

[Sacramento Bee Op-ed, Wednesday, July 8, 2015](#)

Be careful on sweeping climate change bill

By Ashley Swearingin and Lucy Dunn, Special to The Bee

Before leaving Sacramento, lawmakers may enact a bill that could determine the fate of California's efforts to reduce poverty, build sustainable communities and slow climate change for the next 35 years.

Senate Bill 32 would require the state Air Resources Board to regulate a reduction in greenhouse gas emissions to 80 percent below 1990 levels by 2050. This is an important law to get right.

Climate change is a significant threat, and California has taken a lead on this global concern. SB 32 would significantly raise the bar. Before that commitment is made, we urge civic leaders and legislators to evaluate the following issues.

Is it intended that SB 32 trump all other laws and public goals? California is on track to exceed the AB 32 target of reducing emissions to 1990 levels by 2020, but this progress hasn't come without social and economic costs. Californians pay about 40 percent more for electricity and fuel than the national average. While leadership in energy efficiency has largely offset this impact for coastal residents, residents in our warmer inland areas have been adversely affected.

Energy-intensive manufacturing has been steadily exiting the state. Environmental leadership has created some jobs but has cost others.

As passed by the Senate, SB 32 could trump local land-use decisions. Plans developed under SB 375 could become instantly obsolete. Regulations could make it infeasible to produce some goods, and could – without any analysis or even acknowledgment – undermine efforts to increase middle-income jobs, ease housing shortages and reduce poverty.

If that is not the intent, lawmakers must clarify how they expect regulators to reconcile SB 32 with other policy goals.

Also, what happens if technology does not develop fast enough to meet the mandate? The California Council of Science and Technology has determined that even a 60 percent reduction cannot be met by 2050 with existing technologies. While similar policies have driven technological innovations, SB 32 does not authorize – let alone require – the Air Resources Board to change the mandate so it is feasible.

Do policymakers want to meet the mandate at all costs? What if California meets the goal but other states and nations lag behind? California generates less than 1 percent of global greenhouse gases. Gov. Jerry Brown has said that our state's leadership will be futile if others do not follow. We would simply be pushing economic activity to other states or nations with less rigorous standards.

So should reduction milestones here be linked with progress elsewhere?

These questions must be evaluated. Instead of passing a bill now, a more thoughtful and ultimately more successful approach would be to spend the next year resolving these issues. Some specifics:

- Proceed with Brown's call for the Air Resources Board to develop a plan to reduce carbon emissions to 40 percent below 1990 levels by 2030.
- Require the board to evaluate alternatives for how the 80 percent goal could be met, including calculating economic costs and social impacts, before a 2050 mandate is placed in law.
- Accelerate the use of California's purchasing power, rather than its production power, to help drive change.
- Align other laws to reduce conflicts that will otherwise waste millions of public and private dollars, cost middle-income jobs and hurt low-income families.

This is not a plea for delay or for reducing the goal. It's an appeal to engage scientists, policymakers, environmentalists, entrepreneurs and the public in one of the most important public decisions in a generation.

County releases landmark plan to streamline oil and gas permitting

By John Cox

Bakersfield Californian, Thursday, July 9, 2015

A massive environmental document Kern County released for public review Wednesday proposes substantial new costs for California's petroleum industry in exchange for unprecedented regulatory certainty and, ideally, peace with farmers and anti-pollution activists.

Considered Kern's most ambitious environmental review ever, cataloging oil and gas activity across 2.8 million acres, the draft recommends a host of new measures to soften oil and gas companies' physical impact as part of a county zoning ordinance amendment requested by the industry.

Besides turning local oil permitting into a ministerial process akin to building plan reviews, the document is expected to help streamline state reviews of drilling activity and fund regional projects to improve local air quality.

The document's release follows more than two years of work by an army of consultants and county staff, at a cost to industry estimated at \$12 million and counting. It signals the start of what figures to be a robust public debate county officials expect will end up in court.

INITIAL REACTIONS

Environmental groups quickly panned the document as an attempt to rubber-stamp drilling plans.

Will Rostov, a staff attorney with San Francisco-based Earthjustice, said the review "short-circuits" the California Environmental Quality Act by foregoing site-specific analyses that might raise flags about seismic and groundwater conditions.

"Different wells are going to raise different issues," he said. "Location does matter."

A staff attorney with the Arizona-based Center for Biological Diversity, Hollin Kretzmann, called the document a transparent effort by the oil industry to push through risky techniques "at the expense of public health and safety."

But oil industry trade group Western States Petroleum Association said Kern businesses and residents will end up the "real winners."

"Today's release is an important step in enhancing the county's environmental protections, but it also demonstrates the industry's commitment to transparency and desire to seek out balanced, efficient solutions that will ultimately propel our community forward," association President Catherine Reheis-Boyd said in a written statement.

HIGHER COSTS

The draft review spells out new costs that, in some cases, would more than double oil companies' per-well permitting expenses.

If approved by the county Board of Supervisors, the document and proposed zoning amendment would charge petroleum producers between \$12,500 and \$23,000 per well. Of that, only \$1,190 would stay with the county, with most of the rest going to a regional fund paying for air quality improvements such as replacement of heavy-emission school buses.

With about 2,000 new oil wells drilled in Kern every year, the county expects these payments to generate more than \$20 million per year for regional clean-air initiatives.

Oil producers already pay fees when they apply for state and federal oil permits, which the county does not currently offer. On federal land, these can amount to \$9,000, not including other, non-fee expenses to mitigate environmental impacts.

RESOLVING OIL-AG CONFLICTS

Industry groups requested changes to Kern's zoning rules in late 2012 after farmers and environmentalists mounted successful legal challenges to the state's approval of drilling projects in the

county. The idea then was that a countywide review, if done properly, might head off lawsuits targeting environmental reviews of individual wells.

But word of a high-level environmental assessment raised suspicions among local growers. They accused oil companies with mineral rights in agricultural areas of running roughshod over their fields without offering adequate compensation, a contention for which California law offers little guidance.

The county proposes to address this by making it much quicker and less expensive for oil producers to drill if they can come to an agreement with surface property owners — but not impossible if they can't agree.

If a mineral rights owner also owns the surface property, or has the landowner's signature on its drilling plan, the county Planning and Community Development Department would review the project within seven days. A second county review, if necessary, would have to be completed within three days.

But if the surface property owner has not signed off on the drilling plan, the county's initial review would take at least 30 days, as would a second review, if one becomes necessary to make fixes. What's more, a driller moving forward without the surface owner's consent would have to pay for a county inspector to be on-site for 24 hours a day to ensure public safety and see that other required measures are done correctly.

County Planning Director Lorelei Oviatt, the primary architect of the proposed zoning amendment, said farming interests were brought in to provide input during the environmental review. She said they had so far reserved judgment on whether the document goes far enough to promote harmony between mineral and surface property owners.

"We're trying to create a process to incentivize the oil industry to work things out with their surface owner," she said. "This may not go as far as people want us to go, but we want to balance" mineral and surface rights.

Lawyers and other representatives of farmers who raised concerns about the proposed zoning amendment in 2012 did not respond to requests for comment.

WIDE REACH

Oviatt said oil industry representatives, including many hired consultants, gave the county a great deal of information that aided the environmental review. They offered technical insights into practices specifically addressed in the document, including exploration and drilling; well reworks; and fracking, cyclic steaming and other forms of enhanced oil recovery, she said.

Covering the entire valley portion of Kern County, the document focuses on oil production, not refining or marketing of oil and gas. As such, it proposes measures to protect public safety and natural resources. If approved, it would also set new rules on property setbacks, aesthetic impacts, fees and payments to help fund road maintenance and the Rural Crimes Unit of the Kern County Sheriff's Office.

Any final draft is likely to affect state oil permitting. This is not only because about 85 percent of California's petroleum is produced in Kern, but also because oil regulators in Sacramento have expressed an interest in using the document as a basis for their reviews of new drilling projects here. For while county officials have authority over the use of Kern's surface property, the Department of Conservation is tasked with regulating subsurface oil activity statewide.

Steven Bohlen, head of the department's Division of Oil, Gas and Geothermal Resources, said in a written statement he had not yet reviewed the document, but that he hoped his agency's oil reviews would "dovetail" with Kern's efforts to minimize the environmental footprint of petroleum production.

"This (draft) represents a significant investment of time and effort by local regulators that should help us achieve the mutual goal of protecting the environment, water resources and public health and safety," he wrote.

In the context of environmentalists repeatedly challenging California oil regulatory activities in recent years, Oviatt said she "fully expects" activists to litigate the environmental review. But she asserted that the document addresses many of these groups' health and safety concerns, including its "landmark" air quality mitigation requirements.

Also, public comments tend to improve environmental reviews, she added.

“This,” she said, “is the beginning of the debate.”

Gusty winds have prompted a health advisory in several counties in Central California

By Associated Press

Visalia Times-Delta, Wednesday, July 8, 2015

The San Joaquin Valley Air Pollution Control District issued the advisory that will be in place Wednesday afternoon through Thursday morning in San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern counties.

A low pressure system is moving through the Central Valley producing gusty winds that will cause dusty conditions in areas where soils are exceptionally dry from drought.

These conditions can create unhealthy concentrations of particulate matter.

Air pollution officials say exposure to particulate pollution can cause serious health problems, aggravate lung disease, trigger asthma attacks and bronchitis, and increase risk of respiratory infections.

Officials issue warning for unhealthy air conditions

Hanford Sentinel, Wednesday, July 8, 2015

The San Joaquin Valley Air Pollution District has issued a statement warning central valley residents that gusty winds blowing dust are creating a health concern Wednesday afternoon through Thursday. Exceptionally dry areas are at greater risk of unhealthy concentrations of particulate pollution: this can aggravate respiratory conditions and infections.

People with heart or lung conditions are advised to follow doctors' advice on dealing with particulate exposure and children and the elderly should avoid prolonged exposure to the elements and heavy exertion.

Visit www.valleyair.org for more information.