

EPA study recommends tightening Clinton-era airborne soot standards

H. JOSEF HEBERT, Associated Press Writer

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04:14 PDT WASHINGTON (AP) --

New federal health standards that limit the amount of soot in the air do not adequately protect the elderly and people with respiratory problems and should be tightened, according to an internal government report.

The findings could become the basis for additional pollution-control requirements to reduce the amount of microscopic soot emitted by diesel-burning trucks, cars, factories and power plants.

Such a step would put the Bush administration at odds with business groups. They have argued the current federal soot-control standards, issued by the Clinton administration, are based on uncertain science and have cost industry tens of billions of dollars.

The new findings are in a draft paper by Environmental Protection Agency staff and are being circulated for review by outside scientists.

The 1997 standards have not yet had significant impact. They were delayed by several years of litigation as industry opponents unsuccessfully challenged the rules all the way to the Supreme Court, which eventually upheld them.

The EPA soon expects to determine what areas of the country will have to impose additional pollution-control measures because their air is so dirty it does not meet the standard.

Even as the rules are being put in place, the EPA staff review of the latest scientific studies on the effects of soot on health has concluded that the standards may not produce the intended health benefits.

The 400-page draft paper says that since 1997, some scientific studies "have confirmed and strengthened" the association between exposure to microscopic soot and premature deaths, cardiovascular problems and respiratory illnesses. Such soot contains particles and gases 20 times smaller than a strand of human hair.

Furthermore, the paper says, in many cases these studies showed adverse health effects when airborne soot concentrations were well below the maximum allowed by the 1997 standard, particularly during days when the air is especially dirty.

As a result, the staff analysis recommends the allowable concentrations be reduced further, possibly as much as 50 percent for the 24-hour standard and 20 percent for the annual average standard.

The annual average under the 1997 rule of no more than 15 micrograms of soot per cubic meter of air might have to be cut to 12 micrograms to achieve adequate health benefits, and the 24-hour standard of 65 micrograms per cubic meter to between 30 and 50 micrograms, according to the staff paper.

EPA spokeswoman Lisa Harrison said the draft paper has not been peer-reviewed by scientists and that no new soot regulations are imminent.

"EPA will not base any regulatory decision on this draft staff paper," said Harrison. "It's very early in a lengthy (review) process." She said a final draft paper, expected next year, "will include recommended options for the administrator to consider."

Health advocates cited the EPA staff finding as a major development, supporting their contention that tougher air quality standards are needed for microscopic soot because it can become easily lodged deep inside lung tissue.

"This represents the best judgment of the EPA staff in their interpretation of the science," said Deborah Shprentz, a consultant for the American Lung Association. She said it reflects that numerous studies support aggressive actions to curtail this type of air pollution.

"New research has shown that even short-term exposure to particulate pollution can be dangerous for some people, particularly the elderly, young children and people with asthma and other serious lung diseases," said John Kirkwood, the association's president.

Industry spokesmen questioned the staff conclusions and indicated they are ready to challenge the analysis' scientific underpinnings.

"Of course, we're going to question the adequacy of the science. We'll be citing different studies, different results," said Glen Kedzie, an attorney for the American Trucking Associations, which led the legal battle against the 1997 standards.

Bill Kovacs of the U.S. Chamber of Commerce said business opposes the soot rules "because of the cost of these programs," estimated from \$50 billion to \$150 billion. "You're talking about wreaking economic havoc."

In 1997, the Clinton administration issued the government's first standards for extremely fine particle pollutants -- those shorter than 2.5 microns, or one-millionth of a meter. The standards were prompted by worries about adverse health effects from these pollutants on the elderly, those with asthma and other respiratory illnesses and other people.

The Bush administration endorsed the new standards and made no effort to scale them back once the courts rejected the legal challenges brought by industry.

Last May, as part of a settlement in a lawsuit by the American Lung Association, the EPA agreed to finish the review on soot standards and issue new regulations if necessary by the end of 2005.

Transit bill would give Fresno \$4m

The Fresno Bee

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The House of Representatives late Tuesday approved an \$89.3 million federal transportation spending bill that gives Fresno \$4 million to purchase clean-fuel buses to help clean up the Valley's smoggy skies.

Now it's up to the U.S. Senate to pass its version of the spending plan.

"This is funding necessary to keep residents of the Central Valley moving safely, cleanly and efficiently," said Rep. Devin Nunes, R-Visalia.

Once the Senate passes its spending plan, federal lawmakers will hammer out a compromise bill that will be sent to President Bush for his approval. Fresno's \$4 million allocation should make it through the process, said Justin Stoner, Nunes' communications director.

Nunes announced this month that Fresno will receive a \$742,522 grant from the Department of Transportation to help pay for eight clean-air buses. Two buses will serve fixed routes that meander through the city; the six other buses will serve people with disabilities. The buses will use compressed natural gas, or CNG, which burns cleaner than diesel.

Currently, Fresno has 20 municipal buses that use compressed natural gas; five more buses are on order, said Bruce Rudd, the city's transit general

Remote sensors test air

Valley group plans events to ID cars with high pollution levels.

By Mark Grossi

The Fresno Bee

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Shelley McKenry will soon have little trouble identifying cars that spew nasty plumes of invisible chemicals into one of the nation's dirtiest air basins.

Using technology related to a garage-door opener, she will learn how to shoot a laser beam across the exhaust coming from the tailpipe.

The technology, known as "remote sensing," determines whether the car is among the worst smog offenders on the road -- so-called gross polluters.

Only 10% of the vehicles on San Joaquin Valley roads are gross polluters, yet they pour out more than half of the pollution coming from cars and light trucks.

In the Valley, which joins Los Angeles and Houston as the three most polluted places in the United States, there is good reason to find these cars and either clean them up or get them off the road.

But McKenry is no smog cop, even though she is working on a significant problem that has thus far eluded authorities.

McKenry works with Valley Clean Air Now, a nonprofit air cleanup campaign funded last year with \$2 million from ChevronTexaco. She sets up voluntary car checks in Valley cities and rents the laser equipment for Clean Air Now.

Earlier this summer in the San Joaquin County community of Tracy, she watched as technicians checked 50 cars.

McKenry said seven or eight of them needed repairs to pass the state's Smog Check program. Now, to cut costs, she's learning to run the tests herself.

"We make them run through two or three times to be sure the test is working right," McKenry said. "If they need to have their cars fixed, we provide them a \$50 coupon to help pay for it."

It's a far cry from the state's mandatory smog program, which is responsible for testing millions of cars. But the state's Smog Check program has been criticized over its search for gross-polluting vehicles.

So California Air Resources Board officials have decided that remote sensing might be part of their future enforcement, though it would not replace Smog Check.

State officials, who experimented with remote sensing 15 years ago, said the technology may have been improved enough to use now.

"Fifteen years ago when we tried it, the failure rate was unacceptable, but it has improved," air board spokesman Jerry Martin said. "We're starting up a pilot program."

In the 1980s, Martin said, people also worried about the government invading their privacy by taking random roadside tests on vehicles. That sentiment may be dying down as people learn more about air problems, he said.

McKenry of Clean Air Now might agree after seeing the testing in Tracy.

"The community loved it," she said. "They appreciated the chance to fix their cars."

The group's testing program started as an idea to educate high school students.

Officials reasoned that many students might drive older vehicles. In addition to finding gross-polluting cars at high schools, young people could be educated about the importance of maintaining vehicles.

Clean Air Now rented the remote-sensing equipment from a Tucson, Ariz., company and paid for technicians to run the tests in Tracy. The cost was about \$10,000 for a few days.

Officials decided to get training for McKenry and others to operate the equipment. With the Clean Air Now providing its own operators, \$10,000 will cover a full month of rental cost.

"We will get in as many events as we can," said Gus Freshwater, board president of the group and a business owner in Kern County. "We have a real opportunity to educate and raise awareness here."

Officials from the equipment rental company, Environmental Systems Products Holdings Inc., said remote sensing is being used in several states as well as Asia and Europe. Marketing official Pete Bowers said remote sensing is used in many places to collect information for studies on air pollution.

In Colorado, remote sensing is used in random, unannounced checks, he said.

Officials set it up on a roadside and beam the laser through vehicle exhaust as motorists drive past. A small camera snaps a shot of the car's license plate.

If the test shows the car is clean, the owner receives a letter in the mail saying the vehicle does not have to be tested at a smog-measuring shop for its next scheduled check.

The goal would be a little different in California, said Bowers, whose company is working with state officials on the remote-sensing pilot program. California is focusing on gross polluters, not clean vehicles, he said.

"It's in the testing phase right now," Bowers said. "It can be customized for this use."

Meanwhile, Clean Air Now hopes to set up voluntary events in Fresno, Dinuba and Bakersfield this fall. And some people might be pleasantly surprised, McKenry said.

"The cars that are well-maintained are doing well," she said. "There were cars 20 and 30 years old that tested at levels far below the standard."

U.S., State Clash Over Environment

Bush administration challenges to tough regulations underscore a philosophical split on how to deal with a range of pollution problems.

By Gary Polakovic, Los Angeles Times Staff Writer

California's environmental protection laws, among the toughest in the nation, are being challenged frequently as the Bush administration acts to blunt regulations viewed as inconsistent with national policy.

The administration has weighed in on matters ranging from offshore oil drilling to air pollution to toxic waste cleanups, outraging state officials and environmentalists, who warn that the actions threaten to undermine the role California has played as a laboratory for innovative environmental solutions intended to improve the quality of people's lives.

James L. Connaughton, chairman of the White House Council on Environmental Quality, said Friday that the administration's challenges have involved very narrow points of law and are not intended to undercut the state's authority. "California has very broad authorities - under most of the environmental laws - to implement the federal laws and to identify the standards that are of greatest relevance to Californians," he said. "We retain the strongest deference to that. We are strong proponents of federalism. We are very interested in helping the states define their own future."

Other defenders of the administration, however, contend that California lawmakers have overstepped their authority in efforts to regulate such matters as automobile fuel efficiency that should be left to the federal government. Since President Bush took office, the administration has joined with the auto industry in a successful lawsuit to weaken California's mandate to build nonpolluting electric cars.

Under Bush, the Environmental Protection Agency has called for eliminating a key measurement used to determine whether smog levels have reached unacceptable levels. The practical effect, the state's air quality regulators say, would be many more years of unhealthy air. The administration has consistently challenged California's right to have a say in regulating drilling in federal waters three or more miles off the coast.

Late last month, the Justice Department backed oil companies and engine manufacturers in a lawsuit pending before the U.S. Supreme Court to overturn regulations enacted by the South Coast Air Quality Management District. The AQMD intended to hasten the conversion of fleets of taxis, buses, trash trucks and other vehicles to alternative fuels.

Also in August, the EPA announced that the Clean Air Act precludes state regulation of carbon dioxide emissions linked to global warming, as California has sought to do with a law passed last year. Experts say the EPA's stance will bolster industry groups that seek to overturn the California law and similar measures taken by other states. "It adds a huge weight on behalf of industry because the EPA, under all the case law, is granted deference in interpreting the laws. That carries a lot more weight than any private party. It's a huge advantage in these cases," one EPA official said.

The California Air Resources Board has announced that it will sue the federal government to force it to reverse its decision and recognize carbon dioxide as an air pollutant.

"This is crazy what's going on. The assault is unending and astonishing in its size and scope," said Winston H. Hickox, California's environmental protection secretary. "I find it

astonishing that this is going on, and the pace with which the Bush administration is showing its anti-environment colors."

The differences have come into sharp focus as Gov. Gray Davis has put a renewed emphasis on environmental protection as he struggles to stave off Republican challengers in the Oct. 7 recall election. At the same time, as air pollution across the L.A. region has taken a turn for the worse, air quality officials say the federal government is impeding their efforts to make the air safer for millions of people.

"We are experiencing our smoggiest summer in more than five years, and the federal government is trying to take away the very tools we need to protect the health of 16 million Southern Californians," said Barry R. Wallerstein, the AQMD's executive officer.

The disputes underscore a philosophical split between California and GOP leaders in Washington. Faced with some of the nation's most pressing pollution problems, California continues much as it has for the last few decades, aggressively promoting regulations in a bid to stimulate development of cleaner technologies. The White House favors voluntary cleanups and flexible, market-driven strategies that many business leaders say get sufficient cleanup for less cost.

"There's a real difference in political preferences on a lot of environmental policies. And a lot of conflicts are emerging because of that," said David Vogel, a professor of business ethics at UC Berkeley. "You have an administration that, in many environmental areas, isn't doing a lot. And the states are trying to do more and more."

But Angela Logomasini, director of risk and environmental policy for the Competitive Enterprise Institute, a free-market think tank in Washington, said California, in its ambition to be a national leader on the environment, occasionally overplays its hand. "California is trying to set a precedent that the other states will follow. There are people in the federal government who may not think that's the right thing to do at the state level," she said. "There seems to be an extreme element - California is more aggressive, more activist-oriented and more pro-government [regulation], and to some extent they are anti-development, anti-growth and anti-technology."

A federal judge last year blocked the state's so-called zero-emission vehicle mandate, siding with auto manufacturers who charged that the state had exceeded its authority and promoted alternative-fuel cars using fuel economy as an incentive. That authority is reserved exclusively for the federal government, the manufacturers said.

The industry takes a similar view in challenging the AQMD fleet rules requiring the conversions to alternative fuels. The Justice Department's intervention bolsters the case for industry, which argues that only the federal government can regulate new-car emission standards. The AQMD says the rule does not set emission standards, but requires that dirty, old vehicles be replaced with new, clean-running models.

Wayne Nastro, administrator of the EPA's Pacific Southwest region, said he does not believe the federal government is out to get California. Rather, he said, critics of the Bush administration are attempting to "politicize the environment" by filing lawsuits, seeking headlines and "trying to make the administration look as bad as possible."

As long as the state's regulations are in line with federal laws and national cleanup objectives, Nastri said, the administration doesn't object. "We're not taking California on," Nastri said. "EPA is not targeting California. EPA is trying to improve environmental protection across the nation."

Yet, sometimes in that effort, Nastri explained, the EPA is focused on strategies that make sense for the entire nation - not just California - which has unique environmental challenges, not the least among them air pollution, an issue on which California and the federal government most frequently clash.

California is not alone among the states to resist changes in environmental policy by the administration. Several states have sued to block a recent Clean Air Act revision by the EPA. The change allows factories and coal-fired power plants, some of which have no emissions controls, to expand their facilities without installing new pollution controls. The revision, which the EPA says is necessary to promote energy production, affects about 20,000 facilities nationwide, including pulp and paper mills, power plants and large manufacturers.

Setting the stage for another policy collision, state Sen. Byron Sher (D-Stanford) has sponsored a bill in the Legislature that would allow California to continue to use the previous federal standards under the policy, known as "new source review" that the Bush administration recently overhauled.

The regulations imposed by a state as large and populous as California can have effects well beyond the state's borders, prompting members of Congress from other parts of the country to challenge the state's authority.

U.S. Sen. Christopher S. Bond (R-Mo.) is pushing a bill in Congress that would forbid California and other states from regulating lawn care equipment, such as mowers and trimmers, as well as off-road diesel engines, including forklifts and backhoes. Those machines are a major source of sooty air pollution in Los Angeles and the San Joaquin Valley, the smoggiest places in the nation. Later this month, the California Air Resources Board will consider a regulation to cut those emissions by one-quarter, the equivalent of removing 6 million cars from the road.

However, the control measure is opposed by Briggs & Stratton Corp., a maker of lawn mower engines and a campaign contributor to Bond. The firm has warned that it may have to lay off workers at its two Missouri factories if California approves the regulation.

"We support California efforts to improve its air quality, but it shouldn't come at the expense of other states, and California should look at other options," said Ernie Blazar, a spokesman for Bond. The matter will be considered by the full Senate later this year.

The growing dissonance between Sacramento and Washington is a concern to California business leaders and some Republicans.

Victor Weisser, president of the California Council for Environmental and Economic Balance, said the disputes create uncertainty for businesses as they gauge whether state or federal authorities will decide the regulations. "I'm not sure the feds fully recognize how difficult some of these issues are [that] we are dealing with in California," he said. "Everybody needs to do their fair share, and apparently the feds are not acting

fast enough. It's partisan politics, that's the sad part. The issues of air quality and economic health should transcend partisan politics."

Jim DiPeso, policy director for Republicans for Environmental Protection, said from his office in Tacoma, Wash., that California is increasingly in conflict with the Bush administration because the state has exerted more authority on environmental matters than other states and has a long tradition of pushing technology to achieve environmental gains. Speaking of California, he said, "The nail that sticks its head up will get hammered."

"States are the laboratories of democracy," DiPeso said. "They should have the latitude to find new and effective ways to manage our natural resources."

Children encouraged to enter creative works for air calendar

Local Digest 9-15

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Children concerned about air quality could have their creative works featured in a 2004 calendar to be issued soon by the San Joaquin Valley Air Pollution Control District.

The "Spare the Air" calendar is used to provide the public with information about the valley's smog problem and tips to reduce air pollution. Drawings by students in grades K through 12 are used to illustrate the calendar.

Deadline for submissions is Sept. 30. Drawings may be in crayon, ink or watercolor and must be submitted on unlined white letter paper oriented sideways, and should not be folded or stapled. The back of each submission should include the student's name, phone, address, school and age. Submit to: Valley Air District, 1990 E. Gettysburg Ave., Fresno, 93726.

Each winner receives 25 calendars, a certificate and a package of prizes and games. For more information, call 326-6900 or visit www.valleyair.org.

Anti-smog bills' last hurdle: Davis

By VIC POLLARD and MATT WEISER, Californian Staff Writers

The Bakersfield Californian

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Two years from now, the pillars of dark smoke from burning wheat straw that mar the sky around Bakersfield should be a thing of the past.

That will probably be the first visible impact if Gov. Gray Davis signs a historic package of clean-air bills passed by the Legislature and sent to his desk last week.

If enacted, the six bills by state Sen. Dean Florez, D-Shafter, will for the first time require California farms and dairies to assume a share of responsibility for reducing air pollution. Officials estimate they contribute up to 26 percent of the smog in the San Joaquin Valley.

For more than half a century, agriculture has been exempt from the anti-smog regulations that have been gradually applied to all other industries.

Officials say the main bill in the package, SB 700, is expected to reduce air pollution from farms by 10 percent to 50 percent.

They're unsure of the precise impact because no state in the nation has tried the kind of agricultural pollution controls contemplated in the bills.

However, they believe it is possible to remove as much as 78 tons of pollutants per day from valley air, the equivalent of 2.2 million vehicles. That is more than the 60 tons per day of reductions achieved by pollution controls imposed on the oil industry, according to the state air board.

Targeted mainly at the San Joaquin Valley, the bills followed a torturous path through the Legislature. They faced stiff opposition from farmers and their lobbyists and occasionally got bogged down in purely partisan politics.

Farmers persuaded Florez to accept a series of amendments that ease the impact on small farms and dairies and delay the implementation of some of the controls.

And three bills considered part of the package have been bogged down in controversy and will have to wait until next year for approval.

But the measures found strong support from environmentalists and valley health officials worried about the pollution that gives the valley the nation's second-worst air quality -- worse than Los Angeles and better only than Houston.

Despite the amendments, supporters were gleeful over the final bills and said they represent huge strides toward cleaning up the valley's smoggy skies.

Kevin Hall of Fresno, a Sierra Club air-quality specialist, went so far as to call the passage of the bills a "watershed" event.

"It's the biggest victory for clean air in the history of the valley," Hall said. "When I think of what we had before, which was nothing, and what we have today, which is a lot, we've taken just a huge step forward. It's remarkable."

Farmers, already resenting the impact of endangered species laws and other restrictions on their economically beleaguered industry, bristled at a new layer of regulations.

But recognizing some new rules were inevitable, many said they were pleased with the changes.

Wasco-area farmer Jim Crettol worked with Florez to craft some of the bills, notably the pair that phase out open burning of farm waste and subsidize biomass energy plants to ensure farmers have somewhere else to dispose of it.

The only significant last-minute change gives air districts the power to postpone the open-field burning ban if there is no economically feasible alternative and if the delay won't violate air-quality standards.

"It really doesn't weaken the bills. That's just an important focus that needed to be done in the bill," said Crettol. "We in agriculture do not want to burn and pollute the atmosphere where at all possible. But we need to make sure they (biomass facilities) stay open so we have a place to burn our ag waste."

Hall agreed the amendments to the bills don't undermine their effectiveness.

"I don't feel the bills have been compromised in any significant way," Hall said. "The biggest changes were to make it clear to the farm industry what is to be permitted and regulated. I think we have the tools we need for the local air district to do its job. This is a very big step in the right direction."

Florez agreed that not much of significance was lost in the amendments.

Without the amendments, he said, "We would have gotten these things a little sooner."

Precise forecasts of the effects of the bills are not available because they are unprecedented and because the specific emission controls they allow have not yet been developed by the San Joaquin Valley Air Pollution Control District and other districts around the state.

The centerpiece of the package, SB 700, requires the valley district to begin making the new rules next year and be ready to implement them by 2006.

Under SB 700, farms and dairies will be required to obtain smog permits for the first time. They will also have to begin reducing pollution by upgrading old irrigation pump engines, watering down feedlots and poultry barns and perhaps installing digesters or other measures to reduce methane gas emissions from the lagoons where they dump manure.

The lagoons are a contentious issue.

Environmentalists believe the methane gas they emit contributes to both smog and ozone-depleting greenhouse gases.

Dairy owners disagree.

One of the compromises dairy groups obtained was a delay in the rules for lagoons until studies on dairy pollution are completed by UC Davis and Fresno State.

While SB 700 orders overall rules by 2006, one of the companion measures will begin to take effect sooner.

That is SB 705, which orders a phaseout of open-field burning of agricultural waste products.

It calls for an end to burning of wheat straw and other field crops, as well as orchard prunings, by Jan. 1, 2005.

Burning of massive piles of trees from orchard removals would be ended by 2007.

A more difficult problem is posed by vineyard waste. It often contains wires and other metals, which cannot be put through wood chippers like other waste. It can also contain treated wooden stakes contaminated by pesticides, which can create additional safety and pollution problems. The end to burning of vineyard waste was put off to 2010.

To end burning, farmers need something else to do with the waste. That is partially addressed by a companion measure, SB 704, that will provide \$6 million in subsidies for biomass facilities. Biomass plants also burn the waste, but emit far less pollution. They use the fuel to run electricity generators.

Many farmers are skeptical whether \$6 million is enough to induce biomass facilities to take all the waste they generate. They insisted on a "pause clause" in the legislation that allows the air district to suspend the burning ban if no practical alternative exists.

Florez didn't get all of his bills through.

A proposal for a \$4.5 billion bond issue to provide more subsidies to biomass facilities and help farmers finance other pollution controls fell victim to the state's severe budget crisis.

His plan for barring dairies within three miles of schools and cities got him into a war of words with Kern County Supervisor Ray Watson and drew opposition from other county officials.

The bill remains alive, and Florez said he is still talking with Watson and other critics about ways to make it more acceptable next year.

Florez backed off another proposal and allowed it to be carried by Democratic Sen. Mike Machado, who represents the Stockton area in the northern end of the valley.

The measure would require the appointment of additional members to the San Joaquin air district board. That is a move supported by critics who say the board, currently made up of elected county and city officials, is too close to the agriculture industry to regulate it effectively.

The bill was blocked in the Assembly by opposition from another Kern County lawmaker, Assemblywoman Nicole Parra, D-Hanford, and another valley Democrat, Assemblywoman Barbara Matthews of Tracy.

Parra is the daughter of Pete Parra, a member of the Kern County Board of Supervisors, which names one of its members to the air district board.

That was not the only sparring over the smog bills by Nicole Parra and Florez. They also crossed swords over SB 700, when Florez charged that Democratic friends of Parra on a key Assembly committee were trying to scuttle the bill to protect her from having to vote on it, a vote that could become an unwanted issue in her re-election campaign.

Parra initially opposed SB 700, but with the amendments, she eventually voted for all six of the bills that went to the governor.

Davis, under siege by the recall campaign against him, has not announced whether he will sign the bills.

Supporters of the measures privately fret that he may veto the bills in retribution for hearings chaired by Florez last year that produced scathing criticism of the Davis administration's handling of the Oracle computer software contract.

Florez doesn't think so.

California is required to end the agricultural exemption, the main target of the bills, by a federal court order in an environmental lawsuit. If it does not, it faces the loss of \$2 billion in highway funding and other sanctions.

"I think he'll have a tough time, vetoing that," Florez said.

City wants to pull plug

By TIM BRAGG, Californian staff writer

The Bakersfield Californian

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A proposal to build a biodiesel-powered generating plant in northwest Bakersfield mostly is just words uttered in meetings and put down on paper.

But some of the opponents of the project are trying to use those words to scuttle the plant before it gets off the ground.

Colorado-based North American Power Group wants to build a power-generating station burning biodiesel fuel at the site of Pacific Gas and Electric's Kern Power Plant on Rosedale Highway.

In August, company representatives presented their plans to the Bakersfield City Council, which had already voted to oppose the project when it was rumored to be a biomass plant that would burn trimmings from agricultural fields.

But the presentation failed to change the council members' minds. Now city officials hope they can persuade North American Power Group to build the plant somewhere else.

Barring that, they hope to show utilities and regulatory agencies involved in the deal that North American's plans are not feasible, and that some of its proposals may be prohibited by the contract it negotiated with PG&E to buy the Rosedale Highway plant property.

City Attorney Bart Thiltgen sent North American Power Group President Michael Ruffatto a letter stating the city wanted written corroboration of a promise Ruffatto allegedly made during the City Council meeting.

"Mr. Ruffatto said he would not locate this project in Bakersfield if the City Council continues to oppose it," said Councilman David Couch.

Ruffatto said he was not sure that such a pledge ever came up in the conversation that night.

"I'm not sure what he was referring to there," Ruffatto said.

He said he still hopes the City Council will drop its opposition to the project.

"I think the city's decisions have not been based on anything except supposition," Ruffatto said Wednesday. "I guess they think we are still lacking in information."

Along with the biodiesel plant, Ruffatto said his project includes an educational center, a strip of commercial development and landscaping, the plan they think is the best alternative for the plant site.

When Couch heard about Ruffatto's comments on the pledge Thursday, he was incredulous.

"He doesn't remember making that statement?" Couch asked.

He said tapes of the City Council session were available to Ruffatto if he was not sure about what was said that night.

The city also asked Ruffatto for copies of the sale contract with PG&E for the plant; the contract North American has with utility company Southern California Edison to provide power from a renewable fuel source; and traffic studies the city said Ruffatto mentioned at the special council meeting.

Ruffatto noted that while the plant would be in the city limits, city government officials do not have the final authority over whether North American can proceed with its plans.

The California Public Utilities Commission, along with agencies that regulate air quality and other environmental issues, will have more direct control over the plant's future.

"We'll be presenting all the information to the appropriate authorities," Ruffatto said. "We'd be happy to share that information with the city."

North American is proposing to build a new facility that would be on the old power plant's property. But it would be separate from the old generating station, which burned oil and natural gas.

It would tie into PG&E's system at an electricity substation located on the property.

Ruffatto said he didn't have any plans to use the old plant in this first phase of development, but he said the company will study whether it could use the apparatus if operations are expanded there.

City officials want North American to demolish the old plant if they are not going to use it.

The city also wants the company to explain a few things.

In a previously confidential memorandum to the City Council that was made public Wednesday, Thiltgen said language in the deed for the property was unclear, but it could make it impossible for North American Power Group to set up an educational center, as outlined in its plans.

The memo also says parklike areas that had been intended for the plant property might have to be fenced off under the deed restrictions.

The educational center and landscaped areas were touted by Ruffatto during the council meeting as ways the plant could be made more palatable to surrounding residents.

"North American had to know that was in the contract," Couch said.

Efforts to contact Ruffatto on Thursday and Friday for comment on the memo were unsuccessful.

Couch said city officials also are trying to determine whether the California Public Utilities Commission would force PG&E into restarting the plant if the sale to North American was not successful, as stated in a PUC document.

Sheri Inouye, a spokeswoman for the PUC, said the order for PG&E to restart electricity generation at the plant is still in effect if a sale is not completed, but she said PG&E could appeal the order.

Getting the plant back in operation could require a large amount of time and money, more than would be economically feasible.

A recent tour of the shuttered plant, conducted by PG&E representatives for *The Californian*, showed that while much of the machinery in the plant was still intact, it was not being kept in a state of readiness anymore.

Bird droppings or dust cover parts of the interior of the plant. Some of the plant's gauges and control equipment were incomplete or missing because workers had removed inner parts that contained mercury.

A small amount of free-standing mercury was found in the main control room and will be cleaned up when weather gets cooler, PG&E officials said.

"Everything would have (to) be checked, a lot of these pipes and wires would have to be replaced," said Tom Allen, a PG&E manager who oversees power-generating stations for the utility.

The power plant hasn't been used for energy production since the mid-1980s.

Another worry about the plant is environmental. Aside from the mercury, water quality officials are concerned about a plume of contaminated groundwater under the plant.

The contamination did not come from PG&E's operation, but from an oil refinery that was once nearby.

City officials are concerned that renewed operations on the plant grounds could disturb the contaminated water and spread it under other parts of the northwest.

"We would be responsible for cleaning up any contamination that occurred from our use of the plant," said Dave Harnish, a consulting geologist for PG&E.

Bush Admin.: West Is Key to Natural Gas

By BOB ANEZ

Associated Press Writer

In The (Stockton) Record, Sept. 15, 2003

BIG SKY, Mont. (AP) -- The nation's demand for natural gas continues to outstrip supply and Western states are prime sources of fuel to fill that gap, Bush administration officials told the region's governors as the three-day Western Governor's Association meeting got under way.

The administration considers the West "center stage" in the drive to reduce the country's dependence on foreign energy supplies, said Rebecca Watson, assistant secretary for land and minerals management in the U.S. Department of the Interior.

"The western states are critical," Watson said. She spoke Sunday, the conference's opening day.

Robert Card, undersecretary for the Department of Energy, said the industry appears to have an adequate supply of natural gas in storage for this winter, so long as the weather is relatively mild.

But the industry's attitude illustrates how thin the margin is, he said.

"The industry is calling for conservation and fuel switching," Card said. "You know when the industry is calling for that, you have a serious problem."

The governors also heard from Canada's western premiers, who urged their U.S. counterparts to throw their muscle behind an effort to get the federal government to lift its ban on Canadian cattle.

Closure of the border in May because of the discovery of mad-cow disease in one animal has cost the Canadian economy \$10 billion, said Ralph Klein, premier of Alberta.

Corporate sponsors have paid the bulk of the \$400,000 bill for the association's annual meeting.

Karen Deike, communications director for the organization, said such sponsorship has been common practice so no taxpayer money is used to finance the gathering. The association lists 93 sponsors, including about two dozen involved in the energy

business, a major issue on the meeting's agenda. Deike would not provide a list of how much each paid.

Bush Touting Energy Plan at Mich. Plant

By JENNIFER LOVEN

The (Stockton) Record, Sept. 15, 2003

WASHINGTON (AP) -- President Bush chose a coal-fired power plant to argue that his administration's efforts to clean the air will also increase the nation's energy production and boost its economy.

Bush was traveling Monday to a Detroit Edison power generator in Monroe, Mich., to take a tour and promote his administration's air pollution policies.

A senior administration official, speaking on condition of anonymity, said Bush would focus his remarks on a stalled legislative proposal to cut power plants emissions that are the major sources for two kinds of dirty air, while touting the benefits of other changes already in place.

It was Bush's 11th trip as president to Michigan, a key state he lost to Democrat Al Gore in 2000.

From there, for the 22nd time, Bush was to visit Pennsylvania, another populous state he lost, to add to his \$63 million in 2004 re-election cash with a fund-raising appearance in the Philadelphia suburb of Drexel Hill.

Including the officially labeled event in Michigan on the trip allows the White House to split the cost of the trip between the taxpayers and Republican Party accounts.

Political issues influenced the travels, however. In Michigan and Pennsylvania, manufacturing losses have hit hard, frustrating workers and possibly jeopardizing Bush's 2004 hopes.

The president often touts pending energy legislation in economic terms, contending it would help spur employment, and that was an expected theme in Michigan.

With Michigan a state affected by last month's massive power blackout, Bush also was to argue that the need to prevent future failures makes passage of his energy bill even more vital.

In that legislation, the administration wants to give the federal government authority over locating high-voltage lines and require providers to comply with mandatory reliability rules in operating power grids.

Last month, the administration finalized new rules making it easier for thousands of older power plants, refineries, factories, chemical plants and pulp and paper mills to make large upgrades to their facilities without installing expensive new devices that cut emissions and reduce pollution.

Bush was to argue Monday that the changes remove barriers to modernization, helping to create jobs and maximize energy efficiency as utilities go ahead with upgrades they before would have avoided, the official said.

The plant he was visiting had begun catalytic converters to cut emissions, but had stopped work because of uncertainties about standards.

Environmentalists counter that the exemption will allow older power plants to continue emitting millions of tons of pollutants that cause health problems for people living downwind. Calling the Monroe plant one of the dirtiest in the Midwest, they planned appearances coinciding with Bush's visit to protest his policies.

"The president knows his plan won't help clean up the Monroe power plant, but you won't hear that on Monday," said Angela Ledford, director of Clear the Air, a joint public education project of groups such as the National Environmental Trust and the U.S. PIRG Education Fund.

Bush also was touting his administration's proposed mandatory cuts in pollution from all diesel-powered equipment not used on roads.

And he was to push Congress to pass his so-called "Clear Skies" legislation. The plan would phase in caps on the emissions of nitrogen oxide, which causes smog, and sulfur dioxide, which causes soot and acid rain, from coal-burning power plants starting in 2010, the official said. It also would create the first controls on mercury releases and introduce market forces to help spur reductions.

Environmentalists said Bush's proposal would actually weaken current law while doing nothing to reduce emissions of carbon dioxide, blamed by many for global warming.

Loophole in air plan

[Letters to the Editor for Sept. 14](#)

Submitted by readers of The Bakersfield Californian

Saturday September 13, 2003, 04:15:13 PM

This is in response to Matt Weiser's article, "Air status decision may be delayed."

The issue is, should the air quality board change the valley's designation from "severe nonattainment" area to the worst category "extreme nonattainment" under the Federal Clean Air Act.

This is an excuse used by the planners and air quality board to delay solving the poor air quality problem. Consider the draft of the general plan for Kern County. In less than 2.5 pages the plan outlines how poor air quality will be minimized. When one compares this "plan" to the state draft of 40 pages, we are struck with omissions:

*There is no coordination between the data given by the state and how this could be used by Kern County to mitigate pollutants in the air.

*Transportation and its contribution to pollution is not addressed.

*Responsible agencies that can assist in the planning and reduction of air pollutants are not mentioned.

*Recommendations made by the state to reduce poor air quality are ignored.

The Planning Commission includes this loophole:

"Kern County will disapprove projects found to have significant adverse effects on Kern County's air quality, unless the Board...finds that (a) all feasible mitigation to reduce significant adverse air quality impacts have been adopted and; (b) the benefits of the proposed project outweigh any unavoidable significant adverse effects on air quality found to exist after inclusion of all feasible mitigation."

This leaves the field wide open for Kern to hold the distinction of "extreme nonattainment" status.

ROSALYN B. COLLIER, Bakersfield

Air quality improving

[Letters to the Editor for Sept. 15](#)

Submitted by readers of The Bakersfield Californian
Sunday September 14, 2003, 07:55:10 PM

When I was young, the American Lung Association (ALA) was fighting cigarette smoking. Now they are also fighting air pollution, a worthy venture for sure.

Who decides what is healthy? It sure seems there are a lot of days they think I should stay inside. The ALA grades the air around us, with A through F. Their Web site states Kern County air was an "F" in their latest report. Ozone is monitored to determine the air quality. In the mid 1950s, ozone measuring began in California, with records showing ozone levels around 0.55 parts per million (ppm).

Nowadays, things are much better. So much better, apparently, that the ALA had to change the grading scale. You would think the worst air quality ever recorded would be an "F". You would be wrong. Nowadays, your air can earn an "F" if the ozone level exceeds 0.084 ppm for three or more days a year.

So the air that is "F" quality today is eight times cleaner than it was 50 years ago.

The Environmental Protection Agency also grades our air for us. The federal ozone standard is currently 0.124 ppm for one hour. You should know that this target is a moving one. In 1997 the EPA began to lower the amount of ozone that was acceptable (0.084 ppm averaged over 8 hours).

The EPA, like the ALA, has had to change the grading scale as air quality improves around us, to have us believe the air is actually getting worse. Chances are it is better than it was 10 years ago. If Californians knew that, would they vote for billion dollar "clean air" bonds?

JACK PATTERSON, Bakersfield