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Comment 71 for ghg2010 (15-1).

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Subject: Comment Letter re Amendments to Regulation for Mandatory Reporting of GHG Emissions

Comment:

From John Pastore of SCAP.

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August 10, 2011

Clerk of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95812-2815

Dear Ladies and Gentlemen:

**Re: Comments on Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions**

SCAP appreciates the opportunity to comment on CARB's proposed amendments to the **Regulation for the Mandatory Reporting of Greenhouse Gas Emissions**. The Southern California Alliance of Publicly Owned Treatment Works, or SCAP as we are commonly referred to as, represents 83 public agencies that provide both water and wastewater treatment to more than 18 million people in parts of Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. We treat and safely reuse or dispose of over 1 billion gallons of wastewater each day and deliver over 1.7 billion gallons of drinking water per day.

The goal of harmonizing CARB's reporting program with the U.S. Environmental Protection Agency (U.S. EPA) mandatory greenhouse gas reporting requirements contained in 40 Code of Federal Regulations (CFR) Part 98, is a worthy one. In fact, we recommend CARB continue the harmonization process until the CARB submittals can fully qualify as a U.S. EPA submittal, without additional changes.

One of our biggest concerns is the treatment of renewable energy facilities that emit biogenic CO<sub>2</sub>. In the amended regulation, CARB has proposed an abbreviated reporting process for facilities emitting under 25,000 tons CO<sub>2</sub>e per year, as well as no requirement for third-party verification for these facilities. This change is to minimize costs while still providing CARB the capability to monitor facilities that are not in the cap-and-trade program. This implies that a primary purpose of the rigorous reporting and verification is to support the cap-and-trade program, and that facilities outside the cap warrant a different set of reporting procedures that still provides information, but is less costly to obtain. CARB, unlike U.S. EPA, requires reporting of both biogenic and anthropogenic CO<sub>2</sub> emissions. The reason for this is biogenic CO<sub>2</sub> is considered "carbon neutral", not adding to the global levels of CO<sub>2</sub>. In fact, U.S. EPA, as part of their Tailoring Rule, has granted a three-year deferral to the inclusion of biogenic CO<sub>2</sub> in PSD and Title V considerations while they study the option of making the deferral permanent.

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Therefore, consistent with U.S. EPA, we recommend that **all** facilities without a cap and trade compliance obligation and that emit less than 25,000 metric tons of *anthropogenic* CO<sub>2e</sub> be exempt from verification requirements.

Miscellaneous Comments:

- In § 95102, Definitions, under the definition of “Global warming potential” – the use of “trace substance” is confusing and should be replaced with a specific reference to the six regulated greenhouse gasses.
- The first paragraph of Section 95105 has a reference to Section 95103(c), which should now refer to Section 95103(a)(9).
- Section 95105(c) contains two references to section 95105(c)(8).
- Section 95129(d) has a reference to subsection 95103(h) for accuracy standards, which should not be 95103(k).

SCAP appreciates the opportunity to comment on the proposed amendments to the Regulation. Please contact us with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "John Pastore". The signature is written in a cursive style with a large, looped initial "J".

John Pastore, Executive Director

cc: Enrique Zaldivar, President