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December 19th, 2014

Ms. Molly Pearson

Mr. Brian Shafritz

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A

Santa Barbara, CA 93110

mmp@sbcapcd.org; bps@sbcapcd.org

Re: District Environmental Review Guidelines Addressing Greenhouse Gas Emissions under CEQA

Dear Ms. Pearson and Mr. Shafritz,

The Community Environmental Council appreciates the opportunity to comment on the District environmental review guidelines addressing greenhouse gas emissions under CEQA. Climate change is the largest and most pervasive environmental challenge that faces our planet and scientists are increasingly warning that we need to take action now to slow the worst and costliest of climate change effects.

Option #1

CEC supports Option #1, a zero emission threshold. Low costs offsets are now available to make it easy and feasible for projects to mitigate their greenhouse gas pollution. This threshold will not force projects into environmental review solely on the basis of projected greenhouse gas emissions because there are ample opportunities to fully mitigate greenhouse gas emissions.

Our county has been making strides to reduce our greenhouse gas emissions, but just a few large projects have the potential to reverse this downward trend. The District's mission is to "protect the people and the environment of Santa Barbara County from the effects of air pollution" and to allow an increase in greenhouse gas emissions is incompatible with this mission.

Option #2

A bright line threshold requiring mitigation down to 10,000 MTCO₂/yr is unlikely to capture a significant portion of emissions. **CEC could possibly support a much lower bright line, one that would capture 95% or more of emissions.** 10,000 MT/yr is equivalent to the emissions from 2,000 average cars, which is a massive amount of additional pollution that polluters should not be allowed to freely emit. Additionally, piecemealing of projects is a concern, and already projects such as the North Garey enhanced oil project with emissions of 9,850 MT/yr have recently been approved.

According to District analysis presented to the Community Advisory Council in 2011, a 10,000 MT threshold in Santa Barbara County at that point affected 7% of projects and 55% of new emissions from stationary sources (198,786 MT/yr). Additionally, while 55% of new emissions would be affected, if these six projects were required to mitigate to 10,000 MT, that would mean 60,000 MT would remain unmitigated, leading to a total capture rate of 138,786 MT/yr, or 39% of new emissions, not 55%. Thus a lower threshold is required to capture an equivalent percentage of new emissions in our County. We pointed this out in our letter sent July 3rd, 2014, but have yet to see a new analysis that uses updated data.

It is our concern that a large number of new industrial projects could be permitted with minimal greenhouse gas reductions, thus allowing our county's greenhouse gas pollution to increase, not decrease. We ask that the district use the latest data to calculate what percentage of emissions a 10,000 MT/yr threshold would capture and where the bright line threshold would need to be set to reduce 95% of new emissions.

Option #3

The performance-based measure hasn't been used in any other District across the state. **CEC does not support this option, as it is our concern that this measure could lead to an overall increase in greenhouse gas emissions, as many large projects could be permitted with minimal mitigation required.** Under option #3, it is possible that our county's greenhouse gas emissions will increase, not decrease, if many large projects are approved.

While the District's examples were helpful, it would be most helpful to see analysis of a project that most commenters are familiar with, the Santa Maria Energy project. We understand why perhaps a single project shouldn't be singled out, but an analysis could be done on a generic project that emits 87,000 MT/yr, using average performance numbers for Santa Barbara County cyclic steaming to calculate the level of mitigation this project would be required to mitigate under the performance-based option. This example, based upon a real life project that many of us are familiar with, would be very illustrative in showing how this measure would work, and could allow us to see how it compares to the 10,000 MT threshold that the County adopted when they approved the project.

Option #4

CEC does not support Option #4. This option allows a minimal mitigation of 15.3% or 35%, and would likely lead to an increase in overall county greenhouse gas emissions if many large projects are approved. The low level of mitigation is justified by referring to AB 32 and the updated Scoping Plan targets for 2020, which seek a reduction of greenhouse gas emissions to 1990 levels by 2020. However, many potential projects will continue long past 2020, and California's Executive Order S-21-09 is to reduce greenhouse gas emissions 80% below 1990 levels by 2050. Thus a mitigation level of 15.3% or 35% is clearly incompatible with E.O. S-21-09.

In fact, SANDAG recently had a ruling from the California Court of Appeals which judged that the EIR for SANDAG's Regional Transportation Plan and Sustainable Communities Strategy was inadequate because the analysis of impacts from greenhouse gas emissions was limited to the 2020 time period, despite the fact that the state has a greenhouse gas reduction target for

2050, and the plan will likely exceed that target. The court ruled that it was not necessary for the state to have a specific plan or threshold to achieve the 2050 target; SANDAG still should have analyzed the greenhouse gas emissions that are projected through 2050 and the impacts that would result. The failure to analyze emissions to 2050 undermined the analysis of mitigation measures as well.

Additionally, option #4 uses the 2020 Scoping Plan targets that use data from during the recession and before the enhanced oil recovery boom had gained steam. Thus these targets are likely to be low in light of the many large enhanced oil projects being permitted across the state. The District should reject this approach that could lead to overall increased emissions in Santa Barbara County.

Conclusion

Only Option #1, a zero emission threshold, will likely lead to an overall reduction in greenhouse gas emissions in Santa Barbara County. All other options could lead to an increase in greenhouse gas emissions, which is counter to the District's mission.

CEC would like to see the District conduct further analysis including:

1. What percentage of emissions would a 10,000 MT/yr threshold capture? What level would the bright line need to be set to capture 95% of emissions from industrial facilities?
2. For option #3, how would it apply to a project that emits 87,000 MT/yr using average cyclic steaming numbers?
3. How many projects or total number of greenhouse gas emitting projects would need to be permitted to have Santa Barbara County's greenhouse gas emission increase, not decrease in each scenario?
4. What is the justification for using 2020 targets rather than 2050 targets for projects that may still be producing after 2020?

Thank you for your consideration of these comments. Many entities and individuals in Santa Barbara County are taking action to reduce their greenhouse gas emissions. It would be a shame if all these positive efforts were offset by allowing emissions to increase from large industrial projects, especially as these projects may have the financial resources to fully mitigate their pollution. Thanks for your consideration of our comments and we wish the District success in your endeavor to ensure meaningful consideration and mitigation of GHG emissions from stationary sources.

Sincerely,



Dave Davis
Executive Director