

Date: October 28, 2007

From: Rob Zako

To: Central Lane Metropolitan Planning Organization

Re: Draft Air Quality Conformity Determination

Dear members of the Central Lane Metropolitan Planning Organization (MPO),

I am submitting written comments on the draft Air Quality Conformity Determination (AQCD) generally in support of testimony you received at the October 11, 2007, public hearing concerning the need to begin considering greenhouse gas emissions as a form of air pollution to be monitored and eventually reduced. I am submitting these comments on my own behalf as a resident of Eugene.

In brief, it is well established that global warming is occurring as a result of human activities. The Intergovernmental Panel on Climate Change (IPCC)¹ released three working group reports earlier this year^{2,3,4} and is scheduled to release its *Fourth Assessment Report* on November 17, 2007. The Governor's Advisory Group on Global Warming released its final report, *Oregon Strategy for Greenhouse Gas Reductions*, in December 2004.⁵

In response to the threat of climate change resulting, the Oregon Legislative Assembly recently adopted and Governor Kulongoski signed HB 3543,⁶ finding in part:

- (3) Global warming poses a serious threat to the economic well-being, public health, natural resources and environment of Oregon.
- (4) Oregon relies on snowpack for summer stream flows to provide energy, municipal water, watershed health and irrigation. Also, a potential rise in sea levels threatens Oregon's coastal communities. Reduced snowpack, changes in the timing of stream flows, extreme or unusual weather events, rising sea levels, increased occurrences of vector-borne diseases and impacts on forest health could significantly impact the economy, environment and quality of life in Oregon.
- (5) Oregon forests play a significant role in sequestering atmospheric carbon, and losing this potential to sequester carbon will have a significant negative effect on the reduction of carbon levels in the atmosphere.
- (6) Global warming will have detrimental effects on many of Oregon's largest industries, including agriculture, wine making, tourism, skiing, recreational

¹ Visit <http://www.ipcc.ch/>

² IPCC Working Group I Report, "The Physical Science Basis," February 2, 2007

³ IPCC Working Group II Report, "Impacts, Adaptation and Vulnerability," April 6, 2007

⁴ IPCC Working Group III Report, "Mitigation of Climate Change," May 4, 2007

⁵ Available online at <http://www.oregon.gov/ENERGY/GBLWRM/docs/GWReport-FInal.pdf>

⁶ Available online at <http://www.leg.state.or.us/07reg/measpdf/hb3500.dir/hb3543.en.pdf>

and commercial fishing, forestry and hydropower generation, and will therefore negatively impact the state's workers, consumers and residents.

Moreover, the Legislative Assembly found in part:

- (7) There is a need to assess the current level of greenhouse gas emissions in Oregon, to monitor the trend of greenhouse gas emissions in Oregon over the next several decades and to take necessary action to begin reducing greenhouse gas emissions in order to prevent disruption of Oregon's economy and quality of life and to meet Oregon's responsibility to reduce the impacts and the pace of global warming.
- (8) Oregon has been a national leader in energy conservation and environmental stewardship, including the areas of energy efficiency requirements and investments, renewable energy investments, natural resource conservation, greenhouse gas offset requirements and investments, and global warming pollution standards for passenger vehicles. Significant opportunities remain to reduce greenhouse gas emissions statewide, especially from major contributors of greenhouse gas emissions, including electricity production, transportation, building construction and operation, and the residential and consumer sectors.
- (9) Actions to reduce greenhouse gas emissions will reduce Oregon's reliance on foreign sources of energy, lead to the development of technology, attract new businesses to Oregon and increase energy efficiency throughout the state, resulting in benefits to the economy and to individual businesses and residents.

Finally, the Legislative Assembly adopted targets for reducing greenhouse gas emissions:

- (a) By 2010, arrest the growth of Oregon's greenhouse gas emissions and begin to reduce greenhouse gas emissions.
- (b) By 2020, achieve greenhouse gas levels that are 10 percent below 1990 levels.
- (c) By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels.

In brief, it is now state policy that greenhouse gas emissions are a threat to Oregon, that greenhouse gas emissions should be monitored, that efforts should be taken to reduce greenhouse gas emissions, and that specific targets should be met.

Moreover, transportation is responsible for a significant portion (roughly one-third) of all greenhouse gas emissions generated in Oregon, as transportation is heavily dependent on the burning of fossil fuels.

Putting two and two together, it would make sense that the AQCD for the 2007–2031 Regional Transportation Plan (RTP) would look at greenhouse gas emissions, especially insofar as the RTP plans out well past the second of three targets set in HB 3543.

That said, it may be the case that there is no federal, state or local requirement that the AQCD consider greenhouse gas emissions.

The fact is that the federal government under the Bush administration, specifically, the Environmental Protection Sgencuy, has been dragging its feet for years, a fact underscored by the recent Supreme Court decision. And for its part, the State of Oregon needs to play catch up. The fact that the AQCD is required this year, one year ahead of the requirement to update the RTP under the new SAFETEA-LU rules, is a reflection that state rules have not yet adjusted for new federal rules. Similarly, states rules have not yet adjusted to the mandate of HB3543.

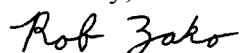
But there is nothing that says that the Central Lane MPO must do only the bare minimum required by law. The threat of climate change is real and the role that transportation plays is clear and significant. The Central Lane MPO has an opportunity, whether or not required to do so, to show leadership on the issue of climate change as it relates to transportation. Doing so would be consistent with Eugene Mayor Kitty Piercy's Climate Challenge.

Specifically, the Central Lane MPO should take the following minimal actions at this time:

1. Amend the AQCD to recognize carbon dioxide and other greenhouse gas emissions as pollutants, consistent with the findings of HB 3543.
2. Document the year-by-year amounts of greenhouse gas emissions that are expected to be generated during the 2007–2031 planning period of the RTP, based on the level of vehicle miles of travel (VMTs) modeled in the RTP and reasonable assumptions about fuel efficiency.
3. Document the steps outlined in the RTP that are likely to affect, positively or negatively, the level of greenhouse gases emissions over the course of the planning period.

If the Central Lane MPO determines that the modest steps outlined above cannot be completed before December 13, 2007, the deadline for adopting a revised AQCD pursuant to OAR 340-252-0050(2)(c), the Central Lane MPO should either a) petition the appropriate authorities for additional time, citing the new mandate of HB 3543, or otherwise b) adopt the AQCD as is this year and then adopt a revised AQCD that addresses greenhouse gas emissions by December 2008, in concert with a revised RTP adopted at that time that begins outlining strategies for reducing greenhouse gas emissions to meet the targets of HB 3543.

Sincerely,



Rob Zako
1280-B East 28th Ave.
Eugene, OR 97403-1616
Phone: (541) 343-5201
Fax: (541) 683-6333
rzako@efn.org

Note: This report is 192 pages long. The remainder was not included here. It is available from the Oregon Department of Energy as specified above.