

## **Feds seek feedback on Avenal power plant plans**

By Eiji Yamashita

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The proposed Avenal power plant project- long held up in the federal permit process - may soon move forward after federal regulators exempted the project from new air-quality requirements in January.

But the policy shift paving the way for the project, given its potential controversy, is under public review.

The U.S. Environmental Protection Agency is seeking public comment on its recent policy shift, which would allow Avenal Power Center, LLC to build a natural gas power-generation project without having to demonstrate its compliance with nitrogen dioxide emission standards under the Clear Air Act.

Officials have scheduled a public hearing in Avenal April 12. The hearing will take place at the Avenal Theater, 233 E. King St.

Comments regarding EPA's proposed action regarding the project can also be submitted before the hearing to Shirley Rivera with the U.S. EPA Region 9 air permit office in San Francisco, 75 Hawthorne St., San Francisco, CA 94105-3901 or to [R9airpermits@epa.gov](mailto:R9airpermits@epa.gov).

A supplemental statement of basis for its proposed decision to exempt the project from demonstrating compliance with additional air rules is available on the Region 9 Office website: [www.epa.gov/region9/air/permit/r9-permits-issued.html](http://www.epa.gov/region9/air/permit/r9-permits-issued.html).

Comments received before and during the hearing will be considered before the EPA issues its final decision.

Avenal Power Center - a subsidiary of an Australian-owned bank, Macquarie Group - wants to build a 600-megawatt natural gas-fired power plant within Avenal city limits, about six miles from the town's residential area. The \$530 million plant would generate enough electricity to power 450,000 homes and businesses.

The project is not without controversy.

Activists and concerned residents oppose the project, saying it would add pollution in a region that is already among the nation's worst in air quality.

First proposed in 2008, the project has received preliminary permits from the California Energy Commission and the San Joaquin Valley Air District.

Facing delays in federal approval, the company had sued the EPA.

Then in January, the EPA issued a policy shift exempting the Avenal project and other similar projects from the newest air and climate rules. In February, a top EPA official told a U.S. District Court in the District of Columbia that the agency had reviewed policies and decided it would allow the controversial project to proceed in southwest Kings County, where there are environmental concerns over Kettleman Hills toxic waste landfills and sludge farms.

The agency found projects like Avenal's faced with "unforeseen challenges with the preparation and review of information to predict the impact of proposed sources on hourly (nitrogen dioxide) concentrations," the EPA's public notice states. "As a result of concerns about these challenges expressed by permit applicants, EPA began a policy review ..."

The federal agency says the policy change was necessary to make a permit decision within the statutory time frame and to avoid subjecting the project to additional requirements that took effect long after the application was filed.

EPA Administrator Lisa Jackson held a private meeting with a group of activists in Fresno last week. Her visit was marked by a raucous protest, while the press was barred from the meeting.

EPA officials later issued a statement saying Jackson and her regional staff will continue to make environmental justice and protection of health in disadvantaged communities their priority.