

BOARD MEETING DATE: March 4, 2016

AGENDA NO. 41

PROPOSAL: Consider Request by State Senate Environmental Quality Committee for Board to Reconsider December 2015 Amendments to NOx RECLAIM Program

SYNOPSIS: This item is to consider a request by the State Senate Environmental Quality Committee and other members of the state Senate to reconsider the Board's December 2015 amendments to the NOx RECLAIM program. Possible actions include directing staff to notice additional amendments to the NOx RECLAIM program.

COMMITTEE: No Committee Review

Barry R. Wallerstein, D.Env.
Executive Officer

KRW:vmr

At the Governing Board meeting on December 4, 2015, the Board adopted amendments to the NOx RELCLAIM program, including a 12 ton-per-day shave of outstanding NOx RECLAIM allocations. In addition, the Governing Board directed staff to return to the NOx RECLAIM Working Group for further discussion and analysis of a staff proposal to address NOx allocations from shutdown facilities. Following that discussion, staff was further directed to bring a shutdown proposal back to the Governing Board for consideration.

Following the December Board meeting, the chair of the state Senate Committee on Environmental Quality sent a letter to Chairman Burke asking that the Governing Board reconsider its vote on the NOx RECLAIM shave. Other members of the Governing Board were copied on the correspondence. Specifically, the Committee and co-signing members of the State Senate requested that the Board consider achieving additional reductions from NOx RECLAIM by adopting an additional 2 tons-per-day of shave, bringing the total shave to 14 tons per day; adopting a provision that recaptured NOx allocations from shutdown facilities; and adopting a schedule for the shave that achieved greater reductions in the earlier years. Adopting these proposals would require the Board to amend the NOx RECLAIM program at a duly noticed public hearing.