

(Note: There is an error in the article below. The article quotes a District representative as saying emission reduction projects have a life span of 15 - 20 years. Rather, that should have read, "5 - 20 years." The Californian will be contacted and asked to run a correction.)

City mulls new pollution rules

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The Bakersfield Californian

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The city of Bakersfield is talking about requiring home developers to reduce the air pollution their projects create to zero. Developers think it's a good idea.

Both believe the move might stop the Sierra Club from filing a continuing stream of environmental lawsuits against housing projects all across town.

The city currently allows each new housing development to generate no more than 10 tons a year of nitrous oxide, reactive organic gases and particulate matter.

That's the amount of pollution the San Joaquin Valley Air Pollution Control District has ruled as having an "insignificant" impact on the valley's severely smoggy air.

But now the city is talking about changing that standard -- taking the level of air pollution called "significant" from 10 tons a year down to zero.

Developers would have to crush smoggy cars and buy natural gas buses until they can balance out the new pollution that is expected to come from their projects.

It's an original move, said air district air quality specialist Jennifer Barba.

The city and developers in Bakersfield have some motivation to move faster than everyone else.

They have been hit by a barrage of environmental lawsuits launched over the last year by the Kern-Kaweah Chapter of the Sierra Club.

Club activist Gordon Nipp recently retired from teaching mathematics to college students. He quickly converted his work time into a campaign against air pollution.

Nipp, with the help of a handful of other local Sierra Club members, has protested, appealed and then sued the city and developers over new tracts of homes.

Their stated goal was to force the city to do a better job of controlling development's impact on air pollution.

Most of the Sierra Club lawsuits have been settled out of court after developers promised to pay a \$1,200 "air quality mitigation fee" on every home they build -- money that would go to eliminate smoking cars, diesel agriculture engines and other pollution sources.

Some developers have started to use words like "extortion" when referring to Nipp and the Sierra Club's efforts.

But they have been, so far, unwilling to go through the expense and effort of fighting the suits in court.

The city came up with the "zero pollution" idea as a way to make development projects more resistant to the Sierra Club suits.

Builders would meet the standard by finding ways to eliminate pollution from old sources, enough to make up for the new pollution that would come from the cars, barbecue grills and lawn mowers in their new homes.

Barba said the plan could dramatically increase the pace at which the district cleans up sources of air pollution.

But she warned that the cleanup efforts probably won't count as credit against developers' pollution burden forever.

"Emission reduction projects have a lifetime of 15-20 years. It's not indefinite," she said.

But developers and land use consultants seem ready to seriously consider the new restrictions, if they would keep the Sierra Club from suing.

"I think the industry would be willing to do more than their fair share if the public would give them credit for a fair share," said land use consultant Dave Dmohowski.

And members of the Bakersfield City Council's Planning and Development Committee like the idea as well.

The three members of the council committee have directed city staff to investigate the cost of a zero pollution mitigation plan and bring the concept back to them for further discussion.

If the committee likes the new information they could forward the idea to the full council for a final approval.

Nipp said the zero pollution idea sounds great and said the city's new attitude -- one aimed at taking an active roll in cleaning the air -- is the whole reason why the Sierra Club has been suing people.

"This is the city's job and I'm glad you're getting around to it," fellow Sierra Club member Arthur Unger told the council committee on Monday.

But Nipp said there needs to be a way to make sure that the city of Bakersfield and the air district don't let developers off the hook.

"They're moving in the right direction -- a direction we support. It just matters how far they go," he said. "There needs to be some accountability, some monitoring procedure."

The Sierra Club isn't likely to back down if it isn't satisfied, Nipp said.

And the city knows it.

"Even if we go through with the zero (pollution) mitigation that may not stop the lawsuits," said City Attorney Ginny Gennaro.

Maricopa struggles with air regs

By Doug Keeler, Midway Driller City Editor
Taft Midway Driller, Feb. 4, 2004

Each year, San Joaquin Valley cities are required to submit a list of measures they are taking to help curb air pollution from motor vehicles.

Most cities submit lists of actions they have taken, such as, in Taft's case, building a new transit transfer station, or other measures, like bike paths, parking restrictions to encourage use of mass transit.

Maricopa submitted a reply with negative answers to 34 suggested steps.

The city is either too small or too poor to comply with any of the measures - or, in government language, compliance is either "technically infeasible" or "financially infeasible."

"These are some reasonable suggested actions." City Administrator told the Maricopa City Council last week. "But this issue in virtually every case is we don't have the money to address these issues."

The city cannot afford to spend any money on projects, and most of the suggestions have little to do with Maricopa.

Some of the possible actions suggested by the Environmental Protection agency include establishment of pedestrian malls, coordination of arterial and highway maintenance to minimize traffic congestion, pedestrian and bicycle overpasses, placing bike racks on transit buses.

Most of those don't apply to the city of only 1100 residents.

One suggestion was to reduce congestion at major intersections. The city has only one major intersection, the Y where Highway 166 and Highway 33 meet, and there is no congestion. There is no need to place bike racks on buses because the city has no buses. The suggestion of closing streets for special events is irrelevant because the city hosts no special events that create significant pollution. Coordinating traffic signals is meaningless because the city has no traffic signals.

Other suggestions, as Davis said, the city can't afford, such as advertising for voluntary no drive days.

Land use and development alternatives are of no use, Davis said, because the city is only 2.25 square miles in area and trip lengths can't be shortened any further.

The city's reply will be sent to the Kern Council of Governments, who will forward them to the federal Environmental Protection Agency.

TID wary of solar power display cost

By John Hollandbee, staff writer

The Modesto Bee, Feb. 4, 2004

TURLOCK -- The Turlock Irrigation District board balked Tuesday at a solar energy demonstration project, with directors saying the cost was too high.

The nearly \$250,000 proposal calls for putting electricity-producing solar panels on the roof of district headquarters.

The system would produce an estimated 24.3 kilowatts of power, not much compared with the 397,000 kilowatts used by customers at peak demand in 2002, the TID's annual report showed.

The cost per solar kilowatt would be close to \$10,000, far more than the roughly \$800 per kilowatt the district plans to spend on a major power plant fueled by natural gas.

"There was a lot of enthusiasm at one time on the board for green power," Director Phillip Short said, "but you get that much higher from the going rate and it's much harder to sell."

The system would consist of 81 panels, each holding cells that turn energy from sunlight into electricity. The power would go into the overall TID grid, which stretches from south Modesto to northern Merced County, and from the lower Sierra Nevada foothills to the hills west of Patterson.

Tom King, a TID utility analyst, said the district staff sought bids from solar manufacturers after the board asked for options for increasing the use of renewable energy. The only bid, \$247,999, came from Global Solar Inc., based in Tucson, Ariz.

"I wasn't surprised," King said of the board's reaction to the price. "I expected a lively discussion about it."

A spokesman for Global Solar did not return a call.

In general, solar energy advocates have said installation costs are higher than for conventional energy sources, such as fossil fuels, but buyers benefit from not having to pay for fuel. Solar arrays also do not have the pollution concerns of fossil fuels, and they could help the TID and other power providers meet a state mandate for renewable sources.

The TID project would include a display in the building's lobby, where visitors could examine the panels via a remote-controlled video camera. The display also would show how much power was being generated.

The TID would pay for the project with part of a 2.85 percent surcharge on power bills, mandated by the state for energy conservation, renewable sources and low-income assistance.

Ken Weisel, the TID's assistant general manager for energy resources, said the surcharge is intended to pay for projects that would not pan out "on a purely economic basis."

TID Director Michael Crowell, a dairyman, said the district would be better off looking at making electricity with methane gas from cattle manure.

He also said the TID does not get enough credit from alternative energy advocates for its small hydroelectric plants at steep drops along irrigation canals. These plants are considered environmentally benign because, unlike the huge powerhouse at Don Pedro Reservoir, they do not alter the natural flow of a river.

King said he did not know when the solar proposal would return to the board.

FARM SCENE: Energy company plans to build Ohio's first ethanol plant

JOHN SEEWER, Associated Press Writer

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Published in the San Francisco Chronicle

A power company plans to spend about \$50 million to build the first ethanol plant in Ohio, the only Midwest state without a facility that turns corn into the gasoline additive.

The plant to be built in Coshocton County in east-central Ohio is good news for farmers because it will create another buyer for their corn crops and could drive up corn prices in the state, the nation's seventh-largest corn grower.

The plant annually will produce 50 million gallons of ethanol, put in gasoline to reduce air pollution. It will need about 18.8 million bushels of corn from across the state.

"You're going to be pulling in corn from all over Ohio," said Don Clark, agri-industry specialist with the Ohio Department of Development.

He said corn prices in some areas of the state could increase between 3.5 to 5.5 cents per bushel because of the added demand.

Nordic Biofuels, a subsidiary of Nordic Energy Group, will build and operate the plant, said Ed Flynn, executive director of the Coshocton Port Authority. It's expected to employ about 50 workers.

The state hopes it will break ground by the end of this year. It normally takes 14-18 months to build a plant of its size, Clark said.

Several attempts to build ethanol plants in other parts of the state have been delayed or abandoned because not enough money could be raised.

Part of the problem is that corn prices are higher in Ohio than some other Midwest states -- putting those who want to start ethanol plants in Ohio at a disadvantage.

Most ethanol plants are concentrated in Minnesota, Iowa and Nebraska.

But Ohio has an advantage because of its location, Clark said.

It is closer to states on the East Coast such as New York that have banned the gas additive MTBE and replaced it with ethanol.

The federal Clean Air Act requires the use of reformulated gasoline in regions that have not met national air-quality standards.

To spur construction of ethanol plants in Ohio, Gov. Bob Taft signed a bill in 2002 that created tax breaks and made loans available for those building ethanol plants.

Ethanol comes from the fermentation of sugars from corn and other crops and burns cleaner than other fuels. Additives are blended with gasoline to help meet federal clean air regulations and improve performance.

Feinstein asks EPA to waive rule on fuel

The agency may drop some gasoline additive regulations in New Hampshire; the same is sought for California.

By Elizabeth Douglass
Times Staff Writer
January 29, 2004

Sen. Dianne Feinstein on Wednesday called for the Environmental Protection Agency to waive some federal gasoline rules for California after the EPA proposed dropping certain pollution restrictions for gas sold in New Hampshire.

The EPA last week proposed that fuel producers in New Hampshire could make reformulated gasoline without adding in an "oxygenate," such as ethanol or MTBE, as required under the federal Clean Air Act.

California officials sought the same waiver in 1999, presenting evidence the state insists proves that adding oxygenates is unnecessary in helping it meet federal emission standards. The officials also say that ethanol, the additive currently in use, is potentially harmful to the state's air quality. The state's request was denied by the EPA in 2001.

EPA officials say the California and New Hampshire cases are dissimilar. "The air quality is different and there are different facts," said EPA spokesman John Millett. "The geography is different and the climate is different, and all of those things constrain California's options."

Some California officials believe otherwise, and they are hopeful that the New Hampshire decision signals a softening stance at the EPA.

By proposing to allow New Hampshire to use reformulated gasoline without special additives, the EPA has essentially acknowledged that "you can make perfectly clean gasolines without oxygenates," said Thomas Gieskes, a California consultant who has researched gasoline issues for the state and federal governments.

"Like New Hampshire, California's refiners can produce gasoline that is cleaner than that made in the federal reformulated gasoline program," Feinstein, a Democrat, said in her letter to EPA chief Michael Leavitt. "It is well past the time for the EPA to act to grant California a waiver."

The California Environmental Protection Agency called the pending New Hampshire waiver "a positive step forward." Cal/EPA spokeswoman Michele St. Martin added: "It gives the impression that the Bush administration is willing to be flexible on the issue."

California sued the EPA over the 2001 waiver denial. And this week the EPA must decide whether to continue appealing a court ruling that the agency "abused its discretion" by not considering all the elements of the California petition.

New Hampshire's request was driven by the desire to reduce the use of MTBE, or methyl tertiary butyl ether, an additive that satisfies federal clean air requirements but is prone to contaminating water when it leaks. The state has not switched to ethanol because of fears about the adequacy of supplies, according to Michael Fitzgerald of New Hampshire's Department of Environmental Services.

California banned MTBE on Jan. 1, forcing refiners to begin blending gasoline with ethanol, the only other additive available to meet the oxygenate mandate.

"We would hope that the EPA treats California in a nondiscriminatory fashion when it comes to

the waivers of this requirement," said Tom Dresslar, spokesman for California Atty. Gen. Bill Lockyer.