

Calpine plant nears approval

Debate over pollution permits for East Altamont Energy Center heads for vote in March

By Matt Carter, STAFF WRITER, Tri-Valley Herald, January 30, 2003

TRACY -- The state should approve a \$500 million power plant between Livermore and Tracy without requiring additional measures to offset the air pollution it will produce, a committee reviewing the project has recommended.

In a proposed decision released Wednesday, California Energy Commission Chairman William J. Keese and Commissioner Robert Pernell recommended that the state give Calpine Corp. the green light to build an 1,100 megawatt power plant in northeastern Alameda County. One megawatt is enough generating capacity to supply 750 to 1,000 homes.

Keese and Pernell rejected a proposal by Energy Commission staff members that Calpine be required to take further steps to reduce the plant's impact on air quality in Tracy, Manteca, and elsewhere in the San Joaquin Valley. A public hearing on the proposed decision is scheduled for Feb. 24 in Tracy.

Although Calpine's proposed East Altamont Energy Center falls within the jurisdiction of the nine-county Bay Area Air Quality Management District, much of the 1,303 tons of air pollutants it would be permitted to produce each year would drift into the neighboring San Joaquin Valley air basin.

To obtain the required permit from the Bay Area air district, Calpine agreed to use what regulators consider the "best available" pollution controls on the natural gas-fired power plant. Although modern, natural-gas power plants are more efficient and produce fewer emissions than older power plants, they still pollute.

In addition to 794 tons of carbon monoxide, the Calpine plant will be permitted to produce 509 tons of four closely-regulated pollutants each year -- 263 tons of smog-forming nitrogen oxides, 148 tons of fine particles called PM10, 74 tons of volatile organic compounds, and 24 tons of sulfur dioxide.

To offset that pollution, Calpine has agreed to purchase 836 tons of emission reduction credits from Bay Area companies. In exchange for payments from Calpine, the companies will give up the right to emit that amount of pollution each year.

Energy Commission staff members said those reductions won't completely offset the plant's local impacts because they will be purchased from companies as far away as Oakland, San Jose and Redwood City.

For the plant to comply with state environmental law, Energy Commission analysts said that Calpine should be required to take steps to further reduce emissions in the vicinity of the plant by 225 tons per year.

In their proposed decision, Keese and Pernell disagreed, praising a side agreement between Calpine and the San Joaquin Valley Air Pollution Control District, which has no jurisdiction over the project.

Calpine has agreed to pay the San Joaquin Valley air district \$1 million, which the district says could be used to buy natural gas powered buses in Tracy, retrofit old wood stoves to burn natural gas, or buy cleaner-running engines for use on farms.

"We applaud (Calpine's) initiative to go beyond what is required for certification and fully endorse" the agreement between Calpine and the San Joaquin air district, Keese and Pernell said in their proposed decision.

Energy Commission staff members said the agreement is not specific enough to guarantee that sufficient reductions in pollution will be achieved. They recommended that Calpine be required to pay for well-defined projects tied to specific goals, such as replacing 1,080 heavy duty engines and 395 wood stoves.

Calpine objected to that and other recommendations as "microscale mitigation of localized impacts."

Bob Sarvey, a Tracy resident who's opposed to construction of the plant and two others in the area, says that if the Energy Commission approves it without a more concrete plan to reduce pollution nearby, he'll appeal. Sarvey, who lost a court challenge of the Energy Commission's approval of smaller, 169-megawatt plant near Tracy, said he might also mount a legal challenge against the Calpine project.

"I'm going to appeal the decision, and that will probably delay the process another month or two," Sarvey said. "I'm essentially trying to exhaust every administrative appeal before I start hiring lawyers."

The plant could also face further opposition from the Sierra Club. The environmental group's San Francisco Bay Chapter passed a resolution opposing the project on Oct. 14, on the grounds that it violates a voter-approved growth control initiative designed to protect open space and agriculture in Alameda County.

Although the plant will remove 40 acres of prime farmland from production, Alameda County officials have ruled that it doesn't violate the growth control initiative, Measure D. Calpine has agreed to pay Alameda County \$1 million, which will be used to preserve open space elsewhere in the county.

Dick Schneider, the Sierra Club San Francisco Bay Chapter's conservation chairman, testified against the plant during public hearings last year. But Schneider wouldn't speculate whether the Sierra Club will take any further action to stop construction of the plant.

"I haven't even read the proposed decision, so it's premature to talk about future plans," Schneider said Wednesday.

The Energy Commission isn't expected to vote on licensing the East Altamont Energy Center until March. Although details of the proposed decision could be changed after a 30-day public comment period, it's considered unlikely that the Energy Commission will reject the committee's recommendations.

Calpine has a long-term contract to sell power to California that allows the state to take over construction of the plant if the company decides not to move forward with the project.

The California Energy Commission will hold a public hearing at 10 a.m. Monday, Feb. 24, at Tracy Elks Lodge No. 2031, 6400 E. 11th St., Tracy.

Ag loses key pollution loophole

By MARK GROSSI (THE FRESNO BEE), ran in the Modesto Bee February 3, 2003

A 1970s loophole that allows on-field farming to escape air regulation has been removed from a key San Joaquin Valley air rule, but nothing has changed yet. Under pressure from the federal government, valley air board members last month removed the historic exemption from a rule governing new pollution sources.

But, for now, the loophole continues in the valley and elsewhere in California because it is a state law.

The air board needed to remove any reference to the exemption or face sanctions this month from federal officials who say agriculture should not be excluded from air regulation.

The sanctions would have started with higher fees on new or expanding businesses. By late August, \$2.2 billion in federal road money would have been withheld from the valley.

"We need to make sure our rule is silent (on the farm exemption)," said Sayed Sadredin, director of permit services for the San Joaquin Valley Air Pollution Control District. "But we would still follow state law, which pre-empts us."

The move last month took the district out of an inevitable confrontation between the state and the federal government over the loophole, which the Legislature granted in 1976.

The U.S. Environmental Protection Agency says the federal Clean Air Act does not allow the farm exemption. After being sued by environmental groups this year, the EPA announced that many large farms would have to enter a permit program next year to track pollution.

Valley air district hesitant

The valley air district was caught in the furor because it had been revising the rule over new pollution sources since 2001. Among other changes, EPA officials told valley air officials the exemption had to go.

"We cannot propose approval of a rule that differs from the Clean Air Act," said Kerry Drake, an EPA official from the San Francisco regional office.

Several valley board members were not eager to remove the loophole. Board member Jack Sieglock, a San Joaquin County supervisor, said it did not seem right.

"Certainly, an acre of crops is cleaner than an acre of houses," Sieglock said.

Air district data show that farming contributes more than half of the particle pollution in the valley, which is among the three most polluted places in America.

Valley farmers contribute 25 percent of smog-forming reactive organic gases and 19 percent of nitrogen oxides, another ingredient of smog, according to district figures. By the summer of 2005, more smog-making gases will come from dairy and other livestock operations than cars, district projections show.

Clock is ticking

One farm lobbyist, Manuel Cunha of the Nisei Farmers League, supported removal of the loophole from the district rule, but he opposed the enforcement of an air permit program on farmers.

"Are we supposed to put catalytic converters on cows?" he asked, as several board members chuckled.

Under the EPA order this year, farmers whose operations create more than 25 tons of pollution annually will have to begin applying for a federal permit program in spring.

The EPA told the state that the loophole must be repealed by September or California will face federal sanctions statewide. The Legislature might consider the issue in its current session, said Mark Boese, deputy air pollution control officer.

On another front, the exemption is expected to come before the 9th U.S. Circuit Court of Appeals in April. The California Farm Bureau Federation filed a lawsuit against the EPA, saying that the agency did not have enough scientific evidence. Environmentalists have intervened on the side of the EPA.

EPA Sued Over Clean-Air Rule Exemptions

Environmentalists act to reverse a ruling that new dust-control limits don't apply to San Joaquin Valley agricultural polluters.

By Gary Polakovic, LA Times Staff Writer, February 1, 2003

Conflict over air quality in the smoggy San Joaquin Valley erupted anew this week as clean-air advocates filed a lawsuit accusing the U.S. Environmental Protection Agency of exempting major agricultural polluters from a new dust-control requirement.

It is the sixth lawsuit in the past few years against air-quality agencies that have fallen far behind federally mandated clean-air goals for the valley. Meanwhile, a pall of brown haze shrouds the valley much of the year, which health experts say heightens the risk of respiratory damage for the area's 3.4 million residents.

Filed by a coalition of health and environmental advocates, the latest suit centers on a measure to reduce dust from unpaved roads, vacant lots, construction sites, building materials and tilled fields. Agricultural sources are exempt from the dust abatement requirements, although farming and related operations account for nearly two-thirds of all dust and smoke.

Federal air-quality officials acknowledge that they approved the measure Jan. 22 hoping they could strengthen it later. EPA officials also acknowledge that the regulation was developed with direct involvement of members of the Bush administration in Washington, D.C., after farm lobbyists sought relief from what they regarded as a costly and burdensome regulation.

The San Joaquin Valley is one of the smoggiest places in the United States. Last summer, there were virtually no days of good air quality.

Microscopic particles of dust and smoke blot out the sun, obscure mountain views and contribute to the incidences of asthma and cancer. These particles in valley air increased 17% in the past three years.

The San Joaquin Valley Air Pollution Control District developed an anti-dust plan three years ago, but the EPA initially rejected it as too lenient. A new regulation was developed, crafted by industry groups and EPA officials in Washington and San Francisco. It was approved by the local air district in November 2001.

Although the regulation is expected to cut particle pollution by 7 tons -- only 3% of the total -- the EPA exempted all on-field agricultural sources, including combines and tractors, animal feeding operations, and farms smaller than 320 acres.

Furthermore, the EPA did not require "best available" control measures or even "reasonably available" control measures, many of which have been in effect in the Coachella Valley and around Phoenix for many years.

"The approved plan was a sweetheart deal written behind closed doors by industry and EPA as a way to avoid the cutoff of federal highway funding and to duck EPA's obligation to prepare its own cleanup plan," said Mike Sherwood, a staff attorney for Earthjustice Legal Defense Fund, a plaintiff in the lawsuit.

The suit, filed Wednesday, asks the U.S. 9th Circuit Court of Appeals in San Francisco to review the EPA's actions.

Officials at the California Farm Bureau and the Nisei Farmers League in Fresno did not respond to requests for interviews on the matter.

The suit is the latest to be brought by a coalition of physicians, environmentalists and Latino community leaders against air-quality agencies. Recently, they have sued to overturn an exemption by the Legislature for agricultural pollution and an exemption for the oil industry in the south end of the San Joaquin Valley. They also have sued to enforce six smog-cutting measures in the valley.

EPA officials, meanwhile, say the lawsuits are slowing their efforts to achieve clean air.

"It's time for the environmentalists to stop going to court on all these lawsuits. We want to sit down and talk about these control measures and stop tying up our resources defending lawsuits," said Jack Broadbent, director of the EPA's air programs in California and the Southwest.

But clean-air advocates say they will stop suing when government regulators get tough on air pollution. They argue that air-quality officials have missed every cleanup deadline set by the federal Clean Air Act since 1991, and that they have failed to produce a viable plan to cut smog and haze in the valley.

The advocates point out that the Valley Air District has asked the EPA to designate the valley as one of only two "extreme" smog centers in the nation.

"In the perfect world, we would snap our fingers and the valley would have attainment [of clean air]," said Josette Merced Bello, spokeswoman for the valley air district.

"Identifying reasonable ways to control these emissions has been a challenge," she added. "How do you reasonably control dust from tilling? How do you do that without putting agriculture out of business?"

Weather helps fight Fresno debris fire

The Fresno Bee, February 3, 2003, 5:15 AM)

Improving weather conditions Sunday allowed firefighters to make progress in the 23rd day of the stubborn debris-pile fire at Archie Crippen Excavation.

Air filled with dangerous particles barely wafted from the massive Crippen site.

But the beeping of heavy equipment continued to echo across the property as clouds of gray smoke lingered in a light breeze just above the hills of debris.

"We have a lot of heavy equipment digging into hot spots, sifting it, putting it into drenching ponds and letting it cool," said Sheryl Tankersley, a spokeswoman for the Governor's Office of Emergency Services.

The light breeze and clear conditions allowed smoke to drift away from the area around the southwest Fresno debris piles. Emissions appeared significantly reduced Sunday, Tankersley said.

She said the fire could be controlled within a week if "weather cooperates and we don't run into large caverns."

In some spots, the fire has been as hot as 1,000 degrees, officials said. Twelve Fresno city firefighters continue to battle the blaze during daylight hours, and six remain overnight.

Spontaneous combustion was the cause of the fire that erupted Jan. 11 in a 20-foot-tall pile of concrete, asphalt, wood, metal, plastics, auto parts and other materials.

The price tag to fight the blaze has topped \$1.6 million.

Reason for loss at polls baffling

Air pollution, a slow economy, middle-class ambivalence all cited.

By Jim Davis, The Fresno Bee, February 2, 2003

Take your pick: A slow economy. Low-voter turnout. Concerns about air quality.

All of those and any number of other reasons doomed Measure C, a ballot measure last fall asking voters to extend a half-cent sales tax for roads and transportation in Fresno County.

"I had one guy tell me that Clovis didn't support it because they got their freeway," said Tony Boren, a senior transportation planner with the Fresno County Council of Governments. "I don't buy that, but a lot of this stuff just is your personal opinion."

The majority of county voters (53.9%) supported Measure C, but it didn't reach the two-thirds majority required to pass local tax measures.

A report to the Fresno County Council of Governments last week told mayors that it is difficult to pinpoint the reason or reasons why Measure C failed.

COG decided to hold a workshop in February or March to decide what to do next. Fresno Mayor Alan Autry urged the other members to reach out to people who opposed the measure last fall.

He also urged them to ask the Legislature to lower the threshold for local tax measures: "If we go as a coalition, we can get that sucker down to 55%."

Since 1986, county residents have paid a half-cent extra in sales tax to pay for roads and freeways and other transportation needs. But the tax is scheduled to end in 2007.

At the polls in November, voters were asked to extend the measure for an additional 30 years. The reason why it failed is difficult to explain, according to the report.

A number of groups opposed the measure, including the Fresno County League of Women Voters, the Sierra Club and Fresno Area Congregations Together.

And those opponents used signs reading: "Got Asthma? Got Smog? Vote NO on Measure C."

Air quality last summer was terrible with limited visibility. News coverage of the issue allowed Measure C opponents a forum to express their opinions that an extension would worsen air quality.

The report to COG says that editorials in The Bee supported the measure, but news articles tended to highlight the opposition. The report also states that opponents had frequent letters in the editorial pages, but some support letters never were published.

The ballot language proved flawed and the language cost the measure between 15 to 20 points, according to a polling firm cited in the report.

Also according to the report, Measure C drew the least support from the four county areas with the highest household income -- the cities of Clovis, Kingsburg and Coalinga and the unincorporated county. About 51.1% of the voters in those areas supported Measure C.

"It would be purely speculation, but one might argue that the message just didn't resonate with the middle-class voter," Boren said.

The highest support came from the cities with the poorest household income -- Huron, Mendota, Orange Cove and Parlier. Those cities supported Measure C with an average of 71.4% of the vote.

This past election, only one of five transportation sales tax measures in the state passed.

Supporters in Riverside County contributed \$1.175 million toward their successful campaign, and a public education campaign by their version of the Council of Governments cost another \$620,000.

Measure C supporters in Fresno County spent far less on their campaign -- about \$244,000 in contributions and a public education campaign of \$225,000. Fresno County with 826,000 people has about half of Riverside County's population of 1,635,888.

At the Fresno County COG meeting last week, Fowler Mayor Jim Simonian said opponents should join the workshop.

"We've got to get everybody on board," Simonian said. "We don't want to leave anybody out."

Reedley Mayor Joe Rhodes told members the county should pass on the next general election in 2004 and instead bring another proposal to voters in 2006. Rhodes argued there will be several large requests for money on the 2004 ballot and the state economy is still likely to be bad.

Firebaugh Mayor George Conklin disagreed, saying waiting until 2006 would be "waiting for your last chance."

Health screening attracts 200 who reside near blaze

By Louis Galvan, The Fresno Bee, February 2, 2003

An estimated 200 men, women and children who live near the smoldering fire at Archie Crippen Excavation in southwest Fresno turned out Saturday for a free health screening for residents feeling the effects of the lingering smoke.

Of about 80 individuals examined by doctors at Addams Elementary School on West McKinley Avenue after an initial check by support staff, six were advised to seek immediate emergency treatment for respiratory problems, said a spokeswoman for Assembly Member Sarah Reyes, D-Fresno.

The free program was put together by Reyes and City Council Member Cynthia Sterling, whose district includes the Crippen yard and surrounding neighborhoods.

About 40 physicians, physicians assistants and nurses from across the Valley volunteered their services, along with about 50 students from the Sunnyside High School Doctors Academy.

The screening was scheduled to run from 10 a.m. to noon. But with dozens of people waiting to get in, the doors were opened at 9:30 a.m. and the screening continued until 1 p.m.

Katherine Crawford, 48, was there with her daughter, Suzanne Gordon, 25, and Gordon's three children, Haley, 9, Julian, 6, and Olivia, 3.

"All of us have been feeling sick for about two weeks," said Crawford, who has a history of respiratory and heart problems. "Running nose, coughing. It's been bad."

"I've been getting headaches and my lungs hurt," Gordon said.

"My eyes sting and I'm coughing a lot," Haley said.

Crawford said she had no doubt the smoke from the fire was behind it all.

"You can't possibly breathe in garbage and not be affected," she said.

Another parent, who declined to give her name, said she was there because her two sons, 9 and 3 years of age, suffer from asthma and have been complaining of flulike symptoms since the fire began.

Reyes and Sterling said they were not surprised by the large turnout despite only a one-week notice of the screening.

Reyes said the turnout made it clear that more has to be done to address the problem.

"This fire has created a hazard for the residents living in the area," she said.

Sterling said she was meeting with the mayor's office to discuss the issue. She also will support plans for future health screenings but will push for a better way to reach more residents, including those without transportation or those who might be unable to leave their homes.

Back at the burn site, Lisa Fasano, a spokeswoman for the federal Environmental Protection Agency, said firefighters "continue to press ahead."

Fasano could not say when the fire will be put out. "Work is moving along very efficiently."

But, she added, firefighters are still finding large caverns of fire as they dig into the huge pile with heavy equipment to get to the deep-seated blaze.

Fasano said the thick fog Thursday and Friday cost firefighters valuable time because, for safety reasons, they couldn't start attacking the blaze until it cleared.

On Saturday, firefighters were able to start a couple of hours earlier.

With temperatures in the fire ranging from 300 to 400 degrees in some areas and as high as 1,000 degrees in others, safety has been a top priority at the site from the beginning.

The only injury, reported last week, was to a firefighter who injured a leg while lifting equipment.

The cost of fighting the blaze is up to \$1.6 million.

The fire broke out Jan. 11 in a two-story high pile of concrete, asphalt, wood, metal, plastics, auto parts and other materials.

Spontaneous combustion started the blaze.

Reyes aims at waste facilities

Assembly member from Fresno introduces bill to crack down on the sites and to prevent more fires.

By Felicia Cousart Matlosz, The Fresno Bee, February 1, 2003

As Fresno's junk-pile fire smolders into its fourth week, Assembly Member Sarah Reyes introduced a bill designed to tighten laws governing solid waste facilities, snare operators who violate regulations and attempt to prevent similar blazes from occurring elsewhere in the state.

Reyes, D-Fresno, announced Assembly Bill 240, at a news conference Friday at a site next to Archie Crippen Excavation, where the fire started by spontaneous combustion Jan. 11 in a two-story pile of debris across 4.8 acres.

Also Friday, Reyes and City Council Member Cynthia Sterling, whose district includes the Crippen yard and its surrounding neighborhoods, said a free health screening will be conducted today at Addams Elementary School. Doctors and other health professionals will provide the checkups.

Though the Crippen yard is near Nielsen and Marks avenues in southwest Fresno, the smoke from the fire has wafted throughout the area, triggering health problems citywide.

"This fire has taken its toll on our city as well as our district," Sterling said.

Reyes said state law requires that large waste processors must have permits, but that doesn't include facilities that take in construction and demolition materials. In addition, Reyes said the Crippen yard was supposed to take in 40 tons or less a day: "He took in a lot more than 40 tons."

AB 240 would require state permits for construction and demolition processing plants.

"There are many other sites like this in the state of California that can turn into something just like this fire if we don't do something about it," Reyes said.

"There would be no facility like this that would not be regulated or inspected in the state."

Today marks Day 22 of the fire. Friday, a spokeswoman for the federal Environmental Protection Agency said crews continue to battle the blaze but could not estimate when the fire would be extinguished. Dense fog slowed progress, preventing firefighters from attacking the pile until full visibility could ensure safe working conditions.

"We continue fighting the fire as aggressively as possible," spokeswoman Lisa Fasano said. "Our goal is to get it out as soon as we can."

The San Joaquin Valley Air Pollution Control District continued warnings Friday about unhealthy air. It urged people not to use their fireplaces and to avoid or limit strenuous outdoor activity. The caution was issued Friday through 4 p.m. today

Sterling said that next week she would announce additional members to a city task force that will investigate the fire. Harlan Kelly Sr., a southwest Fresno resident who complained for years about the Crippen yard, has been named as a member.

The group will examine the city's conditional-use permit process and the impact of waste and recycling centers in southwest Fresno. The Crippen operation's permit covered only road debris, asphalt and concrete. But after the fire broke out, officials discovered other material, such as mattresses, wood, metal, plastics and auto parts.

Sterling said a report should be prepared by March 25.

EPA, air district clash over smog credits

By MATT WEISER, Bakersfield Californian staff writer, February 01, 2003

A dispute over a pollution trading system in the San Joaquin Valley could bring a sudden skid to business growth in the region, though others note it could also go a long way toward cleaning up the valley's air.

The conflict centers on emission reduction credits managed by the San Joaquin Valley Air Pollution Control District.

The program is a free-market approach to smog reduction, in which businesses voluntarily reduce emissions and earn credits in return. The credits can then be sold to other businesses, or saved for future expansion in an emission credit "bank" managed by the air district.

But the U.S. Environmental Protection Agency recently ruled that as many as half the existing credits, worth about \$400 million, may be invalid. The results could be especially acute in the air district's southern region, consisting of Kern and Tulare counties, where 85 percent of existing emission credits are held, largely by oil companies.

"It's huge," said Seyed Sadredin, director of permit services for the air district. "It could have wide-ranging impacts on businesses that want to expand or locate in the valley if these credits aren't usable. If they (EPA) don't show some flexibility, it could cost those oil companies and the whole credits in general in the valley several hundred millions of dollars worth of loss in credits."

Each credit represents one pound of pollution. New businesses must purchase credits at least equal to their expected emissions. The value of the credits is determined by market forces and currently runs about \$30,000 per ton of pollution.

The EPA ruling came to light in a recent decision by the California Energy Commission to reject an operating license for a Calpine power plant proposed in Fresno County. EPA ruled that Calpine's credits were not valid and could not be used, effectively killing the project. The

company had purchased the credits specifically for the new power plant at a price of some \$10 million, Sadredin said, and now may have to buy a new block of credits.

"If you eliminate any (credits), it could be harmful to all businesses here in the valley and businesses who may want to locate here," said Suzanne Noble, senior coordinator for the Western States Petroleum Association. "It is vital to allow the industries in this valley the opportunity to plan for future growth."

Others consider the EPA's action a blessing, given that the credits amount to thousands of tons of future pollution. Kevin Hall, air quality expert for the Sierra Club's Tehipite Chapter, said it would be appropriate for the air district to simply retire most of the banked credits to prevent that pollution from occurring.

"Frankly, for me, that is the No. 1 step toward achieving clean air," Hall said. "There's some good reasons to do that. It stimulates the market for pollution credits. When you reduce the supply with increased demand, it provides a financial incentive for companies to reduce their air pollution so they have more credits. It means you're getting real gains."

At issue in the dispute are pollution credits deposited in the bank prior to 1990, when the federal Clean Air Act was amended. The EPA required the air districts to bring forward all pre-existing emission credits as part of an "attainment" or cleanup plan, and either retire them from the bank or show that measures exist to control the pollution they represent.

Matt Haber, EPA senior energy adviser, said the valley air district has done neither. As such, the pre-1990 credits represent the potential to pump a lot more pollution into the air than current cleanup plans can handle. Credits deposited after 1990 are not in dispute.

"Our instructions to air agencies were that if you want to use those, you have to assume those emissions are in the air or are going to be in the air at some future date," Haber said.

"Unfortunately, the air district didn't do that for the majority of the credits issued before 1990. It's ultimately part of the whole puzzle that gets to cleaner air in the valley."

Air district officials don't see it that way.

The valley has long faced the threat of sanctions on businesses and the loss of federal highway funds for failing to meet federal smog cleanup deadlines, occasionally coming within weeks of those deadlines. But the freeze on older emission credits, Sadredin said, is a slap the air district didn't see coming.

"It's a de facto sanction imposed on the district and the people that hold credits without real regulations that would call for that," he said.

"Our position is that we've already accounted for these credits in past plans. We believe EPA ignored that information."

Haber contends valley officials have known the rules dating way back to 1990. Asked if the air district is attempting to circumvent the rules or just misunderstands them, he said, "I wish I knew the answer to that question. I am somewhat puzzled that there continues to be this response from the district."

The valley failed to meet federal standards for ozone pollution by 1999 as expected under an earlier cleanup plan.

This led to the region's branding with the "severe nonattainment" title for ozone.

The air district is working on a new ozone cleanup plan that could take months or years to finish, depending on whether the district board opts for "extreme nonattainment" status, the worst on the books. This would allow a few more years to adopt a cleanup plan.

The disputed pollution credits could remain in limbo until the new plan is finished. In the meantime, both EPA and the air district continue to study the issue in hopes of reaching a compromise.

"A crucial point is the age and accuracy of those credits," said Hall. "There's a serious credibility gap in terms of how those 10- to 30-year-old credits were calculated. If we're going to go to extreme nonattainment for ozone, that would be the appropriate time to close the bank and start over."

[Fresno Bee Editorial, February 1, 2003](#)

For real on fuel?

Bush's unexpected initiative on fuel cell cars is welcome.

Among the unexpected but welcome nuggets in the State of the Union address, President Bush announced support for \$1.2 billion in federal funds for research to develop "clean, hydrogen-powered automobiles."

The president's enthusiasm for research into pollution-free cars comes as a surprise, particularly in light of his strong support for more expansive oil exploration and auto industry lawsuits against California's zero emissions vehicle mandate.

"A simple chemical reaction between hydrogen and oxygen," the president told the nation, "can be used to power a car producing only water, not exhaust fumes."

Environmentalists are still wary, and understandably so. Most experts believe any commercially viable hydrogen-powered car is at least a decade away. If the president's goal is to clean the air and make the country more energy independent, he need not wait that long. He has the power to make significant progress immediately.

Clear Skies, another environmental initiative Bush touted in his address, actually retards progress. Among other things, it allows energy companies and manufacturers to expand their plants without utilizing the best available pollution control technologies.

The Bush administration has consistently supported car companies that fight tough, realistic and easily achievable fuel-efficiency standards. The president's latest tax cut plan would give small businesses incentives to buy fuel-wasting light trucks and ever-larger SUVs.

Yes, the federal government ought to fund more hydrogen-powered clean car research. Some of the \$1.2 billion in research funds proposed should go to the state sponsored California Fuel Cell Partnership. The joint state-private venture based in West Sacramento has conducted promising research in this field for years.

The president's commitment to developing a new generation of nonpolluting cars is good news. It would be even better news to learn that the administration plans to do more to reduce pollution from the gasoline-powered vehicles that Americans drive now and will drive for the foreseeable future.

[Letters to the Editor, Fresno Bee](#)

[January 31, 2003:](#)

One man's snitch is another man's concerned citizen

By Tom Bracken
Fresno

Some months back, it was revealed that the administration, as part of its war on terror, would be encouraging citizens to report suspicious behavior on the part of their fellow citizens -- being a "rat," if you will. Such suggestions immediately drew criticism from civil libertarians as they made comparisons to Nazi Germany or Russia.

Now, enter the debate over fireplace burning in the Valley. The San Joaquin Air Pollution Control District -- which, by the way, acknowledged that its "smoking vehicle" hotline is absolutely ineffective in The Bee's "Last Gasp" special report -- is now suggesting that its primary enforcement tool for illicit fireplace burning will be ordinary citizens in the neighborhood, who can call and report the rule breakers.

So, in the face of terrorism, ratting on your neighbors is unthinkable, but in the case of fireplace burning, it's absolutely acceptable. It seems that all of those civil libertarians only believe in civil liberties when it suits their agenda.

And if the "smoking vehicle" hotline is truly a "feel-good" measure that lacks any teeth, why doesn't the air district shut it down and lay off the employees that manage that process? In the

face of daunting budget deficits in this state, the last thing we need is another program that provides no tangible value.

February 3, 2003:

Eco-terrorists'

By Robert J. Gulack
Clovis

Having just returned from a couple of weeks in Europe and the former Soviet Union, I have become well acquainted with views of America's war on terrorism through personal conversations and the media. However, after reading The Bee Jan. 30, I am convinced that relatively speaking, Saddam poses little threat in comparison with the eco-terrorists in the United States.

The Sierra Club, Medical Advocates and the Latino Issues Forum have just filed a lawsuit against the U.S. government because farmers raise dust. Are they serious? Where is the lawsuit against God Almighty for allowing the wind to blow across the Valley? He is the one to blame.

How about the millions of dollars this lunacy will cost to defend that could go to social programs, Medicare or anything of value? How about the increased cost of food and fiber that will be passed on to every citizen of this country because of the narrow-minded eco-worshippers?

The former Soviet Union is working hard to survive and feed the masses largely in areas that don't have the climate and soils we have in California. Life is hard, and we are headed in that direction.

When are we, the citizens who live, work and vote in this Valley, going to rise up and say "Enough!?" The Sierra Club and the other organizations do nothing to feed the poor, clothe the needy or send my kids to college. When will this madness stop -- when we start sending farmers to Siberia?