitating growth, when in fact, facilities are constructed to safely collect and treat sewage projected to be generated in the long-term under local government General Plans. The example cited in 15064 (d)(2) may lead to considerable misunderstanding within the communities developing expansions to sewage treatment facilities.

On behalf of Tri-TAC, we respectfully urge the Natural Resources Agency to find a different example of indirect physical change in the environment. We understand that the example is hypothetical. However, we believe it sends the wrong message to the public about the process our industry follows to expand the essential public service of wastewater treatment.

If you have any questions about these comments, please contact me at (510) 610-9301 or Ms. Vicki Fry of the Sacramento Area Sewer District at (916) 876-6113. Ms. Fry is copied on this email.