

CEQA GHG Guidance

August 20, 2009



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

Live a Healthy Air Life!

Why Develop GHG CEQA Guidance?

- State has made it clear that GHG impacts must be addressed during CEQA process
- CEQA requires a determination of “Significance” but there is no generally accepted guidance for determining significance of project specific greenhouse gas emissions (GHG)
- OPR has only proposed general guidance
- Project proponents, lead agencies and the public need clear guidance
- Therefore, District Board has directed staff to develop guidance for addressing GHG impacts

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Options for Determining Significance

- Zero threshold of significance
- Numerical threshold of significance
- Performance based standards

Options for Determining Significance

Zero threshold

- Most aggressive option regarding climate protection
- Projects **not mitigated to zero** GHG emissions would:
 - Be found to have significant cumulative impact
 - Require preparation of an EIR
 - Require all feasible mitigation with goal of net zero
 - Require adoption of a statement of overriding consideration
- Issues:
 - Would result in **undue regulatory burden** on small projects with potentially little positive benefits
 - Could result in “**Leakage**”
 - ARB concludes zero thresholds are **not warranted**

Options for Determining Significance

Numerical threshold of significance

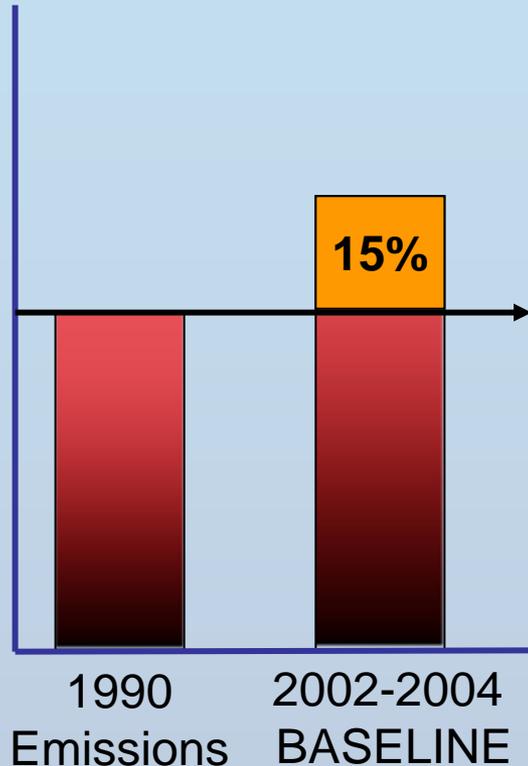
- Significant if increase in GHG emissions is **above** a numerical value **“Bright-line”**
- No mitigation required if below the “Bright line”
- Considered by District, ARB, and other air districts
- Issues:
 - Predicated on an **arbitrary cut-off** point
 - i.e. capturing 90% of projects (Emissions inventory basis)
 - Existing science **does not support** a “Bright-line” determination of GHG impacts on global climatic change

Options for Determining Significance

Performance based standards

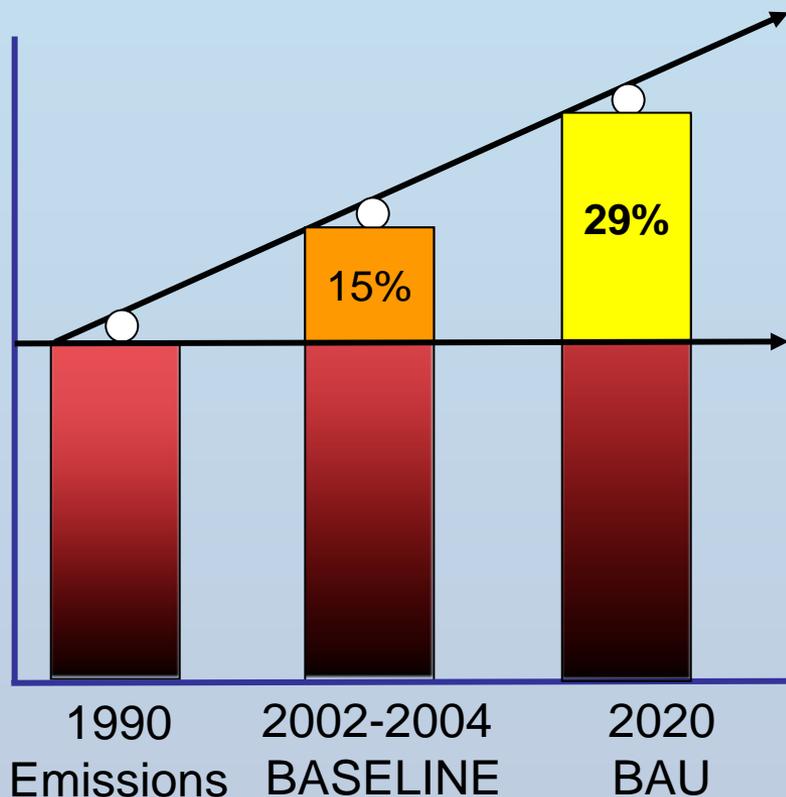
- **Less than significant if Best Performance Standard (BPS) achieved**
- Reductions to be achieved based on AB 32 GHG emission reduction goals
- Benefits:
 - **ALL projects** with increased GHG required to reduce GHG impact
 - Streamline significance determination process
 - Reduce regulatory burden

CARB GHG Baseline



- CARB baseline is a 3-year average **GHG emission inventory** for the 2002-2004 period
- CARB baseline includes emissions from **all sources** in existence at that time; old & new, small & large
- With no growth, the 1990 GHG target could be achieved by a 15% reduction

CARB Business As Usual (BAU)



- BAU is a **projection of the baseline emissions inventory** reflecting anticipated growth by the year 2020
- **CARB's 29% reduction target** is from BAU
- Projects occurring after the Baseline period may already have achieved GHG reductions

District Proposal

- **Projects exempt under CEQA**
 - Not subject to CEQA
- **Projects covered by an **approved** GHG emission reduction plan supported by a **certified** CEQA environmental review document**
 - No further GHG analysis required

District Proposal

- **Projects implementing BPS**
 - GHG emission **reductions pre-quantified**
 - **No additional quantification** of GHG required
 - GHG impacts less than significant
- **Projects not implementing BPS**
 - Must **quantify GHG emissions**
 - **Reduce or mitigate** GHG emissions by 29% BAU
 - May require a Statement of Overriding Consideration

District Proposal

- **Projects subject to an EIR for any reason**
 - Must **quantify GHG emissions**
 - However may use BPS to determine significance
 - May require adoption of a “Statement of Overriding Consideration”

District Proposal

Meet BPS

Quantify GHG emissions
AND
Achieve 29% GHG reduction

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graph TD; A[Meet BPS] --> C[LESS THAN SIGNIFICANT]; B[Quantify GHG emissions AND Achieve 29% GHG reduction] --> C; C --> D[Otherwise EIR REQUIRED];
```

LESS THAN SIGNIFICANT

Otherwise

EIR REQUIRED

What Are Best Performance Standards?

BPS Development Projects

Achieved-in-Practice project elements that have quantifiable GHG reduction benefits

Basic BPS Categories

- Building Design (Energy Efficiency)
- Project Design (Pedestrian/Mass Transportation)
- Land Use Planning (Mixed Use)

How Will We Establish BPS?

- BPS will be developed by a process adopted by the District Board
- Development will occur on an ongoing basis and will include a public review process
- Project proponents or other members of the public may propose other technology, equipment designs, or operational/maintenance practices
- The District will work with industry, agriculture, lead agencies, and other interested parties on an ongoing basis to ensure that:
 - District stays current with new and improving technologies
 - District is not imposing measures than cannot be achieved

Current activities include:

- *San Joaquin Valley Agricultural Technical Committee*
- *CAPCOA GHG Mitigation Committee*

How Will We Establish BPS?

Development Projects

- List all Achieved-in-Practice GHG emissions reduction measures
- Quantify GHG emission reduction effectiveness
- Current activity: CAPCOA RFP to identify and quantify GHG reduction measures

Implementation of BPS

Development Projects

- Lead agency to evaluate proposed project
- If project proponent proposes any combination of BPS that achieves a total GHG reduction of 29%, as compared to BAU:
 - No further CEQA GHG analysis required
- If project proponent does not propose a combination of BPS that achieves a total GHG reduction of 29%, as compared to BAU:
 - Quantify GHG emissions and reduce or mitigate to achieve a total GHG reduction of 29%

Questions and Comments

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