

Local districts join city in suit against West Park

Written by Jonathan Partridge

Patterson Irrigator, Wednesday, July 23, 2008

A couple of local agencies have jumped on board with the city of Patterson in a lawsuit the city filed in May against the proposed PCCP West Park development.

Del Puerto Health Care District and West Stanislaus Fire Protection District both voted within the past week to join in the city's suit.

"We have to look out for ourselves, because the county doesn't look out for us," said Steve Pedrazzi, chairman of the fire district.

The board of directors for the health care district, which covers the area from Crows Landing to Vernalis, voted 5-0 on Monday to join in the city suit. The vote followed after the West Stanislaus Fire Protection District, which serves unincorporated portions of the county's West Side, unanimously voted to join the suit July 16.

PCCP West Park LLC hopes to build a 4,800-acre industrial park on and around a former naval airfield in Crows Landing, which is now mostly owned by the county. Representatives say it would provide 37,000 jobs when complete.

The city filed a suit against West Park, Stanislaus County and Union Pacific Railroad on May 14, claiming the county violated state law April 22 when supervisors voted to choose a master developer and create a project description before an environmental impact report was complete.

County officials have said the report was not needed for a project description to be approved, and that a project description is necessary for the environmental review process to move forward.

Pedrazzi said the industrial park would greatly increase the need for fire protection services but would not provide a tax base for the district to do so. The 1,527-acre former naval airfield is in a state redevelopment area, so all tax money it generates will go toward redeveloping the area.

Officials with the health care district, which runs Patterson District Ambulance and Del Puerto Health Center and works to increase health care services on the West Side, say West Park creates problems for it, too.

Barry Hurd, director of Patterson District Ambulance, said West Park would increase the daytime population the district serves and create more train traffic, which could block ambulances from areas east of the tracks.

He indicated the district wants some type of road in the early stages of the project that could get emergency vehicles over or under the tracks. West Park previously has proposed that a grade separation be constructed toward the end of the 30-year build-out period.

Health board member Evan Schut said he did not see another way to ensure that the county would address the district's needs, other than through litigation.

"It's sad that we have to use the tools of the law to do that," he said.

The health and fire districts previously joined in a proclamation against West Park with the cities of Patterson and Newman and Patterson Unified School District.

Patterson City Attorney George Logan said this week that the health district and fire district could help broaden the spectrum of concerns about West Park by joining in the suit.

"There's strength in numbers," he said.

The city worries about an increased number of trains passing through town and potential [air pollution](#) and traffic troubles, and officials want to know more about West Park's water source, Logan said.

Stanislaus County Counsel Jack Doering said Tuesday he thought the lawsuit was premature and he is confident the district's needs will be addressed through the California Environmental Quality Act-

mandated review process. The county intends for individual districts to be compensated for the services they provide, he said.

Logan said the cost of litigation should not change much for the city as a result of the districts joining in the suit. The city spent nearly \$200,000 on the suit in 2007-08.

News & Notes

West Park lawsuit

Modesto Bee, Thursday, July 24, 2008

The West Stanislaus Fire District and the Del Puerto Health District are joining the city of Patterson's lawsuit challenging Stanislaus County's approval of PCCP West Park LLC as the master developer of the county's Crows Landing Air Facility property. West Park is a 4,800-acre business and industrial park proposed in and around the 1,528-acre air facility. Patterson sued the county over its April 22 decision to proceed with West Park, contending that an environmental impact report was required. The county believes the board's action created a project description in April, which is the starting point for an environmental review, said County Counsel John Doering. The city of Patterson has opposed the West Park proposal because of the air quality and traffic problems it may create. The development includes a short-haul rail system between Crows Landing and the Port of Oakland.

West Park begins environmental impact process

BY ALEX CANTATORE - Staff Reporter

Turlock Journal, Thursday, July 24, 2008

The proposed West Park project has moved into the next phase of planning, with the County of Stanislaus announcing that it will be taking the helm in preparing a comprehensive Environmental Impact Report for the 4,800-acre industrial park and inland port planned for the former Crows Landing Naval Air Station.

The EIR will consider the broad environmental effects of the sizable development in almost every regard. Aesthetics, agriculture, air quality, noise, traffic, growth inducement, and cumulative impacts will be among the issues addressed by County planners.

The County has held two sparsely attended public scoping meetings thus far in attempts to receive feedback about the sorts of conceivable impacts that the development will have.

At full build-out, in 30 years time, West Park is projected to provide 37,000 jobs to Stanislaus County, in a location 40 minutes west of Turlock.

In order to achieve this, more than 3,000 acres will be rezoned from agriculture to a new designation, "Specific Plan," which accounts for many acceptable uses in terms of industrial, distribution, airport, business park, and infrastructure use.

While that may seem like a lot of land, Department of Planning projections currently call for five cities as large as Fresno is today within the boundaries of Stanislaus County by the time West Park's development would be complete.

"It's not going to go in next Tuesday," said Keith Boggs, Deputy Executive Officer of Economic Development with Stanislaus County.

The initial phase of development, projected for completion between 2011 and 2015, would include 250,000 to 500,000 square feet of building space along with water and wastewater facilities and a new fire station. An additional 4,000,000-5,000,000 square feet of distribution and industrial buildings will be a part of the first phase, to take advantage of short-haul rail connecting West Park to the Port of Oakland.

"You know how the air quality in the valley is," said Chris Vierra, Managing Principal of Stantec Consulting. "This project will get some trucks off the road and use short-haul rail instead."

Trains, no more than 20 cars long, will run South along Interstate 880, cut west on Union Pacific Railroad lines to Tracy, and then go South again on a California Northern Railroad line that runs adjacent to

Highway 33 all the way to West Park. Most pollution is created by diesel trucks laboring to climb the Altamont Pass, which would be replaced by efficient diesel trains instead.

"And fuel prices, that hasn't even been discussed yet," Vierra said. "There was a time that businesses saw it was cheaper to move to Nevada and truck back into California. That gap is getting narrower and narrower."

The travel time of trains is also expected to be much more predictable than truck travel.

These trains would block rail crossings for no more than two minutes as they pass in each direction, and no more than six trains will run along the line. An underpass or overpass is planned to mitigate the impacts of the trains to some extent, though it shouldn't be expected until the future.

Roadwork could be among the most contentious parts of the project. In addition to significant local road improvements throughout the county, plans call for the widening of Interstate 5, a new interchange at Oak Flat Road, and an improved Fink interchange, all of which will require a serious amount of funding.

In addition to the roads and rails, West Park will look to the sky as a part of the EIR process as the development includes a 5,300-foot runway for business flights. Eventually that runway will expand to 6,300 feet and a second runway could be added, but there are no plans to begin air cargo or passenger aviation operations at this time.

"We're not talking about putting in a FedEx Hub," said Lisa Harmon with ESA Airports.

Design of West Park has proceeded thus far with an eye towards green construction, with plans to make use of some of the 1,100 acres of rooftops for solar panels, microturbines, and other energy generating facilities. Buildings could be clustered with centralized HVAC, and make use of ground heating and cooling pipes.

The developer also has an eye towards water conservation, with plans for aquifer and groundwater recharge and cisterns for harvesting rainwater. Storm basins are being planned with recreational opportunities in mind.

Additionally, West Park looks to provide needed services to the local community with an industrial medical facility, a workforce training center, and fire and emergency response facilities. All of these would benefit the nearby community of Crows Landing, as would water and wastewater services.

Initial comments on the environmental review process, with questions or concerns about the scope and content of the EIR for the West Park development, can be submitted until Aug. 11. The draft EIR is expected for release sometime in the second quarter of 2009, with the final report expected near the end of 2009.

With that completion date in mind, the amount of information released by West Park PCCP at this point can be considered staggering, according to Vierra.

"The amount of information that we've seen to date, you normally don't see that until now," he said. "Most of the time, the kind of public outreach and in-depth analysis we've seen in the last two years don't start until now, when the EIR is being prepared."

SMUD fires up manure power at Galt dairy

By Niesha Lofing

In the Modesto Bee, Thursday, July 24, 2008

The Sacramento Municipal Utility District today is unveiling the county's first manure treatment system, designed to provide renewable energy and reduce greenhouse gas emissions.

The manure digester is at Cal-Denier Dairy in Galt, where 500 milk cows will become SMUD's latest source of renewable power, according to a district news release.

A dairy manure digester, also called an anaerobic digester, is a container that holds manure at a given temperature for a period of time, allowing a steady growth of bacteria producing methane and carbon dioxide.

The treatment system produces several components, including fertilizer and methane gas, which can be used to produce electricity.

The manure digester will benefit the dairy by reducing odor and flies, providing better fertilizer for crops, reducing the need for commercial fertilizer and providing electricity that will offset the dairy's electric usage. The dairy will be able to sell excess power to SMUD, the release states.

The digester will produce enough electricity to power 55 homes, officials said.

The utility district's Dairy Digester Incentive program provided 50 percent of the U.S. Department of Agriculture grant application cost for Cal-Denier Dairy and helped with permitting, interconnection and additional grants. It also provided 13 percent of the capital cost to match the 25 percent USDA Rural Development grant, set up metering and provided a power purchase agreement for surplus electricity.

The USDA's Rural Development program and Natural Resources Conservation Service and California Energy Commission also provided project funding, the releases states.

S.J. joining federal 'cool counties' group

Lodi News Sentinel, Thursday, July 24, 2008

San Joaquin County has joined a group called Local Governments for Sustainability in an effort to reduce its greenhouse gas emissions.

San Joaquin and all other counties in California are required to reduce their greenhouse gas emissions to 1990 levels by the year 2020. The county will pay a \$3,500 annual membership fee, which entitles the county to special software to examine its gas emissions and what causes them, County Administrator Manuel Lopez said.

After studying emissions in the county, a local action plan will be developed.

California joins big carbon-trade partnership

Matthew Yi, Chronicle Sacramento Bureau
S.F. Chronicle, Thursday, July 24, 2008

Sacramento - -- California, six other Western states and four Canadian provinces launched plans on Wednesday for one of the world's largest carbon-trading systems, a sweeping effort to cut greenhouse gas emissions that contribute to global warming.

The North American program, like a similar market-based system in Europe, focuses on heavy polluters such as electric utilities, oil refineries and large industrial and commercial facilities.

Environmental groups immediately questioned whether the plan will be tough enough on polluters, while industry groups said the program lacks details.

California officials said the proposal will be an integral part of the Golden State's ambitious goal of reducing greenhouse gas emissions by 30 percent by 2020, as required by the landmark legislation AB32 that the Legislature approved and Gov. Arnold Schwarzenegger signed in 2006.

"We very much believe this supports California's own plan to grow the economy and protect the environment," said Linda Adams, secretary of the California Environmental Protection Agency.

The draft plan is a key component of the Western Climate Initiative, a partnership created in February 2007 among the governors of California, Arizona, New Mexico, Oregon and Washington to curb global warming.

The group - which has added Utah and Montana, along with the Canadian provinces of Manitoba, Quebec, British Columbia and Ontario - has set a regional goal to reduce greenhouse gas emissions by 15 percent of 2005 levels by 2020.

Under the plan, industries would be required to begin reporting emission levels beginning in 2011 to allow participating governments to agree on the maximum level of emissions for the region when the program begins in 2012.

Template for other states

Final recommendations are to be adopted by end of the year and will be used as a template for states to develop their own systems that would link up with others in the Western Climate Initiative.

The California Air Resources Board, which is responsible for implementing AB32, released a blueprint last month that included such ideas as requirements for cleaner cars, more energy-efficient appliances, less-polluting fuels and more reliance on wind and solar energy.

But the air board's preliminary recommendations also cited the need to work with states and provinces in the Western Climate Initiative to develop a cap-and-trade program, under which heavy-polluting firms would buy carbon credits from less-polluting companies.

The air board said such a system would account for as much as 20 percent of California's projected reductions in carbon emissions. Mary Nichols, who chairs the board, has said a broader market would be more effective than a statewide one.

While the formation of the North American partnership has been applauded by both industry and environmental groups, the proposal received mixed reviews Wednesday.

Gary Stern, Southern California Edison's director of market strategy and resource planning, said he wished the 10-page document had specified how states would initially distribute carbon credits, which can be used in place of reducing emissions.

Cap-and-trade program

"In any type of cap-and-trade program, we're ultimately going to be concerned with what the cost to customers is going to be," he said.

But Stern said he liked the program's aim to include many types of industries, unlike the Regional Greenhouse Gas Initiative, a similar program among 10 Northeastern states that targets only electric utilities.

The European Union's system to cut greenhouse gases, the only other regional cap-and-trade program, got off to a rough start because the emissions cap was too high and companies were awarded carbon credits for free, said Erin Rogers, California outreach coordinator for the Union of Concerned Scientists, an environmental group.

The result was that the high emissions cap meant most companies weren't required to cut emissions, while the flood of free carbon credits made them virtually worthless, Rogers said.

The European Union has since tried to fix its system by resetting the cap and requiring companies to buy carbon credits through an auction system, Rogers said, a lesson for California and other jurisdictions.

Potential problems

Environmentalists said the Western Climate Initiative's draft plan does not clearly state whether carbon credits would be given away for free or sold in an auction.

Another potential problem, they said, is the draft plan's emphasis on offsets, a program under which polluters could emit greenhouse gases above the capped level by purchasing carbon credits from groups or businesses with environmental programs such as reforestation or mega-dairies that capture methane gases for energy use.

Jason Barbose, global warming advocate for Environment California, said that under the draft plan, industries may be able to meet all their emissions requirements by purchasing offsets.

"It would be far better to require power companies and oil companies to invest in clean energy and better transit than to pay someone else in some other country to reduce their pollution instead," he said.

Sweeping plan to curb emissions

The Western Climate Initiative, a partnership of seven Western states and four Canadian provinces, creates a regional system to help curb greenhouse gas emissions.

How it would work: The partnership will decide which businesses to regulate, how carbon credits will be awarded to firms and whether to use offsets programs allowing polluters to receive emissions credits by funding environmental projects such as reforestation.

What's next: The group will hold a series of workshops in coming weeks to gain public comment and the plan will be finalized by December.

Read the plan: www.westernclimateinitiative.org

Ethanol plant given green light by panel

By Jerry Berrios and Troy Anderson, Staff Writers
LA Daily News Thurs., July 24, 2008

As part of a Los Angeles County government effort to help ease global warming and the high cost of gasoline, a county panel on Wednesday approved a plan to build the county's first ethanol plant near the Lancaster landfill.

The \$30 million plant will be the first commercial facility in the nation to process biowaste - wood chips, grass cuttings and other organic waste - into ethanol, a gasoline additive that helps reduce air pollution and greenhouse gases and can be used as an alternative fuel.

It also is the first of three that Irvine-based BlueFire Ethanol plans to build in Southern California.

"Right now, our internal plan for BlueFire Ethanol is we want to build 20 of these types of facilities nationwide over the next seven years, and that will get us to roughly 1 billion gallons a year of production," said Arnold Klann, chief executive officer and president.

Regional Planning Commissioner Esther L. Valadez said she was pleased to see a company interested in converting green waste into fuel.

"I like the fact it's a green product and doesn't create additional waste that goes back into the landfill," Valadez said.

"So we really are seeing something that will take pressure off the landfills. The more of this we see, the better."

But Lyle Talbot, a Lancaster resident and a spokesman for High Desert Citizens Against Pollution, said he plans to appeal the commission's 3-0 decision.

If Talbot appeals, the Board of Supervisors will ultimately decide whether to approve the conditional use permit.

"I'm disappointed," Talbot said. "I requested they delay the vote and hold a hearing in the Antelope Valley, but they didn't."

William Davis, vice president of project management for BlueFire, said the company expects to begin construction this fall.

170 tons per day

When completed, the plant will convert 170 tons of green and wood waste every day into ethanol, generating 3.2 million gallons a year. The county has been working to encourage similar projects that reduce waste and cut down on greenhouse gases. The county Department of Public Works has launched a pilot project to build other trash-conversion facilities near other landfills in the region.

"Instead of shipping the trash long distances for disposal, we want to develop these new conversion technologies and manage the trash right there on site," said Coby J. Skye, associate civil engineer in the Environmental Programs Division for public works.

"What that does is it eliminates truck trips, converts otherwise useless material into usable products and energy and offsets fossil-fuel emissions."

While environmental experts tout ethanol as a potential key to improving the nation's environmental health, some critics believe it could actually cause more damage. A controversial study last year by a

Stanford University professor predicted that converting the nation's vehicles to ethanol would cause an additional 200 smog-related deaths in the United States every year - including 120 in the Los Angeles region.

Other critics point out that producing corn-based ethanol hikes food prices, uses valuable farming land and uses too many diesel-fueled tractors and fertilizers. But some environmentalists see ethanol - particularly the kind made from nonfood sources - as a potential greener replacement for gasoline.

Ethanol is an alcohol added to gasoline that is supposed to make it burn cleaner. It can be made from corn or - like the Lancaster proposal - from nonfood products such as wood, prairie grass and sugar cane.

In 2007, Stanford professor Mark Z. Jacobson concluded that emissions from an ethanol-fueled vehicle's tailpipe would increase the level of organic gases and nitrogen oxide released into the air. Those elements contribute to ozone, a key ingredient in smog.

He also predicted an increase in two types of carcinogens, formaldehyde and acetaldehyde, offset by a decrease in two other carcinogens, benzene and butadiene.

Claims challenged

No matter the ethanol source - corn or nonfood - the air-pollution emissions would be the same, Jacobson concluded.

"I can say with certainty that it is not improving human health as the ethanol industry has claimed," said Jacobson, a civil and environmental engineering professor. "There are technologies that should be advanced that can improve health, climate and other problems much better than ethanol or gasoline."

Since his study was released last year, Jacobson has been evaluating ethanol and other alternative technologies and their impact on land use and climate. Based on Princeton University research, he said greenhouse-gas emissions could increase up to 50 percent with nonfood ethanol and up to 90 percent with corn ethanol.

But Jacobson appears to be in the minority among environmental and government experts. Some believe his study was just flat wrong.

The federal Argonne National Laboratory in Illinois determined that corn ethanol produces an average of 20 percent less greenhouse gases than gasoline, while ethanol made from nonfood material produces 86 percent less pollutants, according to Steve Chalk, the Department of Energy's deputy assistant secretary for renewable energy.

"Ethanol works," Chalk said. "It works now. It is a viable option now."

Since 2007, the federal Department of Energy has invested more than \$1 billion in biofuel research, development and demonstration.

Last year, the California Air Resources Board awarded \$25million for alternative-fuel projects, including ethanol filling stations, startup small biofuels-production facilities and hybrid electric vehicle demonstration projects.

"Right now we are very committed to diversifying our fuel sources in order to alleviate the tensions created by market shake-ups and reap the benefits of cleaner power," said CARB spokesman Dimitri Stanich.

The board is looking at ethanol and other alternative fuels as part of Gov. Arnold Schwarzenegger's effort to reduce carbon emissions 10 percent by 2020, Stanich said.

More stations sought

The California Ethanol Vehicle Coalition is pushing for the state to add new filling stations for E85, a fuel made from 85 percent ethanol and 15 percent gasoline, said Joe Irvin, the advocacy group's executive director.

An estimated 600,000 E85 vehicles zoom around on California highways, Irvin said, but they have very few places to fill up. Nine E85 stations - a mix of retail and fleet - are now open in California, he said.

"Ethanol is really good for your engine," Irvin said. "It has such a clean burn because of its high-octane content ... You can run these cars for a million miles potentially."

Mike Lewis, co-owner of Pearson Fuels, has opened two E85 stations in California. His San Diego station sells ethanol for \$3.69 a gallon.

When evaluating ethanol, Lewis said, it is important to compare it with gasoline, rather than other possible alternative fuels that aren't in wide use, such as hydrogen, solar or algae.

"People like to compare it to some mystery thing that doesn't exist," Lewis said.

The company hopes to have eight E85 stations open in California by the end of this year.

Ultimately, experts say, the question of how well ethanol can help the environment may lie with the nation's ability to improve the technologies that produce the fuel.

"Ethanol will be what we decide to make it as a society," said Nathanael Greene, director of renewable energy policy for the Natural Resources Defense Council, a national environmental group.

"It can be an important part of the solution to global warming or it can be a serious contributor to global warming."

Report restarts debate over Tehachapi cement plant's mercury emissions

By STACEY SHEPARD, Californian staff writer
Bakersfield Californian, Wednesday, July 23, 2008

The Lehigh Southwest Cement factory in Tehachapi has been named the No. 2 emitter of mercury among cement kilns nationwide in a report released Wednesday by the environmental group Earthjustice.

But Lehigh officials say more recent tests show mercury emissions have dropped to a level that would push the facility out of the top 10. And the Kern County Air Pollution Control District says it's keeping a close eye on the facility.

"There is an issue here but our plant has been moving (to address the problem) and they're not No. 2 in the country anymore," said David Jones, the air pollution control officer for the Kern County air district.

Mercury is a neurotoxin that can harm the developing brains of children and pollute bodies of water.

People are primarily exposed to mercury by eating fish from contaminated waters but that's not viewed as a problem in Tehachapi, where the only major water body is a reservoir upwind of the cement factory. However, people living near cement factories may be at risk from mercury that disperses into air or settles on soil, Earthjustice staff attorney James Pew said.

"I can't imagine anyone who would be happy to know mercury was raining down on their houses, their playgrounds, their gardens," Pew said.

Tehachapi residents did express concern about the plant's pollution after it was named the nation's single largest mercury polluter in a 2006 *Los Angeles Times* story.

The story was based on 2004 data reported by the company that showed it spewed 2,500 pounds of mercury annually.

But company officials say those numbers were outdated.

Tests in 2006 showed the levels had dropped to 587 pounds per year and testing done last summer showed they had dropped even more, to 137 pounds per year.

(Earthjustice's report is based on the 2006 data, which is the most current data available from the Toxic Release Inventory, a public pollution database maintained by the federal government.)

Mercury is often found in limestone used to make cement and in the coal used to heat the kilns but the metal can also be found in other materials in cement production.

Pew, the Earthjustice attorney, questioned the sudden drop in Lehigh's mercury emissions. He said companies try to cheat the system by conducting tests when they know mercury output is low.

But Tim Matz, Lehigh's director of environmental affairs for North America, said the company has "worked very closely" with the air district to address mercury emissions.

Jones, of the air district, confirmed the company had switched to materials with lower mercury and found other ways to bring down the pollution. Testing of actual emissions has also improved in recent years, he said.

Earthjustice's report attempts to draw attention to the U.S. Environmental Protection Agency's failure to set mercury standards for cement plants despite being ordered to do so by federal courts three times in the past 10 years. EPA officials could not be reached for comment but the agency indicated in February that it would begin to develop the standard.

Erie Coke appeals \$6.1M state air pollution fine

The Associated Press

In the Contra Costa Times, Thursday, July 24, 2008

ERIE, Pa.—Erie Coke Corp. is appealing more than \$6.1 million in state air pollution fines that the company's owner says threatens the viability of its Erie plant.

The company says it will "vigorously defend" itself, but wouldn't cite specifics. A statement by company owner J.D. Crane also noted the company's "significant contributions" to local charities and public safety unions.

The Pennsylvania Department of Environmental Protection proposed the fines last month in ordering Erie Coke to comply with its air quality permit and the state's Air Pollution Control Act.

The DEP says the penalty follows repeated violations at the company's Lake Erie facility, which includes 58 coke ovens installed in the 1940s and 1950s.

Coke is a fuel used in steel production. It is made by baking coal in large ovens to remove impurities.