



November 8, 2019

Via email

Mr. Shannon Hatcher
Air Pollution Specialist
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Re: Inglewood Basketball and Entertainment Center Project
State Clearinghouse No. 2018021056
Response to November 1, 2019 letter from Murphy's Bowl LLC

Dear Mr. Hatcher:

This letter is in response to the Murphy's Bowl LLC's letter dated November 1, 2019 on this matter. The Natural Resources Defense Council has submitted prior comment letters dated February 28, 2019 and June 21, 2019.

We are pleased to see that Murphy's Bowl has abandoned its theory that the dates on which the Clippers currently play at Staples Center will remain dark forever after the Clippers move. Much time would have been saved had they taken their current approach at the beginning of this process. But some issues remain with the Murphy's Bowl proposal.

Problems with CalEEMod

The GHG emission estimates both for the project and for project mitigation measures were obtained by using CalEEMod, a program developed by South Coast AQMD¹ that relies for vehicle emissions on CARB's EMFAC model². The Trump Administration's revocation of California's authority under Section 209 of the Clean Air Act to set its own tailpipe GHG rules, an act that also invalidates California's ZEV mandates, has caused EMFAC to be out of date and

¹ <http://www.aqmd.gov/caleemod/home>

² <https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-modeling-tools>

inaccurate when used to estimate GHG emissions. Because EMFAC has the pre-revocation rules baked in, its GHG estimates will now be too low. This affects both the Murphy's Bowl GHG numbers for the project and for its proposed mitigation measures: the project GHG estimates and the estimated GHG benefits from the proposed mitigation measures are now too low.³

In its November 1, 2019 letter, Murphy's Bowl relies both on EMFAC2014⁴ and EMFAC2017⁵. EMFAC2017 incorporates state and federal laws, regulations, and legislative actions that were adopted as of December 2017,⁶ including the 2017 California Advanced Clean Cars Regulations that include updates to ZEV sales forecasts, CO2 emission rate and fuel efficiency forecasts through 2025. Notably, EMFAC2017 assumes that the market share of electric passenger vehicles will increase every year, from 2.5% in 2017 to 6.3% in 2025 and beyond. Similarly, EMFAC2014 assumes that market share of electric passenger cars increases from 0.08% in 2010 to 15.71% in 2025. Those assumptions are integral to EMFAC modeling, and thus to CalEEMod, and are no longer correct.

The inaccuracy of EMFAC has caused significant problems for transportation planning, as CARB has explained here:

https://www.calcog.org/clientuploads/Policy_Tracker/SAFE%20Vehicle%20Rule/CARB%20Letter/2019-06-17_CARB_Letter_Re_Conformity.pdf. CALCOG has expressed a similar concern here: https://www.calcog.org/clientuploads/Policy_Tracker/SAFE%20Vehicle%20Rule/CALCOG%20Letter/Final_CALCOG_Secretary_Chao_Administrator_Wheeler_Proposed_SAFE_Vehicles_Rule_Letter_6.14.19_Minus_Project_List.pdf. But neither the CARB nor the CALCOG letters describe how to assess the inadequacies of EMFAC relating to an individual project.

In our view, CARB needs to dig into the EMFAC model and determine the amount and significance of the GHG underestimates in the Murphy's Bowl application, and in particular the calculations presented in Tables 1 and 2, and Attachments 1 and 2, of its November 1, 2019 letter. For example, the GHGs associated with the entire project in Table 1, which extend to 2054, are probably undercounted because they assume an increase in zero emission vehicles, and thus a decrease in GHGs, no longer required under federal law. The same is true in reverse with respect to the claimed savings from these mitigation measures proposed by Murphy's

³ A similar problem affecting EMFAC estimates of criteria pollutants will arise if, as expected, the Trump Administration rolls back the current CAFE fleet mileage standards. That rollback will increase fleet criteria pollutant emissions, including in California.

⁴ Attachment 1, Table: Mobile Source Emissions, Backfill of 47 NBA Events; Attachment 1, Table: Mobile Source Emissions, Backfill of Market Shifted Events

⁵ Attachment 2, p. 3 (installing electric vehicle charging stations); Attachment 2, p. 15 (creating on-site smart parking).

⁶ CARB, EMFAC2017 Volume III – Technical Documentation (July 20, 2018) p. 20.

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Bowl: IBEC smart parking system, IBEC on-site electric vehicle charging stations, municipal fleet vehicles ZEV replacement, and ZEV replacement of transit vehicles. Those claimed savings will not be as great as asserted. If, as we expect, the proposed mitigation measures are inadequate to reach net zero GHGs as AB 987 requires, CARB must require the project applicant to step up and commit to additional mitigation measures.

Use Of Biomethane

The November 1, 2019 letter claims possible GHG reductions of 30,827 MTCO₂e from use of so-called renewable natural gas, which is biomethane under another name. Most biomethane now available in California is produced out of state and so must be transported here in pipelines, contributing to the methane leakage endemic to natural gas transportation. See, e.g., <https://www.nytimes.com/2018/06/21/climate/methane-leaks.html>. The methane that leaks from the transmission system is 80 times as potent a greenhouse gas as CO₂. Yet, Murphy's Bowl has not attempted to net out the alleged GHG savings with the additional GHGs associated with increased methane leakage.

GHG Verification Reports

Because of the current and expected future errors in EMFAC, and the expected methane leakage, the verification process proposed by Murphy's Bowl should include communicating the verification data to the public, for example by a website. If and when CARB updates EMFAC to reflect current conditions, the verification information should show how the efficacy of the mitigation measures has changed.

Carbon Offset Credits

If the project purchases carbon offset credits, it should show in its GHG verification reports what measures, if any, it has rejected as infeasible. Any offsets must comply with CARB standards such that the offsets are real, surplus, quantifiable, permanent, and enforceable. Thank you for your consideration of this letter.

Sincerely,



David Pettit

Senior Attorney

Natural Resources Defense Council

NATURAL RESOURCES DEFENSE COUNCIL

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