



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

April 9, 2013

Mr. Sheldon S. Ah Sing  
Senior Planner  
City of Milpitas  
Planning Division  
455 East Calaveras Boulevard  
Milpitas, CA 94553

Subject: City of Milpitas Draft Climate Action Plan

Dear Mr. Ah Sing,

Bay Area Air Quality Management District (District) staff has reviewed the City's Draft Climate Action Plan (Plan). We understand that the City's intentions in developing the Plan are to reduce greenhouse gas (GHG) emissions throughout the City and to streamline CEQA review of new land use projects.

The District applauds the City's initiative in addressing GHG emissions and supports its efforts in developing the Plan. The District has the following specific comments on the Plan.

According to the District's *GHG Plan Level Guidance*, the emissions inventory and business-as-usual forecast should be modified to include direct emissions associated with wastewater treatment. If multiple jurisdictions are serviced by the wastewater treatment facility, emissions from the facility should be apportioned by population, according to Milpitas' proportion of the facility's service area. By including these emissions in the inventory and forecast, the City can take credit for any emission reductions from wastewater treatment due to its GHG reduction measures.

In addition, we encourage the City to consider including emissions from the Newby Island Resource Recovery Park landfill in the GHG inventory, to the extent that the City can influence the methane capture rate at the facility. While the facility is privately owned and operated, the City may be able to influence the methane capture rate through its contracting and/or permitting requirements with the landfill owner. By including the landfill in the GHG inventory and forecast, any increase in the methane capture rate at the landfill can be included as a GHG reduction measure and counted toward meeting the Plan's GHG reduction target. See the Contra Costa County Climate Action Plan for an example of how privately owned and operated landfills have been included in a local climate action plan in this manner.

In order to meet California's GHG reduction goals for AB 32 and, more importantly, for Executive Order S-3-05 (an 80% reduction below 1990 levels by 2050), California will need to achieve significant emission reductions, from new development as well as from the built community. The draft Plan states that Milpitas is a high-growth community, and so includes many mandatory measures

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aimed at reducing GHG emissions from new development. The District supports this approach. However, relying on new development to achieve the bulk of emission reductions will likely not be enough to achieve these aggressive targets. Therefore, we have identified additional feasible measures that have proven effective at reducing GHG emissions in other jurisdictions that have not been included in the Plan. The District recommends that the Plan strengthen its GHG reduction approach in the following ways:

- Expand the City's Green Building Program (Measures 1.1 and 2.1) to require energy efficiency standards beyond Title 24 for all residential and commercial construction and remodels.
- Add a time of sale energy efficiency upgrade requirement to residential and commercial buildings, such as a residential/commercial energy conservation ordinance (RECO/CECO).
- Expand Measure 1.5: Urban Cooling to require cool paving strategies in re-paving projects as well as new development.
- Expand Measure 8.1: Transportation Demand Management to include details on the Transportation Demand Management (TDM) Ordinance, such as requiring employers of 50 or more employees to offer TDM programs to their employees. The TDM programs should include strategies such as allowing employers to exclude from taxable wages the commuting costs of transit, vanpools or cycling; employer-paid subsidies for commuting by transit or vanpool; employer-provided bus, shuttle or vanpool service; or other programs such as telecommuting, rideshare matching, etc. These strategies would complement the District's upcoming region-wide commuter benefits program authorized by Senate Bill 1339.

We commend the City for its efforts to address the critical issue of climate change through local action. By addressing the issues in this letter, the Plan will better reflect the District's own guidance on the development of climate action plans. In doing so, District staff believes that the Plan would be more likely to achieve its GHG reduction target and the City would be in a better position to use the Plan as a tierable document under CEQA.

District staff is available to assist the City in addressing these comments. If you have any questions, please contact Abby Young, Principal Environmental Planner, at (415) 749-4754.

Sincerely,



Jean Roggenkamp  
Deputy Air Pollution Control Officer

cc: BAAQMD Chair Ash Kalra  
BAAQMD Director Liz Kniss  
BAAQMD Director Jan Pepper  
BAAQMD Director Ken Yeager