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Arnold Schwarzenegger
Governor

December 28, 2010

Submitted electronically to docket@energy.state.ca.us
California Energy Commission
Dockets Office, MS-4
Re: Docket No. 10-BAP-01
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
10-BAP-1	
DATE	DEC 28 2010
RECD.	DEC 28 2010

SUBJECT: DOCKET NUMBER 10-BAP-01: “PREPARATION OF THE 2011 BIOENERGY ACTION PLAN”

My name is John Menke. I am an Environmental Scientist at the State Water Resources Control Board (Board), and I am the Board’s technical representative on the Bioenergy Interagency Working Group. Below are my comments on the December 2010 draft of the 2011 Bioenergy Action Plan (the draft 2011 Plan).

1. The draft 2011 Plan identifies approximately 41 actions that state agencies will take, but it does not identify the expected bioenergy or biofuel production gains associated with any of those actions. To ensure that goals are met, the Final 2011 Bioenergy Action Plan should identify anticipated production gains associated with the listed actions or explain how anticipated production gains will be established during implementation of the plan.
2. The draft 2011 Plan identifies energy production goals for 2020 and beyond, but does not identify any anticipated bioenergy or biofuel production levels by interim year(s). The Final 2011 Bioenergy Action Plan should describe how Energy Commission staff will track and assess progress towards meeting established goals and make that information available to stakeholders.
3. The draft 2011 Plan does not describe relationships and dependencies between actions completed by a particular agency and related actions by other agencies or stakeholders needed to fully realize production gains. For example, to expedite permitting of manure digesters and co digesters at dairies, the Central Valley Regional Water Quality Control Board recently adopted a program Environmental Report (PEIR) and an associated Waste Discharge Requirements (WDR) order. However, few new digesters are anticipated to be built until related issues are addressed including:
 - availability of affordable engine and exhaust systems that meet Air Quality Management District requirements,

- inter-connection fees and conditions,
- purchase agreements and prices,
- credits associated with digester operation.

The Final 2011 Bioenergy Action Plan should describe how the relationships and dependencies between actions will be identified and addressed to ensure that potential production gains can be achieved.

4. The draft 2011 Plan only lists actions for state agencies. Those agencies cannot achieve the state's bioenergy targets on their own. The Final 2011 Bioenergy Action Plan should describe how the Energy Commission will assist state agencies and other stakeholders in setting priorities and in forming work groups to develop and implement task specific work plans.
5. The draft 2011 Plan does not identify individuals responsible for implementing any specific actions. Identification of such individuals is essential for accountability. The Final 2011 Bioenergy Action Plan should describe how such individuals will be identified in order to avoid the low action completion rate achieved under the 2006 Bioenergy Action Plan.
6. The draft 2011 Plan notes that Executive Order S-06-06 requires the California Energy Commission to report to the Governor and the Legislature every two years through the Integrated Energy Policy Report on progress made to achieve sustainable biomass development in California. The draft 2011 Plan should discuss other efforts to maintain ongoing liaison with the Governor's office and the legislature regarding implementation of the 2011 Bioenergy Action Plan.

Sincerely,

John Menke, Staff Environmental Scientist
Division of Water Quality