

MID rejects biomass burner

Project partners talk about suing irrigation district

By John Holland

Sacramento Bee and other papers Wednesday, Oct. 13, 2010

A proposal to turn orchard wood into electricity went down to defeat Tuesday at the Modesto Irrigation District, which could be sued over the decision. The district board voted 3-2 to end negotiations with the company that has been planning the project in the Beard Industrial District.

The board in August voted by the same margin to not accept the environmental report needed for plant construction to proceed. Tuesday's vote sealed the project's fate.

Stephen Endsley, who has pursued the project with his partners in Valley Bio-Energy LLC, said they might sue. They claim that the MID did not make the findings required under state law to reject the environmental report. They also said the district violated an "enforceable oral contract" that had guided the negotiations and led them to believe that they were doing well.

"They acted illegally," said Endsley, a Modesto real estate investor and retired cardiologist, after the meeting. "They can't just walk away."

The MID could be liable for \$100 million in damages under the draft power purchase agreement, he said. The board did not vote on that document.

Tim O'Laughlin, general counsel for the district, said it was bound only by a signed contract under which it had the exclusive right to negotiate with Valley Bio-Energy. The board ended that agreement on another 3-2 vote Tuesday.

The rejection of the plant was cheered by its opponents, who doubted the promises that it would not worsen the Modesto area's air pollution.

"The potential to emit and pollute is extremely great," said Eric Reimer, treasurer of the Stanislaus Taxpayers Association.

Directors Cecil Hensley, Paul Warda and John Kidd voted against the project, as they did in August. Directors Glen Wild and Tom Van Groningen supported it.

The 30-megawatt plant would have met 9 percent of the MID's power demand and helped move it close to a state mandate to get at least 33 percent of its energy from renewable sources.

The partners were counting on a federal stimulus grant to cover 30 percent of the \$80 million-plus cost. The grant required that at least 5 percent of the construction be done by year's end, which Endsley said would be impossible without a favorable vote from the MID on Tuesday.

The district would have paid 11.2 cents per kilowatt-hour to start under the draft purchase agreement, with annual increases capped at 2 percent.

Endsley on Tuesday offered to drop the price to 10 cents, which he said is far better than the 17 cents the MID has agreed to pay for solar power from a proposed McHenry Avenue complex. The district pays an average of about 8.5 cents for power, most of it from natural gas.

The biomass plant would have burned wood chips, mainly from nut and fruit orchards removed for new plantings or development.

Modesto vodka maker Lee Palleschi, who used to be involved with a small Tracy plant that made power from olive pits, supported the project. "The jobs that would be created, to me, are needed in the area," he said.

[Tri-Valley Herald Commentary Wednesday, Oct. 13, 2010](#)

Duraflame gets burned by Bay Area green police

By Drew Voros, Oakland Business Editor

The folks at Stockton-based Duraflame spent a lot of time trying to create the most politically correct fire log possible.

They have come up with a recipe that burns 80 percent cleaner than wood with a higher energy output per pound than firewood. That efficiency means that one Duraflame log will burn for three hours, the equivalent of 25 pounds of wood.

With Bay Area sales of 3 million man-made logs a year, Duraflame would argue that at least 75 million pounds of firewood did not smoke up our clear blue skies.

Don't confuse Duraflame with the logging industry.

For starters, the company does not cut down a single tree in making its logs that are made from 100 percent recycled material. Using recycled wood, sawdust and agricultural fibers such as nut shells from Central Valley farms, Duraflame adds its secret sauce of plant and vegetable oils combined with nonpetroleum oils to create the kind of log even a tree-hugger could embrace.

Compared with firewood, artificial wax fire logs produce 80 percent less particulate matter, 75 percent less carbon monoxide and 90 percent less hazardous air pollutants, according to an Environment Canada and U.S. Environmental Protection Agency test.

Despite all of this, Duraflame's logs are considered firewood when it comes to regulating what you put in your fireplace. The company's legal challenge to a Bay Area ban on burning wood fires on Spare the Air nights has been rejected by an appeals court, which ruled Duraflame fire logs are not exempt.

Last week, the First District Court of Appeal in San Francisco upheld the authority of the Bay Area Air Quality Management District to subject Duraflame's manufactured fire logs to the burning ban.

The court also upheld a section of a rule requiring that artificial logs sold in the Bay Area come with a label advising consumers that burning may be restricted on certain nights and listing a phone number to check on the burn status.

Duraflame Vice President Chris Caron says the air district's analysis of Duraflame logs was not sufficient to justify regulating them. The court did not agree.

Caron said the air district should be promoting the use of Duraflame logs rather than lumping them in with firewood. The air rules are intended to reduce emissions and particulate matter, exactly what Duraflame says its logs do.

As for the special labeling now required, Duraflame says it will cost an extra \$500,000 the first year and \$100,000 annually to sell its product in the Bay Area. The labeling rule also affects all sellers of solid fuels, including firewood and wood-stove pellets.

Bottom line is that a public agency is requiring businesses to spend millions of dollars a year to promote a government phone number. That just doesn't smell right.

What the Bay Area's air district would really like all fireplace owners to do is replace those hearths with natural gas fireplace inserts, even though it would give us fires that are more cosmetic than energy efficient.

And as Caron points out, natural gas inserts for fireplaces substitute particulate matter with greenhouse-gas emissions, which our local air district does not regulate.

That's somebody else's problem

[Modesto Bee Commentary Tues. Oct. 12, 2010](#)

BISHOP: Consider valley's air, health when voting

By Stephen Blaire

Proposition 23 on the Nov. 2 ballot provides the occasion for Central Valley voters to engage in serious moral reflection on our common responsibility for stewardship of the environment. How we use the Earth and take care of the natural environment affects all our well-being.

God has entrusted the Earth to our care. We are accountable to God and to one another for this stewardship. Catholic social teaching locates this responsibility in three areas: toward the poor, toward future generations and toward humanity as a whole.

The situation in the San Joaquin Valley is critical. Four of the six counties in the Stockton Diocese (San Joaquin, Stanislaus, Calaveras and Tuolumne) received a grade of "F" in the American Lung Association's 2010 State of the Air Report. The U.S. Environmental Protection Agency classifies the San Joaquin Valley as "extreme non-attainment for ozone and smog."

One can easily conclude that air pollution contributes to respiratory illnesses and to the one in five children suffering from asthma in the valley. All our young breathe that same air. Poor air quality affects all our families. This burden also falls heavily upon the poor who cannot afford health insurance and often work in circumstances which exacerbate vulnerability to respiratory illnesses. A 2008 study (Dr. Jane Hall, California State University, Fullerton) concludes that air pollution in the San Joaquin Valley costs \$1,600 per person each year "in health care costs, school absences, missed work and lost income potential from premature deaths."

In 2004, the Diocese of Stockton created the Environmental Justice Project. Its first priority has been to work for clean air. The diocese, through the agency of Catholic Charities, has cooperated with environmental justice organizations, public health and community groups to advocate successfully for precedent-setting legislation and environmental policies in California to reduce air pollution and improve general health. Together with others this Project helped win passage of AB 32, the Global Warming Solutions Act. The bill was the first of its kind in the nation to put a cap on greenhouse gas emissions.

Pope Benedict XVI and the Ecumenical Greek Orthodox Patriarch Bartholomew are leading the Christian world in responding to God's command in Genesis "to cultivate and care" for the garden of creation as a moral responsibility of stewardship over creation. Everything which exists belongs to God and is entrusted to our care.

Before casting our votes on Proposition 23, these reflections on the common good, our children's health, and the stewardship of our land can assist us in the formation of conscience which guides our decision making. We always pray that God grant us wisdom in the exercise of our citizenship.

Blaire is bishop of the Roman Catholic Diocese of Stockton.

[Fresno Bee Earth Blog, Tuesday, Oct. 12, 2010:](#)

Air district's warning system: particle spike happening now

By Mark Grossi

Seems like a pretty nice day, but particle pollution is spiking in the Bullard High School area, according to the San Joaquin Valley Air Pollution Control District.

I'm getting district e-mails on the conditions around Bullard High, just to keep track of the district's new school notification system.

The district's web site shows a spike around 10 a.m. for PM-2.5, which is microscopic soot, chemicals and other debris. This is dangerous stuff that has been associated with asthma, heart problems and early mortality.

The federal standard is 35 micrograms per cubic meter of air. The Bullard area was at 41 around 10 a.m.

[Modesto Bee Letter to the Editor Tues., Oct. 12, 2010](#)

Defeat Proposition 23

Asthma is a killer and nearly 20 percent of us in the valley have asthma, said Dr. David Lighthall at Modesto Junior College's Science Colloquium on Oct. 5. He described the clear link between our Valley's asthma rate and Valley air pollution.

As the health policy adviser at the San Joaquin Valley Air Pollution Control District, he stressed the healthful benefits we get from lowering valley air pollutants, especially ozone from gasoline engines and particulate matter smaller than 2.5 micrometers from diesels.

We need to burn less gasoline and diesel, exactly what AB 32, signed by Gov. Schwarzenegger four years ago, is encouraging California to do. Texas oil tycoons are sponsoring Proposition 23 to maintain our addiction to their oil. Sensible voters will vote against Prop. 23 to help us improve valley air and health.

Richard Anderson, Modesto

