

Stricter regulations sought for pollution

Report at odds with recommendation last month by Energy Commission panel

By Matt Carter, Tri-Valley Herald staff writer, February 25, 2003

PLEASANTON -- The state isn't doing enough to protect air quality in the San Joaquin Valley as it nears final approval of a large power plant in the Altamont Pass, California Energy Commission staff members say.

Air quality in the San Joaquin Valley -- already in "severe non-attainment" of federal standards -- will only get worse if the 1,100 megawatt plant is built without stricter regulatory requirements, according to an Energy Commission staff report made public Monday.

Calpine Corp. should be required to buy additional emission reduction credits -- binding agreements by other companies to cut pollution from their own operations -- to help offset the plant's impacts, the report said.

The maximum allowable concentrations of ammonia emitted from the East Altamont Energy Center's stacks should also be halved, from 10 parts per million to 5, the report said.

The report is at odds with a recommendation last month by an Energy Commission panel that Calpine be allowed to build the plant without further restrictions.

In their proposed decision, Energy Commission Chairman William J. Keese and Commissioner Robert Pernell found that the pollution controls and emission offsets proposed by Calpine satisfy local air quality regulators. In fact, they said, the company is doing more than required to reduce the project's impacts.

Keese and Pernell are presiding over public hearings on the plant's licensing, which continued Monday in Tracy.

The full five-member Energy Commission could vote next month to allow the \$500 million project to proceed. Adding conditions would make the plant more expensive to build, although the state has contracts with Calpine that allow it to take over the project if the company chooses not to proceed. The plant would supply enough electricity to power 1 million homes.

Hearings on the East Altamont Energy Center and a similar 1,100-megawatt plant proposed by Florida-based FPL Energy have been complicated by their proposed location in a rural area of eastern Alameda County.

Although technically in the jurisdiction of the nine-county Bay Area Air Quality Control District, if they are built, pollution from both plants will drift east into the San Joaquin Valley.

While modern plants are far cleaner than their predecessors, Calpine's East Altamont Energy Center still would produce up to 509 tons of four closely regulated pollutants each year. To obtain permits from the Bay Area Air Quality Management District, Calpine agreed to purchase 836 tons of emission offsets from companies in the Bay Area.

But Energy Commission staff members maintain that because some of the companies are as far away as San Jose and Redwood City, the reductions won't entirely compensate for the plant's impacts in the San Joaquin Valley.

They say Calpine should be required to purchase additional emission reduction credits in the San Joaquin Valley -- enough to cut pollution there by 225 tons per year.

Staff members reviewing FPL Energy's Tesla Power Project have taken a similar position on providing local emission offsets, said Energy Commission spokesman Chris Davis.

The new report was unusual in that it restated arguments made earlier in the hearing, and those that were rejected in the panel's proposed decision to allow the project to proceed.

"This was staff's attempt to say, 'We think the issue is important enough we'd like you to consider it one more time,'" Davis said.

Officials with the San Joaquin Valley Air Pollution Control District are confident that, if built, the impacts of both plants will be addressed through two separate agreements that would provide the district with \$2 million for air pollution reduction programs.

Although the San Joaquin Valley air district has no jurisdiction over either project, it intervened in the licensing process and entered into \$1 million agreements with each company. The payments will be used to reduce air pollution, in part through existing programs that provide cleaner-running engines for farms and buses.

The money will be placed in a special account dedicated to pollution reduction programs tied to the power plant's impacts, said Seyed Sadredin, director of permit services for the San Joaquin air district. None can be used for administrative expenses, and the agreement provides enough money to offset the plant's impacts, Sadredin said.

"We treated them like they were a new power plant in our district, basically subjecting them to the same offset requirements," Sadredin said. "We have one of the toughest new source review (processes) in the state."

Noting that Keese and Pernell praised the agreement with Calpine in their proposed decision, Sadredin said he believes the Energy Commission's decision on Calpine's project could set a precedent for FPL Energy's Tesla Power Project.

"My expectation is if the commission itself accepts (the agreement), it sets the bar (for the Tesla project)," he said.

Committee to revise East Altamont Energy Center plan

David Read, Tracy Press, February 25, 2003

After a nearly five-hour public comment meeting Monday, the committee responsible for licensing the proposed East Altamont Energy Center decided to revise the recently released presiding member's proposed decision.

This decision, coupled with another 15-day comment period, will delay licensing by a month or two. Nevertheless, officials for project developer Calpine are confident that the agreements necessary to approve the project can be completed.

"I think that everything was pretty well laid out," said Alicia Torre, Energy Center project development manager. "The applicant, staff and interveners have put out there what their issues are with the presiding member's proposed decision. I think we are pretty close."

William Keese, chairman of the California Energy Commission and presiding member of the East Altamont Committee, decided to recommend licensing the power plant to the California Energy Commission.

Before a license is granted, the presiding member's proposed decision must be made subject to public comment. Once issues with the plant raised by the public and other local agencies are resolved, the project plan and agreements compensating agencies and the state for any environmental impacts caused by the plant are given to the California Energy Commission for final review and licensing.

Four issues came up during the hearing: water use, fire and emergency safety, air quality and power transmission issues.

Keese said that changes are significant enough to the project's water and air quality issues to require a revision to the presiding members' proposed decision. This new decision, which will be available by mid-March, will also require another 15-day comment period.

The East Altamont Energy Center is a proposed 1,100-megawatt natural-gas-fired power plant. The plant will be capable of providing electricity to as many as 1.1 million homes in Northern California and is estimated to cost between \$550 million and \$600 million to build.

Located a mile west of the San Joaquin County Line in Alameda County, the Energy Center project is unique in that it is being reviewed by two counties and two Air Pollution Control Districts, the Bay Area and the San Joaquin Valley Air Pollution Control Districts.

The Valley Air District and San Joaquin agencies have been included in the process as a courtesy, as the plant will have an impact on many of this region's services as opposed to Alameda County services. However, the bodies that are legally required for approval are in Alameda County.

This has caused some friction between similar agencies between the two areas. For example, the current agreement gives Alameda fire departments \$3 million to provide emergency services to the plant.

Tracy Fire Department Battalion Chief Larry Fragoso said Alameda Fire officials estimated that an engine could reach the Energy Center from Livermore in 10 minutes, with a second response engine to follow from Dublin.

Fragoso said that an engine could arrive from Tracy in six minutes, but Tracy Fire Department officials said they would not respond to fires at the Energy Center and that the plan to have engines and emergency response personnel travel from Livermore in heavy traffic could endanger lives.

"We're asking for someone to sit down and publicly inform the public that we are not coming," Fragoso said. "Why can't somebody sit down and discuss what properly should be done for the safety of people in that area?"

Fragoso said that the Tracy Fire Department has more or less ceased mutual aid with Alameda County. The new decision will strip any mention of Tracy Fire Department supporting emergency services for the new plant, leaving Alameda County agencies the sole provider of emergency services.

Another issue that crosses the county line is air quality.

Energy at the new plant will be generated with clean burning combined-cycle natural gas generators that emit less than 10 percent of the air pollution earlier generators emitted.

Nevertheless, the plant will still generate 50 tons of particulate emissions, 149 tons of nitrous oxide emissions and 23 tons of volatile organic compounds over the course of a year.

As it stands now, Calpine has offered \$13 million to retrofit 1,080 diesel engines and 425 fireplaces with emission control technology to lessen the environmental impact of those emissions. Calpine also plans emissions control efforts in other areas to reduce the impact of overall emissions from the new plant to zero.

This satisfies the Bay Area Air Pollution Control District, but project opponent Bob Sarvey repeatedly requested that the cumulative effects of these emissions on valley air must be studied.

"Air quality is our major issue," Sarvey said. "But the committee told the applicant that they didn't have to do the \$1 million study."

Additionally, the committee wanted Calpine to set formal emissions goals in addition to a cash settlement.

The final major issue involves water for the plant.

To generate electricity, the East Altamont Energy Center will require more than 4,600 acre-feet of water annually.

The committee wants to stipulate that the power plant will use no more than 38 percent non-recycled water by 2020.

Most of the recycled water may come from Mountain House. However, Torre said that this figure is difficult because it is not certain how quickly the Mountain House project will gain residents.

"We have no guarantee for Mountain House's buildout," Torre said. "We cannot secure funding with that risk."

The committee wanted to revise the decision to allow Calpine more flexibility to seek other sources of recycled water and further debate standards for recycled water use.

Keese said that he was comfortable that both the Mountain House Community Services District and Calpine were inclined to some form of agreement.

"There's quite a bit of incentive for us to be reasonable throughout this negotiation," Keese said. "We're in agreement that 100 percent of the wastewater generated by the Community Services District go to the plant."

Public comments on the presiding members proposed decision may be submitted to the committee on the current decision in writing by 3 p.m. on Thursday. Address all comments to the California Energy Commission Docket Unit, docket No. 01-AFC-4, 1516 Ninth St., Sacramento 95814.

For information: Roberta Mendonca, (916) 657-4394, (800) 822-6228 or e-mail pao@energy.state.ca.us.

To reach reporter David Read, call 830-4239 or e-mail dread@tracypress.com.

Ford City residents wonder why they weren't told of lead before

By Doug Keeler, Midway Driller City Editor

Taft Midway Driller, Feb. 26, 2003

Residents in the area of a burn dump were notified that children should be tested for lead exposure six years ago, but apparently were given much more information.

Dr. Claudia Jonah of the Kern County Department of Public Health said residents were provided information that children playing in a vacant lot could have been exposed to lead and were told where and how to get them tested.

Area residents remember getting that information, but were not told that the soil around their houses was contaminated until two weeks ago.

"It was just one little piece of paper telling us where to get kids tested. That's what we don't understand," said Helen Fox, who lives at 117 Jackson Street. "Six years of not hearing a word until we were hand-delivered those papers on the 10th. Why didn't we find out about this six years ago?"

Residents - some of whom bought homes since the initial cleanup of the two-acre vacant lot between Jackson and Monroe Streets -- are upset about not being told of the hazardous levels of lead in the soil in their yards.

Up to 2,000 parts per million of lead contamination has been found, twice the level that the EPA considers to be hazardous waste.

Residents now face the prospect of leaving their homes for six to 10 days during a two-month long cleanup while tainted soil is removed from their yards, hauled away and replaced with clean soil.

Helen Fox and her husband Jim, who have been living on Jackson Street for 29 years, are resigned to the disruption.

"I guess we'll leave while they do the cleanup," Helen Fox said. "There's no sense of us staying here and getting that stuff in our lungs."

The federal Environmental Protection Agency, who is handling the cleanup, says measures will be taken to mitigate any dust problem.

Hedy Ficklin, the EPA on-scene coordinator for the clean up, said residents are not being relocated because of the possibility of further contamination, but because of the heavy equipment that will be used to remove the soil.

About 30 residents and owners met for two hours with EPA and state Department of Toxic Substance Control representatives, but weren't satisfied with what they were told.

"They couldn't answer any of our questions, so we're not very happy," Fox said.

The residents met privately after the government representatives left, but have not decided what action they're going to take, Fox said.

In the meantime, EPA officials began meeting with residents on a one-to-one basis Monday.

Brad White had a meeting yesterday. While he declined to go into specifics of what was discussed, he did say he got more information in the one-on-one meeting than he did Saturday. White lives at 111 Jackson Street. He bought his home four years ago and had no idea there was a lead contamination problem until last summer, when the DTSC began testing the soil in the neighborhood.

White said he had his young son tested for lead exposure in August and the tests showed the presence of lead.

"He's not allowed to play outside anymore," White said.

He has already spoken to an attorney about the issue.

He doesn't know if he will leave his home when the cleanup takes place.

EPA officials have offered to pay the residents a per diem for the time they spend away from home.

Local Poll

Bakersfield Californian

Tuesday February 25, 2003, 05:15:07 PM

What do you think of state Sen. Dean Florez's smog-fighting legislation that would require pollution permits for diesel-powered irrigation pumps, dairy and poultry farms, harvesting, discing and tilling, and ban open-field ag burns by 2005?

What was he thinking? If implemented, this legislation would raise food prices and force many farmers out of business. (42.72%)

I think it's great. It's about time someone has the guts to take on all industries that contribute to the valley's horrible air. (36.15%)

I like parts of his proposal. But some things, such as wanting to regulate basic activities like discing and tilling, go too far. (21.13%)

Editorial: A 'gutsy' air cleanup plan

The Bakersfield Californian

Tuesday February 25, 2003, 05:15:07 PM

Oil and agriculture are the two major industries driving Kern County's economy. For more than two decades, oil companies have pumped billions of dollars into efforts to clean up the valley's polluted air.

They have changed operating methods and installed billions of dollars worth of pollution control devices to keep smog-causing fumes and dust from being spewed into the air.

Meanwhile, state law has exempted agriculture from most air pollution laws. Farmers still burn their fields. Their diesel-fueled pumps do not require permits. Plowing and discing practices throw dirt into the air. Dirt roads that cross fields are sources of dust.

The exemption stems from a romantic past, where farms and dairies were mom-and-pop operations too small to worry about and the heart of rural life. But today's farms are mostly large corporations. Dairies are "factory" size, counting their herds by the thousands, not the hundreds.

California's exemptions for polluting agricultural operations will end. The federal Environmental Protection Agency is demanding it ends by Nov. 23, or California will face losing \$2 billion in federal road-building funds.

Responding to this deadline, as well as dire reports that the valley's polluted air is making its residents sick, state Sen. Dean Florez, D-Shafter, has introduced a package of 10 bills proposing cleanup efforts.

The bills will end most agriculture exemptions, establish fees for enforcing the new rules and overseeing cleanup efforts, and require changes in many farming operations.

To help farmers swallow the package, it contains more than a few spoonfuls of sugar, including low-interest loans and grants to help farmers pay the cost of converting to cleaner-burning equipment.

The details of Florez's bills are a long way from being finalized. Debate between the agriculture and environmental communities will help shape the legislation and subsequent cleanup efforts. Environmentalists are calling Florez's plan a "gutsy move."

Some farmers have expressed opposition and alarm.

But Loren Hodge, manager of the Kern County Farm Bureau, has a more realistic view. He told *The Californian*, "... while it may be a bitter pill to swallow, we know that we're going to have to do something."

Hodge added that he would rather have Florez sponsoring legislation regulating the valley's farms and dairies than an urban environmentalist lawmaker who doesn't know much about farming.

"We would hate to see someone who really doesn't understand agriculture try to write something to make us comply," Hodge said.

Each of Florez's 10 pollution-related bills will require public and legislative debate before becoming law.

Florez is applauded for taking the initiative. It is now up to all of us to insure that this good step is followed by many others.

The eight-county San Joaquin Valley has some of the dirtiest and unhealthiest air in the nation. It will only get worse unless we all make sacrifices to make it better.

News in brief from the San Joaquin Valley, The Bakersfield Californian The Associated Press

Tuesday February 25, 2003, 09:40:10 AM

BAKERSFIELD, Calif. (AP) - San Joaquin Valley residents are going to the hospital more often to seek treatment for the valley's unhealthy air, according to a new study by the state Air Resources Board.

The study showed hospital visits jumped by 7.5 percent throughout the region from 1996 to 2000 during times of high particulate smog concentrations.

State air officials said the report released Monday is among the first to establish a connection between unhealthy air and hospitalization rates in the valley.

"This is something that we've long known has been happening, but this study proves it," said board spokeswoman Gennet Paauwe. "We've never done anything that's tracked it on such a broad basis."

For people with chronic breathing difficulties such as emphysema, hospitalization increased as much as 7.5 percent and emergency room visits climbed 6.5 percent for every 10 microgram increase in particulate pollution. For acute breathing problems, such as asthma and bronchitis, hospitalization increased by 4.1 percent and emergency room visits by 5.2 percent, according to the study.

Particulate pollution comes from dust or burning wood. Particulate matter can become lodged in lungs and aggravate respiratory problems or even lead to death.

The \$265,000 study conducted by the Air Resources Board and Kaiser Permanente compared air quality monitoring data from sensors throughout the valley with hospitalization statistics at Kaiser hospitals in Sacramento, Stockton, Modesto and Fresno.

News in Brief from California, The Bakersfield Californian

SoCal agency struggles to clean nation's dirtiest air

By ANDREW BRIDGES, AP Science Writer

Tuesday February 25, 2003, 04:35:04 PM

DIAMOND BAR, Calif.(AP) - The agency charged with cleaning up the air breathed by 40 percent of California's population said Tuesday it expects to meet federal standards for two common pollutants, despite an increase in the size of the task and uncertainty about how it will do so.

The effort will require yet-to-be invented pollution control technologies, consumers making more judicious choices among everything from hair-care products to personal watercraft, and incentives that would remove older, pollution-belching cars from the region's roads.

"We're going to have to do everything that is humanly possible," Barry Wallerstein, executive officer of the South Coast Air Quality Management District, said while presenting reporters a draft update to the agency's 1997 clean air plan. "It's going to be an extremely tough challenge," AQMD spokesman Sam Atwood said.

Wallerstein stressed that the region's air is cleaner than it has been in decades - and should grow even cleaner in the future. The area met federal carbon monoxide standards for the first time last year but by most measures still has the worst air pollution in the nation.

Wallerstein said the district faces federal deadlines for fine airborne particulates in 2006 and for ozone in 2010. Both pollutants have been linked to a variety of respiratory ailments, including asthma.

The agency's effort is complicated by revised calculations that show it had underestimated how much tailpipe pollution is emitted in the district that includes all or parts of Los Angeles, Orange, Riverside and San Bernardino counties.

It also overestimated how much air pollution the region can sustain without posing a health risk. As a result, officials will have to cut hundreds of additional tons of pollution a day to meet the federal deadlines - with little time to do so.

"That is of concern to the EPA," said Jack Broadbent, director of the air division for the Pacific Southwest region of the U.S. Environmental Protection Agency.

Wallerstein said pollution cuts are feasible but will require the combined efforts of local, state and federal officials, as well as industry, business and the 17 million people expected to call the region home by 2010.

By then, cars 13 years and older will account for just 25 percent of the miles driven in the region but will produce 80 percent of the air pollution generated by automobiles, according to AQMD estimates.

The agency would like to see further regulation of pollution sources under the purview of the EPA, including from trains, airplanes and ships. The EPA will not write national standards tailor-made for the region, but will consider developing incentives and other ways of encouraging emissions reductions from those sources, Broadbent said.

The AQMD may seek expanded legal authority that would allow it to target emissions from consumer products such as hair spray. It may also seek to slap fees on everything from trains to planes that would fund pollution-control programs in the region, Wallerstein said.

Most of the ozone-forming pollutants emitted in the region are either volatile organic compounds or oxides of nitrogen. About 70 percent of the two classes of pollutants are traceable to vehicle tailpipes.

Ozone can retard lung development in children, worsen the symptoms of asthma and boost susceptibility to respiratory infection.

Oxides of nitrogen combine in the atmosphere with ammonia to form ultrafine particles one-sixth the diameter of a human hair that can lodge deep in the lungs. The microscopic particles, called PM10, have been linked to increases in premature mortality, emergency room visits and school absences.

Stricter federal standards are expected for even finer particulate pollution, called PM2.5, by 2014 and ozone by 2021. Projections show the region will exceed the proposed ozone and PM2.5 standards by 36 percent and 88 percent, respectively, in 2010.

Save the trees

Letter to the Editor, Fresno Bee

By Ganisha Sethi

Fresno

(Published Wednesday, February 26, 2003, 6:03 AM)

I am responding to the article "Oak stands its ground -- for now" [Feb. 10]. Since when are roads more important than our trees? Trees have brought life to us, helping us breathe, and what do we do in return? We build roads and cut them down, not only destroying the tree itself, but also destroying the environment.

We need to think about how important these old trees are to society and then build. Roads aren't necessary to live. Trees are, and if we destroy them one by one, there won't be many left.

We must protect our environment and do what is best for us and the Earth that we live on.

Breaking the mold

Letter to the Editor, Fresno Bee

By Justin C. Salenik

Fresno

(Published Wednesday, February 26, 2003, 6:03 AM)

I am not an environmentalist, and certainly not an "eco-terrorist," but as a student at Fresno State and a political science major, I felt compelled to attend the recent revolutionary environmentalism conference.

The session held that Thursday night featured much rhetoric and calls to direct action. Although it did not feature any representation from the agricultural community (despite invitations), there was one speaker that I think Valley residents, especially those that belong to the Republican Party, should listen to.

Capt. Paul Watson began his speech by saying he is a real Republican and a real conservative. He takes the environmental issue and makes it less of a left-wing or right-wing issue. His views are more in line with traditional (Abraham Lincoln, Teddy Roosevelt) GOP values, and I urge all so-called Republicans to view a transcript of his speech on his Web site.

My only question is, why did The Bee not mention his speech in its article? Is it because he does not fit the left-wing label that the media apply to all those who support the environment?

I agree with professor Steve Best: Fresno State should be commended for its bravery and support of free speech.