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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

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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
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