

State of California
AIR RESOURCES BOARD

Resolution 89-94

November 8, 1989

Agenda Item No.: 89-18-4

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 Sections 41605.5 and 42314.5, as enacted by the Legislature in 1983, require local 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 June 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 (Stats. 1987; ch. 565), required 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 requirements of AB 2158, the Board in June 1988 approved "A Procedure Relating to the Determination of Agricultural/Forestry Waste Emission Offset Credits" ("Procedure") as developed by the Board staff, Environmental Protection Agency staff, and representatives of the California Air Pollution Control Officers Association;

WHEREAS, the federal and state ambient air quality standards for ozone and PM10 are frequently exceeded at several locations throughout the San Joaquin Valley Air Basin, and the majority of the projects permitted under Health

and Safety Code Sections 41605.5 and 42314.5 are located in the San Joaquin Valley Air Basin;

WHEREAS, in June 1988, evidence was presented that the permitting of these projects in the San Joaquin Valley Air Basin has resulted in a net increase during certain times of the year of PM10 and ozone precursor pollutants;

WHEREAS, in June 1988 the Board found that more detailed information on the impacts of the agricultural offset program was needed to consider the inclusion of an emissions profiling requirement in the Procedure;

WHEREAS, the Board directed staff to return to the Board with more detailed information on the impacts of the agricultural offset program and recommendations concerning an emission 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;

WHEREAS, in response to the Board's directions, the Board staff, Environmental Protection Agency staff, and representatives of the California Air Pollution Control Officers Association have proposed revisions to the Procedure approved by the Board in 1988 to include an emissions profiling requirement retitling it "A Procedure Relating to the Determination of Agricultural/Forestry Waste Emission Offset Credits, November 1989;"

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, the Board has held a duly noticed public meeting to consider approval of the revisions to the Procedure and has heard and considered the comments presented by representatives of the Board, districts, affected businesses, and other interested persons and agencies;

WHEREAS, the Board finds that:

Emissions of PM10 and ozone precursor pollutants from projects covered by Health and Safety Code Sections 42314.5 and 41605.5 contribute to concentrations of ozone and PM10 which exceed state and national ambient air quality standards in some of the State's air basins including the San Joaquin Valley Air Basin;

Evidence has been presented which shows that an emissions profiling requirement is necessary to protect air quality from net increases of pollutants during the summer season when ozone concentrations are usually at their highest;

With respect to changes in fuel mix for a project, the existing district new source review rules and procedures contain adequate provisions for the processing and evaluation of requests for these changes and additional, special provisions are not necessary;

The Procedure as revised is consistent with the requirements of Health and Safety Code Section 41605.5; and

The Procedure will have a beneficial effect on air quality and will have no adverse environmental impacts.

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

BE IT FURTHER RESOLVED that the Executive Officer shall forward the Procedure as revised 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 89-94, as adopted by the Air Resources Board.



Cary Allison, Board Secretary