

State of California
AIR RESOURCES BOARD

Resolution 88-41

June 9, 1988

Agenda Item No.: 88-8-2

WHEREAS, the Air Resources Board (the "Board") is the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, and Health and Safety Code Section 39600 requires the Board to do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board;

WHEREAS, Health and Safety Code Section 41605.5, as enacted by the Legislature in 1983, required air pollution control districts ("districts") to include the incremental emission benefits in considering the emission offset requirements for projects which generate steam or electricity and which use as fuel agricultural waste products, forest waste products, or similar organic wastes ("biomass") which would otherwise have been disposed of by open field or by forest land burning;

WHEREAS, Health and Safety Code Section 41605.5 also directed the Board and the districts to develop, in cooperation, a procedure to be used to determine the magnitude of the agricultural offsets available to the facilities which burn biomass for the production of steam or electricity;

WHEREAS, in 1984, the Board approved "A Procedure to Implement the Provisions of Health and Safety Code Section 41605.5 (AB 1223); Relating to the Determination of Agricultural/Forestry Emission Offset Credits" as developed by the Board and the districts;

WHEREAS, Health and Safety Code Section 41605.5, as amended in 1987 by AB 2158 (Ch. 565, Stats. 1987), requires the Board and the districts, in cooperation, to develop on or before July 1, 1988, a procedure to determine the availability and magnitude of the emission offsets available to facilities which burn biomass for the production of steam or electricity or which use biomass as a digester feedstock and also to assure that state and federal ambient air quality standards may be achieved and maintained, or that reasonable further progress be made toward attainment;

WHEREAS, in response to the mandate of AB 2158, the Board staff, Environmental Protection Agency staff, and representatives of the California Air Pollution Control Officers Association have updated and revised the procedure approved by the Board in 1984 retitling it "A Procedure Relating to the Determination of Agricultural/Forestry Waste Emission Offset Credits" (the "Procedure");

WHEREAS, at a duly noticed public meeting, the Board received and considered comments on the proposed Procedure;

WHEREAS, the California Environmental Quality Act and Board regulations require that action not be taken as proposed if feasible mitigation measures or alternatives exist which would substantially reduce any significant adverse environmental effects of the proposed action;

WHEREAS, evidence has been presented that the permitting of projects under Health and Safety Code Sections 41605.5 and 42314.5 in the San Joaquin Valley Air Basin has resulted in a net increase during certain times of the year of pollutants and precursors of pollutants which exceed federal and state ambient air quality standards.

WHEREAS, the Board finds that the proposed Procedure fulfills the requirements of Health and Safety Code Section 41605.5; and

WHEREAS, the Board finds that the Procedure will have a beneficial effect on air quality and will have no adverse environmental impacts; and

WHEREAS, the Board finds that more detailed information on the impacts of the agricultural offset program is needed to consider the inclusion of an emissions profiling requirement in the Procedure.

NOW, THEREFORE, BE IT RESOLVED that the Air Resources Board hereby approves the Procedure.

BE IT FURTHER RESOLVED that the staff is directed to return to the Board within six months with more detailed information on the impacts of the agricultural offset program and recommendations concerning an emissions profiling requirement, a procedure for addressing changes in fuel mix, and any other amendments to the Procedure which would further assure protection of air quality.

BE IT FURTHER RESOLVED that the Executive Officer shall forward the Procedure to the air pollution control districts to supersede the existing Procedure and for their consideration and adoption in regulatory form in their new source review programs.

I hereby certify that the above is a true and correct copy of resolution 88-41, as adopted by the Air Resources Board.



Cary Allison, Board Secretary

State of California

MEMORANDUM

To : Gordon Van Vleck
Secretary
Resources Agency

Date : August 24, 1988

Subject : Filing of Notice of
Decisions of the Air
Resources Board


Cary Allison
Board Secretary

From : Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

ATTACHMENTS

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State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Meeting to Consider Approval of a Procedure Relating to the Determination of Agricultural/Forestry Emission Offset Credits (AB 2158, Condit, 1987)

Public Meeting Date: June 9, 1988

Issuing Authority: Air Resources Board

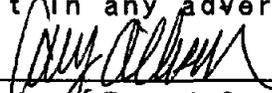
Comment: The staff report identified no adverse environmental effects. One commenter stated the belief that the Procedure as proposed at the public consultation workshop would cause significant adverse effects on the environment and that the Air Resources Board should prepare an environmental impact report (EIR) to address these impacts. (See Appendix B to Staff Report.)

Response: In the Staff Report, at pages 18-19, staff responded to the comment as follows:

"With respect to the commenter's concern about the environmental and economic impacts of the Ag offset procedure, it should be noted first that the Board's action (or "project" within the meaning of CEQA) is the modification of the existing procedure, adopted in 1984. Thus the question under CEQA is whether any of the changes have the potential to cause significant adverse impacts. The commenter focussed on the proposed change in the procedure from an annual to a monthly profile for the calculation of Ag offsets, which, according to the commenter, would cause the cancellation of one of the commenter's projects and would have similar results throughout the biomass industry. As a further result of the elimination of these projects, the commenter identified adverse effects on the environment due to greater open field burning, energy losses and waste disposal problems.

"We note first that the proposed procedure no longer includes the monthly profile requirement. Thus, there is not longer any basis for the claimed impacts predicated on the inclusion of the monthly profiling requirement. In any event, the impacts described by the commenter are speculative. We are aware of no evidence which indicates that fewer biomass facilities would be permitted under the proposed modified procedure than under the existing procedure. Compliance with district new source review and other rules, as well as state and federal law, is required equally under the existing and proposed procedures. Moreover, we have no evidence that, even if fewer

biomass facilities were sited, there would be energy losses or the exacerbation of any waste disposal problems. Therefore, to the extent that the procedure as modified guides the districts to impose more stringent requirements on the siting of new biomass facilities, these are actions which will benefit air quality and will not result in any adverse environmental impacts."

Certified: 
Board Secretary

Date: 8/24/88