

## **EPA: New pollution limits won't apply to some**

Dina Cappiello, Associated Press

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WASHINGTON—More than a dozen industrial facilities could escape new federal controls on air pollution and the gases blamed for global warming after a top Environmental Protection Agency official told a federal court that a long-delayed California power plant would not have to comply with the rules.

The reversal by the EPA comes as the Obama administration is under attack from Republicans for a host of new air pollution regulations that they say will kill projects and jobs. Republican leaders in the House and Senate unveiled legislation Wednesday aimed at preventing the agency from regulating greenhouse gases under the Clean Air Act. It's the latest in a series of legislative efforts to undermine the EPA.

"This determination represents a change in the position EPA has taken in this matter," EPA Assistant Administrator Gina McCarthy says in the document, which was filed Monday in U.S. District Court. In a statement, the agency said it was not fair or appropriate to require facilities with applications in the final stage of the review to comply with standards that have just recently taken effect.

About 10 to 20 facilities out of the hundreds waiting for air pollution permits could be exempt from new rules, the EPA said. But it is unclear how many would have met the threshold to trigger controls on global warming gases.

In the last year, the agency has placed new limits on smog-forming nitrogen oxides and sulfur dioxide, which causes acid rain and is linked to numerous respiratory ailments. And just a month ago, the first-ever rules controlling global warming gases from large factories and power plants went into effect.

"It creates a strong argument for 'treat us the same way you treat this guy'," said Michael Gerrard, an environmental law professor at Columbia University and former chair of the American Bar Association's environmental section, who reviewed the document. Gerrard said the move "is part of the administration's effort not to stop or be accused of stopping too many new projects."

The EPA initially told the court that Avenal Power Center, LLC in central California would have to prove that its 600-megawatt, natural gas-fired power plant would not cause violations of a new standard on smog-forming nitrogen oxide. The company sued the agency for taking too long to decide on its permit, which it initially filed in February 2008.

EPA officials downplayed the decision and said it had no bearing on their stance to regulate global warming pollution.

But Clean Air Watch President Frank O'Donnell called it "a disturbing reversal of policy."

"It is hard to avoid the conclusion that this change is at least partly aimed at blunting political attacks," O'Donnell said. "But it may only whet the appetite of those in industry and Congress who want to block health and environmental standards."

## **Calif. lawmakers promote clean energy standards**

The Associated Press

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The California Legislature's Democratic leaders on Wednesday promised quick passage of measures they said will position the state as the national leader in developing clean energy alternatives and green jobs.

The package includes a bill requiring utilities to get one-third of their power from alternative energy sources like wind, solar and geothermal by 2020.

The state already gets 18 percent of its energy from renewable sources and is on track to reach 21 percent by year's end, said state Sen. Joe Simitian, D-Palo Alto, citing California Public Utilities Commission estimates.

The state's air pollution regulators set the 33 percent requirement in September, but a bill with the higher standard failed at the end of last year's legislative session. Simitian, who is carrying the new version, SB2x, said it is important to include the standard in law to end the ambiguity and let investors know the state is serious about switching to renewable fuels.

A landmark 2006 California law already requires the state to reduce greenhouse gas emissions to 1990 levels by 2020. Voters in November defeated Proposition 23, which would have suspended the reduction goals until California's unemployment rate, now 12.5 percent, drops to 5.5 percent and holds there for a year. That has occurred just three times in three decades.

Thomas Steyer, a hedge fund manager who led the Proposition 23 opposition, said seven of the nation's top 10 clean technology companies are in California, as is 60 percent of the venture capital -- five times the amount invested in any other state.

"Everyone is going to be watching us," said Steyer, founder of the investment firm Farallon Capital Management LLC. "We're going to be the test case, and in fact the kinds of policies these legislators are trying to pass are critical for us to be able to get the private sector going, to create the businesses, to create the jobs and to show the country and the world that this can be done."

Another measure in the package would speed up permits for renewable energy projects, while a third would use a portion of utility ratepayer funds to guarantee loans for residents and small business owners to make energy efficiency and renewable energy improvements.

The fourth bill would use \$8 million annually in electricity surcharges for grants to schools to establish 90 "green partnership academies" statewide that would train students for clean technology jobs.

Senate President Pro Tem Darrell Steinberg, D-Sacramento, who is carrying SB1x, the academy bill, said the package is California's effort to meet President Barack Obama's proposal last week to get 80 percent of the nation's electricity from clean energy sources by 2035.

He and Assembly Speaker John Perez, D-Los Angeles, said they hope to use their Democratic majorities to quickly send the bills to new Democratic Gov. Jerry Brown.