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## **Unique plan clears the air**

**Bakersfield developers would be required to cut smoggy air created by their projects.**

Fact or fiction? The city of Bakersfield is pursuing an anti-pollution plan that pleases both developers and members of the local Sierra Club. It is factual -- not a fable.

Members of the City Council's Planning and Development Committee have directed city staff to investigate the cost of a bureaucratic-sounding "zero pollution mitigation" plan and report back to them for further discussion.

Despite its linguistic tongue-twister, the plan is practical. Here's how it would work. The city now 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 said has an insignificant impact on the valley's messed-up air.

Under the zero pollution proposal, the city would take that 10 tons a year down to zero.

Developers like the idea since they have been confronted with environmental lawsuits by the Kern-Kaweah Chapter of the Sierra Club over new tracts of homes.

Most of the lawsuits have been settled out of court after developers promised to pay a \$1,200 "mitigation fee" on every home they build. This money would theoretically go toward eliminating other pollution sources.

Some developers have used words like "extortion" when referring to the Sierra Club's efforts.

City leaders came up with the zero pollution idea as a way to make development projects more resistant to the lawsuits.

Builders would meet the standard by eliminating pollution from old sources to make up for any new pollution that would come from the cars, barbecue grills and lawnmowers in developments.

That could mean projects where developers agree to crush smoggy cars and buy natural-gas buses until they can balance out the new pollution that can be expected from new developments.

Developers and land consultants such as Dave Dmohowski are receptive to the idea. "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," Dmohowski said.

Gordon Nipp, Sierra Club activist, believes the zero pollution idea sounds great. He said he is also pleased the city is taking an active role in cleaning up the air.

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

Air quality district specialist Jennifer Barba called the plan an original move that could dramatically increase the pace at which the district cleans up sources of air pollution.

After the council committee members get a detailed report from the staff, they will decide whether to pass it on to the full City Council for consideration.

The plan is innovative enough to draw the backing of diverse groups. It should be pursued in a speedy fashion.

Saturday, February 14, Fresno Bee

## Valley air agency levies \$1m fine

**Visalia plant could pay up to \$5 million more to clean up gas emissions.**

By Tim Sheehan

VISALIA -- Pactiv Corp., a maker of foam packaging used in the agriculture industry, will pay a fine of more than \$1 million and be required to invest as much as \$5 million more in its Visalia plant for violating clean-air laws.

The San Joaquin Valley Air Pollution Control District announced the penalties this week against the plant for excessive emissions of volatile organic compounds -- gases that can form ozone and smog in the Valley's air.

Phil Jay, counsel for the air district, said fines were levied in May after the company came forward to report its emissions problems. The air district and the company entered into mutual settlement negotiations, reaching agreement Jan. 28.

Information from the Valley air district indicates the plant had insufficient means of capturing or controlling the gas emissions. Jay said the district estimates the plant was generating 4,000 pounds of such "fugitive gases" a day.

"We don't know how long they had been in violation, but we know it was less than a year," said Janis Parker, a spokeswoman for the air district. Because the plant requires an operating permit, it is inspected each year. In this case, Parker said, the company discovered the violation on its own since its last inspection and reported it to air-quality officials.

The plant in the northwest Visalia industrial park is one of more than 50 operated in North America by Pactiv Corp., based in Lake Forest, Ill. About 170 full-time employees and 50 seasonal workers are employed at the plant, according to Lisa Foss, a company spokeswoman.

"The company regrets the situation, and we are working with the state and local air-quality regulators," Foss said. "We are working hard to do the right thing."

Jay concurred. "It's unusual for a company to come forward," he said. "They came to us and said, 'Hey, we think we've got a problem here.'"

"The company is very on the ball, very committed to doing the right thing," he added.

The scale of the fine -- \$1,099,000 -- and required improvements also are unusual for the district. Most other district fines announced this week were \$1,000 or less.

"We usually have a couple of cases a year with fines over \$1 million," Jay said. "In this settlement, there will also be about \$5 million in improvements to the facility to better manage their emissions."

"If this had been a case where we found the violations and they had not come forward, the penalties would have been much higher," he added.

The \$6 million combined package of fines and improvements, Jay said, "is probably up there in the top 10" of penalties the district has levied since it was formed in 1990.

"We're more excited about the mitigation," he added.

The manufacture of the types of foam products made in the plant, Jay said, results in a large amount of volatile organic compounds, which can escape into the atmosphere where sunlight causes chemical reactions that create ozone and smog.

According to the U.S. Environmental Protection Agency, volatile organic compounds include gases such as benzene, toluene, methylene chloride and methyl chloroform. Many can cause serious health problems such as cancer and may also harm plants.

Ozone, a pollutant for which the San Joaquin Valley exceeds federal air-quality standards, can cause asthma and other breathing problems, irritate eyes, reduce resistance to colds and other infections and may speed up aging of lung tissue.

Foss said improvements to the plant will include updated equipment and additional technology to both capture and control emissions. She said details of the plan have not yet been finalized with the air district.

"Basically, they'll button up the facility and control areas where the foam is handled," Jay said.

Jay said the mitigation package includes requirements for the company to provide "offsets" for other emissions besides those at its own plant.

All told, Jay said, he expects the package will reduce the amount of volatile organic compounds in the Valley by about 900 tons a year.

California law provides for penalties up to \$50,000 per day per violation, which can depend on such factors as the extent of harm caused, the nature and duration of the violation, and what a company does to reduce the impacts.

What originally was the Visalia Packaging Co. plant in the Visalia Industrial Park has changed corporate hands several times.

The 143,000-square-foot building was vacant when it became home to Richter Manufacturing in 1989, producing packaging material. By 1997, it had grown to 265,000 square feet before Richter added a 125,000-square-foot warehouse.

Tenneco Inc. acquired the plant in 1998 when it purchased Richter Manufacturing.

Pactiv, a former subsidiary of Tenneco, was spun off into a separate company in 1999. Pactiv also operates a manufacturing plant and distribution center in Bakersfield.

In addition to foam fruit trays and other products made in Visalia, the company may be best known as the manufacturer of Hefty brand trash bags, Baggies brand storage and sandwich bags and packaging for the restaurant and food industries.

Pactiv registered total sales of \$3.1 billion in 2003.

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