



EARTHJUSTICE

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CENTER *for* BIOLOGICAL DIVERSITY

June 19, 2008

VIA ELECTRONIC MAIL

Leroy Ornellas, Chair
San Joaquin Valley Unified Air Pollution Control District Governing Board
1990 East Gettysburg Avenue
Fresno, CA 93726-0244

Re: Initial Staff Efforts on Greenhouse Gas Emissions

Dear Chair Ornellas:

Four months ago, the Governing Board aligned its 2008 Legislative Platform with the California Global Warming Solutions Act of 2006 (AB 32) and Executive Order S-3-05, committing to local action on global climate change. As the Board noted, imminent changes in weather patterns threaten a “devastating effect on the Valley’s economy,” and greenhouse gas (GHG) control programs are essential not only for mitigating global warming, but also for meeting health-based standards for criteria pollutants. The Center for Biological Diversity and Earthjustice applaud the Board’s directive. Unfortunately, this bold policy announcement on climate change is being undercut by the District staff’s treatment of actual GHG emitting projects. Instead of pursuing control measures and shaping new development to reduce GHG emissions, staff have been pursuing an agenda that minimizes the obligations of sources to address such emissions in a meaningful way.

For example, in reviewing two recent dairy expansion projects – Bar 20 and Van der Kooi – under the California Environmental Quality Act (“CEQA”), District staff, without going through any public review process, applied a GHG “significance threshold” of 42,000 tons per year of carbon dioxide-equivalent emissions. Under this threshold, only the largest of development projects would ever be considered “significant” in terms of GHG emissions. Consequently, there would be no obligation for the majority of new projects undergoing CEQA review to adopt the many feasible mitigation measures available to reduce GHG emissions. The California Air Pollution Control Officers Association in its 2008 report on CEQA and Climate Change, analyzed this same threshold and, not surprisingly, determined it would have a “low” effectiveness in reducing GHG emissions, and a “low” consistency with AB 32 and Executive Order S-3-05. Indeed, continued application of the 42,000 threshold for new projects will make it virtually impossible for the District to meet the emissions reduction targets set forth under AB 32 and Executive Order S-3-05. Even more troubling, District staff are promoting the adoption of this ineffectual threshold by other agencies, stating that they are “hopeful that other agencies will accede to [the 42,000 tons per year threshold’s] usefulness, and implement it uniformly”¹ We are hopeful that you will direct the staff to finally take global warming seriously and adopt a threshold of significance that CAPCOA has determined is highly effective

¹ Supplemental Van Der Kooi EIR, Appendix C, pg 2.

in reducing GHG emissions and complying with AB 32 and Executive Order S-3-05 emission reduction targets before this ill-advised approach becomes the norm in the Valley.

We are also discouraged that the staff have announced in the new Climate Change Action Plan its desire to focus efforts on compliance flexibilities such as GHG emission banking programs. While these programs may be useful under certain types of emissions trading schemes, they function primarily to help sources purchase credits in lieu of actually reducing GHG emissions. Focusing staff's limited resources on programs to minimize necessary emission reductions is inconsistent with the Board's recognition of the need to reduce GHG emissions expeditiously. We urge the Board to redirect the staff's effort to first explore emission reduction opportunities that are consistent with meeting air quality goals before focusing on such compliance flexibility programs.

Global warming will have devastating impacts in the Valley, including worsening the already poor air quality. It is in all of our interests to change our current course. We hope that you will continue to recognize the need to respond to this looming crisis and direct your staff pursue GHG emission reductions instead of the current policies that attempt to minimize them.

Sincerely,



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