

CEQA & Climate Change

Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act

January 2008

Disclaimer

The California Air Pollution Control Officers Association (CAPCOA) has prepared this white paper consideration of evaluating and addressing greenhouse gas emissions under the California Environmental Quality Act (CEQA) to provide a common platform of information and tools to support local governments.

This paper is intended as a resource, not a guidance document. It is not intended, and should not be interpreted, to dictate the manner in which an air district or lead agency chooses to address greenhouse gas emissions in the context of its review of projects under CEQA.

This paper has been prepared at a time when California law has been recently amended by the Global Warming Solutions Act of 2006 (AB 32), and the full programmatic implications of this new law are not yet fully understood. There is also pending litigation in various state and federal courts pertaining to the issue of greenhouse gas emissions. Further, there is active federal legislation on the subject of climate change, and international agreements are being negotiated. Many legal and policy questions remain unsettled, including the requirements of CEQA in the context of greenhouse gas emissions. This paper is provided as a resource for local policy and decision makers to enable them to make the best decisions they can in the face of incomplete information during a period of change.

Finally, this white paper reviews requirements and discusses policy options, but it is not intended to provide legal advice and should not be construed as such. Questions of legal interpretation, particularly in the context of CEQA and other laws, or requests for advice should be directed to the agency's legal counsel.

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Table of Contents

Executive Summary	1
<u>Chapter</u>	
1. Introduction.....	5
2. Air Districts and CEQA Thresholds	11
3. Consideration of Fundamental Issues	13
4. Consideration of a Statewide Threshold.....	21
5. CEQA with No GHG Thresholds	23
6. CEQA With GHG Threshold of Zero	27
7. CEQA With Non-Zero Thresholds	31
Approach 1: Statute and Executive Order Approach.....	32
Approach 2: Tiered Approach	36
8. Analytical Methodologies for GHG.....	59
9. Mitigation Strategies for GHG.....	79
10. Examples of Other Approaches	85
Appendix A – Relevant Citations	
Appendix B – Mitigation Measure Summary	
Appendix C – Rule and Regulation Summary	

List of Figures

Figure 1 – Climate Change Significance Criteria Flow Chart.....	38
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List of Tables

Table 1 – Analysis of GHG Emissions from Stationary Combustion Equipment Permits	18
Table 2 – Approach 2 Tiering Options	41
Table 3 – Comparison of Approach 2 Tiered Threshold Options	49
Table 4 – Non-Zero Threshold Evaluation Matrix – Approach 1	56
Table 5 – Non-Zero Threshold Evaluation Matrix – Approach 2	57
Table 6 – Residential Project Example GHG Emissions Estimates	62
Table 7 – Commercial Project Example GHG Emissions Estimates	63
Table 8 – Specific Plan Example GHG Emissions Estimates	64
Table 9 – General Plan Example GHG Emissions Estimates.....	68
Table 10 – Summary of Modeling Tools for GHG Emissions	75
Table 11 – Residential Project Example GHG Emissions Estimates with Mitigation ..	81
Table 12 – Residential Projects Example Methodology and Mitigation	82
Table 13 – Commercial Projects Example Methodology and Mitigation	82
Table 14 – Specific Plans Example Methodology and Mitigation	83
Table 15 – General Plans Example Methodology and Mitigation.....	83
Table 16 – Mitigation Measure Summary	B-1
Table 17 – General Planning Level Mitigation Strategies Summary	B-35
Table 18 – Rule and Regulation Summary	C-1

Chapter 7

CEQA with
Non-Zero GHG
Thresholds

- Approach 1: Statute and Executive Order
- 1.4: Uniform % Based Reduction by Region

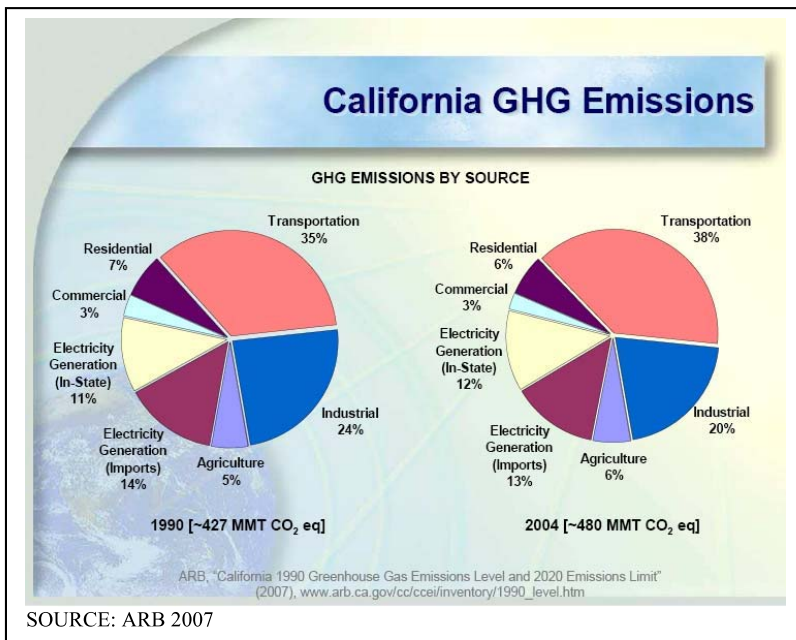
required to achieve 1990 emission inventories by the year 2020 and 80 percent less emissions by 2050. Threshold 1.4 is considered viable long-term significance criteria that is unlikely to be used in the short term.

Implementing CEQA Thresholds Based on Emission Reduction Targets

Characterizing Baseline and Project Emissions

While the population and economy of California is expanding, all new projects can be considered to contribute new emissions. Furthermore, GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. “Business-as-usual” is the projection of GHG emissions at a future date based on current technologies and regulatory requirements in absence of other reductions. For example to determine the future emissions from a power plant for “business-as-usual” one would multiply the projected energy throughput by the current emission factor for that throughput. If adopted regulations (such as those that may be

promulgated by CARB for AB 32) dictate that power plant emissions must be reduced at some time in the future, it is appropriate to consider these regulation standards as the new business-as-usual for a future date. In effect, business-as-usual will continue to evolve as regulations manifest. Note that “business-as-usual” defines the CEQA No Project conditions, but does not necessarily form the baseline under



CEQA. For instance, it is common to subtract the future traffic with and without a project to determine the future cumulative contribution of a project on traffic conditions. However, existing conditions at the time of issuance of the notice of preparation is normally the baseline.

Establishing Emission Reduction Targets

One of the obvious drawbacks to using a uniform percent reduction approach to GHG control is that it is difficult to allow for changes in the 1990 and future emission inventories estimates. To determine what emission reductions are required for new projects one would have to know accurately the 1990 budget and efficacy of other GHG promulgated regulations as a function of time. Since CARB will not outline its