

State of California
AIR RESOURCES BOARD

Resolution 99-31

July 22, 1999

Agenda Item No.: 99-6-2

WHEREAS, section 39500 of the California Health and Safety Code (Health and Safety Code) declares that the Air Resources Board ("ARB" or "Board") shall coordinate, encourage, and review the efforts of all levels of government as they affect air quality;

WHEREAS, sections 39600 and 39605 of the Health and Safety Code authorize the Board to act as necessary to execute the powers and duties granted to and imposed upon the Board and to provide assistance to the local air pollution control and air quality management districts (districts);

WHEREAS, sections 25000 *et seq.* of the California Public Resources Code (Public Resources Code) grant the State Energy Resources Conservation and Development Commission (California Energy Commission) with exclusive authority to certify the construction and operation of thermal electric power plants 50 megawatts or larger;

WHEREAS, section 25506 of the Public Resources Code states that the California Energy Commission shall request the appropriate local, regional, state, and federal agencies to make comments and recommendations regarding the design, operation, and location of thermal electric power plants, in relation to environmental quality, public health and safety, and other factors on which they may have expertise;

WHEREAS, Assembly Bill 1890 (Chapter 854, Statutes of 1996) restructured the electric utility industry in California to create a competitive, open market, resulting in an increase in the number of proposed and anticipated thermal electric power plants that will be significant sources of air pollutant emissions;

WHEREAS, Public Resources Code sections 25000 *et seq.* and California Energy Commission regulations require thermal electric power plants (projects) to be constructed and operated in compliance with applicable federal, State, and local air pollution requirements and with the California Environmental Quality Act, and require project applicants to demonstrate such compliance during the California Energy Commission's site certification process;

WHEREAS, the Board developed the Guidance for Power Plant Siting and Best Available Control Technology to promote compliance with all applicable laws, ordinances, regulations, and standards;

WHEREAS, the Guidance for Power Plant Siting and Best Available Control Technology proposed by ARB staff would establish ARB's position on air permitting issues related to the siting of thermal electric power plants;

WHEREAS, current emission measurement source test protocols have not kept pace with advances in emission control technology, although instrumentation is available to measure emissions at and below present best available control technology levels;

WHEREAS, emissions from power plants may be a significant source of greenhouse gas emissions;

WHEREAS, the Board has held a duly noticed public meeting to consider approval of the Guidance for Power Plant Siting and Best Available Control Technology and has heard and considered the comments of interested parties;

WHEREAS, the Board finds that:

The Guidance for Power Plant Siting and Best Available Control Technology is intended to provide assistance to districts and promote consistency in review as the districts participate in the California Energy Commission thermal electric power plant siting process;

The Guidance for Power Plant Siting and Best Available Control Technology establishes appropriate ARB guidance, perspective, and recommendations regarding best available control technology, emission offsets, ambient air quality impact analysis, health risk assessment, and other permitting considerations related to the permitting of thermal electric power plants;

It is necessary and appropriate for staff to evaluate the need for modifications to the Guidance for Power Plant Siting and Best Available Control Technology on a periodic basis for the purpose of modifying recommended best available control technology emission levels, to make other related modifications, and to incorporate changes in policy;

It is necessary and appropriate for staff, after the Board votes on this agenda item 99-6-2, to identify problems with current source test methods and develop procedures to accurately and consistently measure power plant emissions at low levels;

It is necessary and appropriate for staff, after the Board votes on this agenda item 99-6-2, to work with affected stakeholders to provide a perspective on carbon dioxide emissions from power plants; and

WHEREAS, the Board finds that approval of the Guidance for Power Plant Siting and Best Available Control Technology should promote the use of enforceable best available control technology limitations on new power plants sited in California.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Guidance for Power Plant Siting and Best Available Control Technology, as proposed by staff and noticed on June 23, 1999 (identified as Attachment A to this Resolution), with specific textual amendments thereto in response to the Board's directives during today's hearing on this item.

BE IT FURTHER RESOLVED that the Board does not intend the Guidance for Power Plant Siting and Best Available Control Technology to be construed to mean that power plants sited in California need not comply with the federal Clean Air Act or California's State Implementation Plan.

BE IT FURTHER RESOLVED that the Guidance for Power Plant Siting and Best Available Control Technology is considered contemporaneous with its date of publication and is subject to modification as changes in policy, operational data, advances in technology, and any other relevant information dictates.

BE IT FURTHER RESOLVED that the Board delegates authority to the Executive Officer to update and approve modifications to the Guidance for Power Plant Siting and Best Available Control Technology.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to evaluate the need to update and modify the Guidance for Power Plant Siting and Best Available Control Technology, and to report modifications or lack thereof to the Board within six months of July 22, 1999, and thereafter as the Executive Officer deems appropriate. This report shall also include a discussion of carbon dioxide emissions from power plants.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to distribute the Guidance for Power Plant Siting and Best Available Control Technology, approved herein and as subsequently modified, to the districts for use in siting new thermal electric power plants.