

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda - Final

Monday, June 5, 2023

9:30 AM

**Crystal Conference Room
1195 Third Street, Suite 310**

Legislative Subcommittee

*Supervisor Anne Cottrell
Supervisor Ryan Gregory*

How to Watch or Listen to the Napa County Legislative Subcommittee Meetings

Please watch or listen to the Legislative Subcommittee meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, Suite 305.
2. Watch on Zoom via www.zoom.us/join (Meeting ID: 623-149-2000) or listen on Zoom by calling 1-669-900-6833 (Meeting ID: 623-149-2000).

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1. Comment via Zoom: Zoom via www.zoom.us/join (Meeting ID: 623-149-2000) or listen on Zoom by calling 1-669-900-6833 (Meeting ID: 623-149-2000). (please use the raise hand feature)
2. Email your comment to andrew.mize@countyofnapa.org. Your comment will be shared with the members of the Legislative Subcommittee.

1. **CALL TO ORDER; ROLL CALL**
2. **APPROVE MINUTES AND CALENDAR**
3. **PUBLIC COMMENT**

In this time period, anyone may address the Legislative Subcommittee of the Napa County Board of Supervisors regarding any subject over which the Subcommittee has jurisdiction, but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this period.

4. **LEGISLATIVE UPDATE BY FEDERAL LEGISLATIVE ADVOCATES FOR NAPA COUNTY**
5. **CONSIDERATION OF FEDERAL LEGISLATION/ISSUES**
6. **LEGISLATIVE UPDATE BY STATE LEGISLATIVE ADVOCATES FOR NAPA COUNTY**
7. **CONSIDERATION OF STATE LEGISLATION/ISSUES**

- A. Interim County Executive Officer requests discussion and possible action to support AB 998 by Assemblymember Connolly, which falls within the Disaster Recovery, Preparedness, and Resiliency; Climate Action; and Energy sections of Napa County's State Legislative & Regulatory Platform.

[23-0993](#)

Attachments: [AB 998](#)

8. **LEGISLATIVE TRACKING**
9. **FUTURE AGENDA ITEMS**
10. **ADJOURN**

**ADJOURN TO THE LEGISLATIVE SUBCOMMITTEE REGULAR MEETING,
MONDAY, JULY 10, 2023, AT 9:30 A.M.**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON (DATE) BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Andrew Mize (By e-signature)

ANDREW MIZE, Legislative & Policy Analyst



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
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Legislative Subcommittee

Agenda Date: 6/5/2023

File ID #: 23-0993

TO: Napa County Legislative Subcommittee
FROM: David Morrison, Interim County Executive Officer
REPORT BY: Andrew M. Mize, Legislative & Policy Analyst
SUBJECT: **Consideration of AB 998 (Connolly)**

RECOMMENDATION

Interim County Executive Officer requests discussion and possible action to support AB 998 by Assemblymember Connolly, which falls within the Disaster Recovery, Preparedness, and Resiliency; Climate Action; and Energy sections of Napa County's State Legislative & Regulatory Platform.

EXECUTIVE SUMMARY

AB 998 requires the State Energy Resources Conservation and Development Commission, in coordination with the State Air Resources Board and local air districts, to issue a report on the utility-scale biomass combustion facilities still in operation as of January 1, 2024. The report is required to include recommendations regarding upgrading biomass combustion facilities that consider impacts on disadvantaged, rural, forested, and agricultural communities.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

A key facet of wildfire prevention and mitigation is the clearing of woody surface fuels to eliminate vegetation that would readily burn. This waste includes dead grasses, brush, tree limbs, and other vegetation that ignites easily. Typically, this fuel is either burned in a burn pile, which releases carbon into the atmosphere, or chipped, which requires the use of carbon-emitting machinery. An alternative use of this fuel is its conversion to energy through various processes.

Biomass refers to the organic material used to produce energy, known as Bioenergy. California reached its peak biomass power generation capacity in the early 1990's, when 66 statewide facilities had an installed capacity of 800 MW. This was, in theory, enough to power 600,000 homes. State funding for these facilities expired in the mid-1990's, and currently there are about 30 facilities in operation with a capacity of 640 MW. (Source: <https://www.energy.ca.gov/data-reports/california-power-generation-and-power-sources/biomass/biomass-energy-california>).

Among the products that result from this process is biochar, a charcoal-like product produced by applying heat to organic matter in a sealed, oxygen-starved chamber. Biochar has several environmentally-beneficial agricultural applications. Its use as a soil amendment reduces the emissions of greenhouse gases by the soil, helps soil retain water and nutrients, and slows soil decomposition. (Source: <https://www.chemistswithoutborders.org/Active-Projects/biochar.php>).

The woody waste generated through fuel clearing activities can be used to make biochar, meaning that this fire mitigation activity produces a byproduct that can be used to support sustainable agricultural practices. (Source: <https://www.usda.gov/media/blog/2019/07/24/after-fire-wood-waste-put-work>).

This bill requires the State Energy Resources Conservation and Development Commission to evaluate the existing bioenergy facilities in the state and recommend strategies for upgrading those facilities as appropriate.

AMENDED IN ASSEMBLY APRIL 17, 2023

AMENDED IN ASSEMBLY MARCH 15, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 998

Introduced by Assembly Member Connolly

February 15, 2023

An act to add Section 25544 to the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 998, as amended, Connolly. Biomass energy facilities: State Energy Resources Conservation and Development Commission: report.

Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive power to certify sites and related facilities for thermal powerplants. Existing law requires an electrical corporation, local publicly owned electric utility, or community choice aggregator with a contract to procure electricity generated from biomass that expires or expired on or before December 31, 2028, to seek to amend the contract to include, or seek approval for a new contract that includes, an expiration date 5 years later than the expiration date in the contract that was operative in 2022, except as specified.

This bill would require the commission, on or before December 31, 2024, to issue a report on the utility-scale biomass combustion facilities still in operation as of January 1, 2024. The bill would require the report to include various assessments of biomass combustion facilities still in operation as of January 1, 2024, and options to maximize the environmental benefits of these facilities. The bill would also require the report to include a recommended strategy to upgrade biomass

combustion facilities, where appropriate, that considers impacts on disadvantaged, ~~rural~~ rural, forested, and agricultural communities, impacts on the ability to maintain existing capacity for managing forest or other excess biomass, the cost of upgrading facilities and financing opportunities, *impacts of upgrading biomass combustion facilities on the procurement costs of the energy produced and the associated impacts to ratepayer costs*, and job creation or job loss that may result from the strategy. The bill would require the report to include recommendations related to baseload ~~power~~ energy generation and managing excess biomass if biomass combustion facilities cease operation and strategies related to processing waste and job training in areas where biomass combustion facilities cease operation. The bill would require the commission to include in the report an evaluation of the ~~feasibility~~ *practicality and cost-effectiveness* of upgrading utility-scale biomass combustion facilities that ceased operation before January 1, 2024, to determine whether such facilities could help California increase its capacity to manage forest and other excess biomass.

The bill would require the commission, in preparing the report, to coordinate with the State Air Resources Board and local air districts on assessments of environmental benefits and available technologies to maximize those benefits. By imposing new duties on local air districts, the bill would impose a state-mandated local program. The bill would also require the commission, in preparing the report, to coordinate with specified state entities for feedstock assessments for forest, agricultural, urban, and postfire waste, engage with and solicit feedback from the communities in which biomass combustion facilities are located and the applicable local governments, and provide opportunities for stakeholder and public input.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Communities throughout California, particularly in regions
4 such as the North Bay area, are experiencing an escalation in
5 catastrophic wildfire events that have become more frequent and
6 severe due to the impacts of climate change.

7 (b) Research by the United States Forest Service shows that an
8 estimated 129 million trees have died in California's forests due
9 to conditions caused by climate change, prolonged drought, bark
10 beetle infestation, and high tree densities, which have created an
11 unprecedented buildup of dry, combustible woody forest waste
12 material.

13 (c) The Sierra Nevada Conservancy's report "State of the Sierra
14 Nevada's Forests" demonstrates the direct environmental, social,
15 and economic impacts of widespread tree mortality, such as
16 increased fire danger linked to the accumulation of dead and dry
17 fuel after a widespread mortality event.

18 (d) According to research by the Sierra Nevada Conservancy,
19 the explosive growth of the 2020 Creek Fire was driven by mass
20 fire behavior made possible by the high amount of dead forest
21 waste alongside overly dense live trees within the fire's interior.

22 (e) California relies on forest biomass facilities and their
23 capacity to process residual forest waste from vegetation
24 management operations on a large scale. While these facilities
25 play an important role in mitigating wildfire risk, many facilities
26 are decades old. With the state facing an annual forest waste
27 inventory of approximately 54 million tons, the remaining biomass
28 facilities should be examined to identify opportunities for
29 upgrading, maximizing environmental benefit, technological
30 improvements, and forest and other excess biomass processing
31 capabilities.

32 SEC. 2. Section 25544 is added to the Public Resources Code,
33 to read:

34 25544. (a) The commission shall, on or before December 31,
35 2024, issue a report on the utility-scale biomass combustion
36 facilities still in operation as of January 1, 2024, that includes all
37 of the following:

1 (1) An assessment of the capacity of biomass combustion
2 facilities still in operation as of January 1, 2024, to process forest
3 biomass and material resulting from vegetation management and
4 forest treatment projects.

5 (2) An assessment of the role each of the biomass combustion
6 facilities still in operation as of January 1, 2024, play in achieving
7 the state's forest health improvement and wildfire risk reduction
8 objectives.

9 (3) Options to maximize the environmental benefit of biomass
10 combustion facilities still in operation as of January 1, 2024, and
11 an analysis of the ~~feasibility~~ *practicality and cost-effectiveness* of
12 upgrading these facilities with new technologies or alterations in
13 operations.

14 (4) A recommended strategy to upgrade biomass combustion
15 facilities, where appropriate, that considers all of the following:

16 (A) ~~Impacts~~ *Impacts, including, but not limited to, health,*
17 *economic, and cultural impacts,* on disadvantaged communities
18 located near the biomass combustion facilities.

19 (B) ~~Impacts~~ *Impacts, including, but not limited to, health,*
20 *economic, and cultural impacts, on* ~~rural-forested~~ *rural, forested,*
21 *or agricultural communities.*

22 (C) Impacts on the ability to maintain existing state, regional,
23 and local capacity for managing forest or other excess biomass.

24 (D) Cost of upgrading biomass combustion facilities and
25 financing opportunities that may exist for those efforts.

26 (E) *Impacts of upgrading biomass combustion facilities on the*
27 *procurement costs of the energy produced and the associated*
28 *impacts to ratepayer costs.*

29 ~~(E)~~

30 (F) Job creation or job loss that may result from the strategy.

31 (5) Recommendations for how baseload ~~power~~ *energy* and the
32 capacity for managing excess biomass would be made up if
33 biomass combustion facilities still in operation as of January 1,
34 2024, subsequently cease operation.

35 (6) Strategies for processing forest, agricultural, urban, or
36 postfire waste in areas where biomass combustion facilities still
37 in operation as of January 1, 2024, may cease operation temporarily
38 or permanently.

1 (7) Strategies for job training in any areas where job loss would
2 occur due to a biomass combustion facility shutting down or being
3 repowered.

4 (8) An assessment of the type and duration of contract that
5 would be necessary to encourage biomass combustion facilities
6 still in operation as of January 1, 2024, to upgrade.

7 (b) The commission shall include in the report required by
8 subdivision (a) an evaluation of the ~~feasibility~~ *practicality and*
9 *cost-effectiveness* of upgrading utility-scale biomass combustion
10 facilities that ceased operation before January 1, 2024, to determine
11 whether such facilities could help California increase its capacity
12 to manage forest and other excess biomass.

13 (c) In preparing the report described in subdivision (a), the
14 commission shall do all of the following:

15 (1) Coordinate with the State Air Resources Board and local air
16 districts on assessments of environmental benefits and available
17 technologies to maximize those benefits.

18 (2) Coordinate with the Department of Forestry and Fire
19 Protection, the Department of Food and Agriculture, and the
20 Department of Resources Recycling and Recovery on feedstock
21 assessments for forest, agricultural, urban, and postfire waste.

22 (3) Engage with and solicit feedback from the communities in
23 which biomass combustion facilities are located and the applicable
24 local governments.

25 (4) Provide opportunities for stakeholder and public input.

26 SEC. 3. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.