

Date: April 27, 2010

To: Mayor Parris and City Council Members

From: Council Member Sherry Marquez

Subject: **Resolution of the City of Lancaster Requesting Consideration of Suspension of Implementation or Revision of the California Global Warming Solutions Act (AB32)**

Recommendation:

Adopt **Resolution No. 10-20**, requesting consideration of suspension of implementation or revision of the California Global Warming Solutions Act (AB32)

Fiscal Impact:

There is no fiscal impact by the adoption of this Resolution. However, there stands to be a substantial economic impact if conflicts and inconsistencies between Federal and State laws are not resolved.

Summary:

The City of Lancaster is within both the Mojave Desert Air Basin and the Antelope Valley Air Quality Management District and each of their respective Boards have adopted similar resolution requesting suspension or revision of AB32 due to the negative impacts it will have on our region. Both Boards are now requesting that agencies and municipalities within their jurisdiction adopt the same resolution to let the Governor know that immediate changes to AB32 are necessary or California's economy will suffer further decline.

In 2006 the California Legislature adopted AB32 known as the California Global Warming Solutions Act. Its intent is to reduce California's greenhouse emissions to 1990 levels by the year 2020. The California Air Resources Board ("CARB") is the State agency responsible for regulating the Act. In November 2009 CARB identified new measures intended to limit greenhouse emissions including Greenhouse Emissions Cap and Trade, Zero Emission Vehicles, and Renewable Electricity Standards.

Unfortunately, the United States Environmental Protection Agency's ("USEPA") Mandatory Greenhouse Gas Reporting Rule and Clean Air Act may result in direct and indirect conflicts with CARB's existing and proposed regulations under AB32. For instance, CARB identifies the AVAQMD region is overwhelmingly impacted by

pollutants transported from the South Coast and San Joaquin Air Basins. The AVAQMD region by itself does not generate pollutants to the levels of concern. However, because our area is impacted by the transported air pollution of these outside air basins, any business seeking to expand or locate to the Antelope Valley will be required to utilize costly Best Available Control Technology measures within the Federal Clean Air Act.

So while we work earnestly to attract renewable energy projects and other major job generators to reduce the number of commuter vehicles emitting pollutants in the air, AB32 and other Federal regulations create an inconsistent and confusing regulatory structure that makes it virtually impossible or incredibly slow to start any new large scale projects within the AVAQMD. Once again, State and Federal government are impeding growth in our area that does not generate excessive pollutants and at a time where California and its economy are in most need of a stimulus.

Consequently, I recommend the adoption of the attached resolution to let the State know that it must suspend the regulations promulgated under AB32 until such time as the legal and regulatory inconsistencies can be resolved.

Attachment:
Resolution No.