

CEQA GHG Thresholds of Significance

Draft Presentation to the

Association of Environmental Professionals

November 2011



Purpose of Presentation

Is to describe:

- Why CEQA GHG thresholds are needed.
- How CEQA defines significance.
- A Stationary Source Threshold
 - 90% of emissions = 10,000 MT/Year
- 4 Land-Use Thresholds:
 - Efficiency based = 4.6 MT/Service Population
 - GAP based = ~1,000 MT/Year
 - Intuition based = ~1,000 MT/Year
 - Criteria Pollutants based = 10,000 MT/Year

Why CEQA GHG Thresholds Are Needed

Because, large project are required to:

- quantify emissions, and
- consider mitigations measures,

While small projects need not.

California Public Resources Code, Section 15064 (a) (1)

Lead Agencies Must Apply or Create Thresholds

- Each lead agency must make a determination as to what constitutes significant GHG emissions.

California Public Resources Code, Section 15064.4 (b) (2)

California Public Resources Code, Section 15064.7 (a)

- Lead agencies may either apply some other agencies threshold, or adopt their own.

California Public Resources Code, Section 15064.7 (c)

- MBUAPCD will be developing thresholds to assist other agencies develop their own thresholds.

How CEQA Defines Significance

CEQA requires EIRs to be prepared if:

*“The project has possible environmental effects that are Individually limited but **cumulatively considerable**.”*

*“**Cumulatively considerable**” means that the incremental effects of an individual project are significant when viewed in connection with the effects of:*

- ***past projects,***
- ***other current projects, and***
- ***probable future projects.***

California Public Resources Code, Section 15065 (a) (3)

Ideal Threshold Setting Process

- The ideal threshold would be based on emissions which would cause measurable climate change.

Yet, all projects emissions are less than what would cause a measurable effect on climate change.

But, since climate change is already occurring, then any increase causes effect. What is significant then is completely subjective.

- If significance is completely subjective, then significance could be based on setting thresholds based on management considerations.
- But, thresholds must also be set not to conflict with existing climate change mitigation plans:
 - AB 32,
 - City and County Climate Action Plans.

Thresholds must not conflict with AB 32

CARB will meet the goals of AB 32 through various Scoping Plan measures and the Cap & Trade program.

Therefore, any threshold set by lead agencies will not effect the meeting of AB 32 goals.

California Public Resources Code, Section 15064.4 (b) (3)

Thresholds must not be less restrictive than CAP thresholds and goals

The thresholds applied by a lead agency must not be less restrictive than the thresholds identified in Climate Action Plans (CAPs).

They must also not conflict with CAPs to so that the goals of the CAP will not be achieved.

California Public Resources Code, Section 15064.4 (b) (3)

Proposals #1a & 1b

Discussed at the MBUAPCD June Board Meeting
Already adopted in the BAAQMD

1a - Stationary Source Projects:

10,000 metric tons CO₂e/year

1b - Land-Use Projects:

4.6 metric tons CO₂e/year/service pop.

Proposal #1a – **Stationary Source** proposal

Discussed at the MBUAPCD June Board Meeting
Already adopted in the BAAQMD

10,000 metric tons CO₂e/year

Derived from application and emissions data
from the four largest air districts in California.

10,000 Metric Tons/Year projects represent:

~**1%** of **New** Permit Applications
which were cumulatively responsible for
>90% of GHG Emissions

(This can meet the “cumulative considerable” requirement)

Proposal #1b – Land Use Proposal

**Discussed at the MBUAPCD June Board Meeting
Already adopted in the BAAQMD**

4.6 metric tons CO₂e/year/service pop.

Threshold = 2020 Land-Use emissions based on AB 32
2020 service population

(service population = Resident Pop. + Employee Pop.)

= 295,530,000 Metric Tons/Year
44,135,923 Residents + 20,194,661 Employees

= 4.6 Metric Tons/Year
Service Population

Proposal #1b – Land Use Proposal (continued) **Rejected**

- Projects that emit large amounts of GHG's, regardless of the efficiency measures applied, still can have significant emissions.
- Insignificantly small projects may challenge the need for efficiency measures.
- Therefore, a land use project threshold must be based on **Emissions/Year**.

Proposal #2 – Land Use Projects

BAAQMD “GAP” Based Threshold

1100 MT/Year threshold

Based on a perceived “GAP” between what the State’s Scoping Plan/Cap & Trade program would achieve, compared to what AB 32 requires.

State recently revised their emissions inventory and stated that any shortfall in the Scoping Plan would be made up with adjustments in the Cap & Trade program.

Therefore, a “GAP” no longer exists.

Proposal is not being pursued.

Proposal #3 – Land Use Projects

1000 MT/Year threshold

- Arbitrarily chosen, then compared to all types of existing projects within the District to see if they seem intuitively significant.
- Each would have required an EIR due to none GHG related environmental impacts (traffic, water, etc...)
- Exception - large data center, due to electricity consumption

Proposal #4 – Land Use Projects

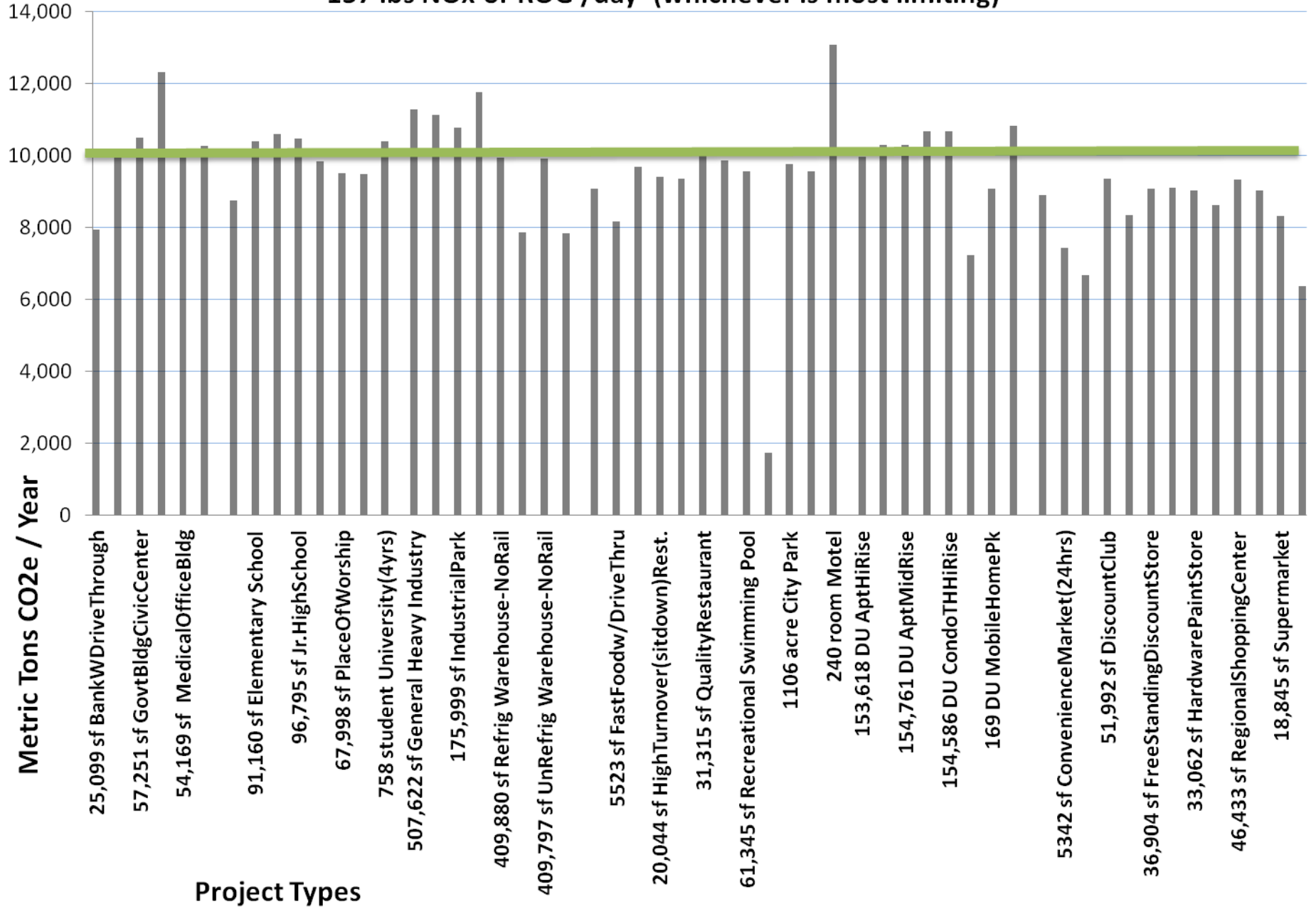
10,000 MT/Yr threshold

Based on the existing MBUAPCD 137 lbs/day criteria pollutant threshold.

All types of projects.

137 lbs NO_x or ROG/Day \approx 10,000 MT GHG/Yr

CO2e emissions corresponding to 137 lbs NOx or ROG /day (whichever is most limiting)



Proposal #4 – Land Use Projects (continued)

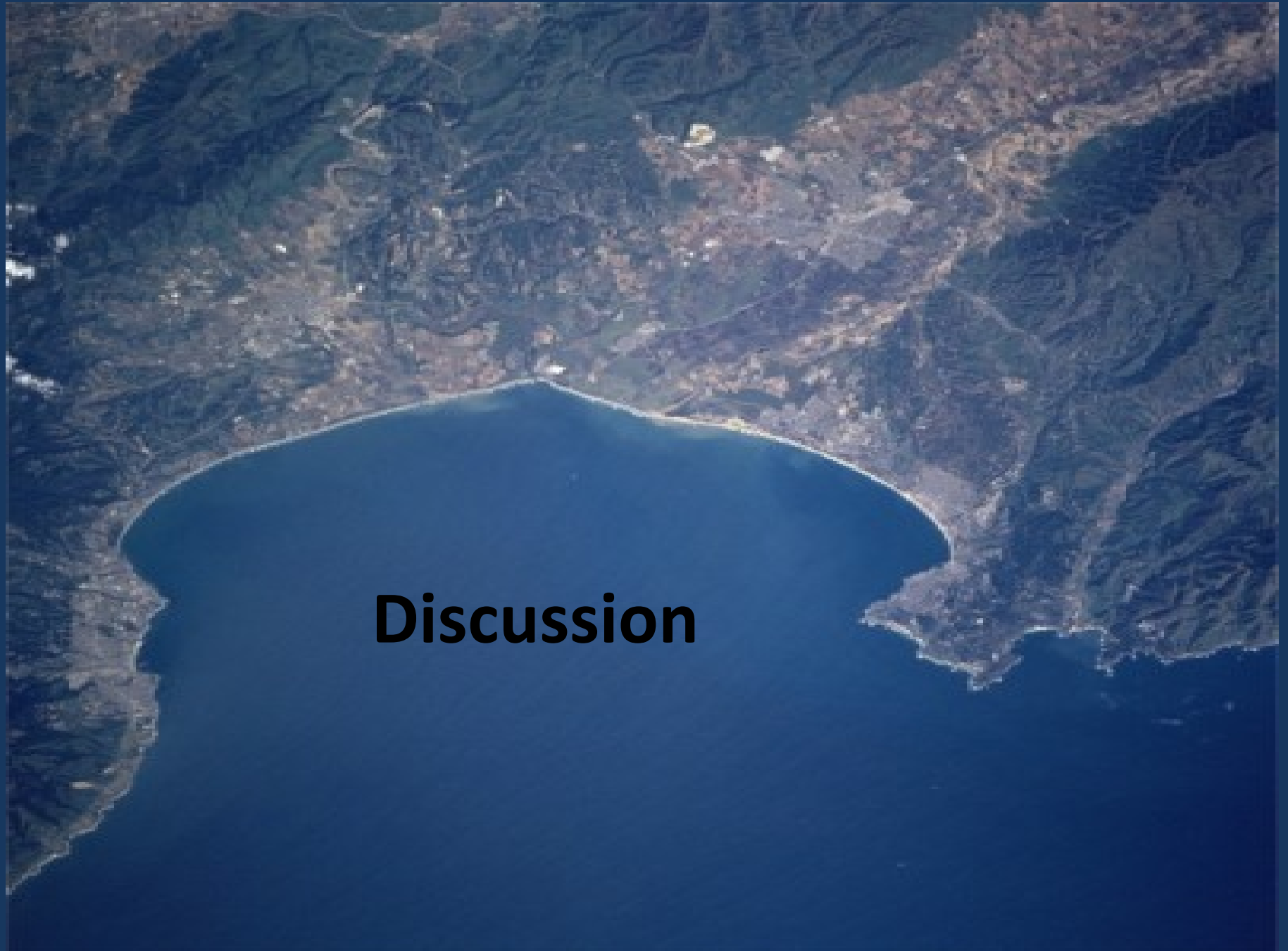
Consistent with the **10,000 MT/Year** Stationary Source proposed threshold.

Consistent with CARB GHG mandatory reporting requirements for some sources.

Consistent with the basis used for setting the criteria pollutants threshold. CARB requires emission inventory reporting of sources emitting 137 lbs/day (10 Tons/Year) criteria pollutant threshold.

Conclusions

- No threshold can be set at a level is associated with measurable climate change.
- Both the 1,000 & 10,000 MT/Year thresholds will meet a subjective understanding of “*cumulatively considerable*”.
- The 10,000 MT/Year threshold is consistent with other thresholds and inventory reporting requirements.
- Both thresholds will have little impact on developers beyond what is currently required.



Discussion