

Controversial power plant clears hurdle **EPA exempts long-delayed Avenal project from new rules**

By Eiji Yamashita

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The proposed Avenal power plant project - long held up in the federal permit process - may move forward this spring at last, although more controversy may be brewing.

The 600-megawatt natural gas-fired power plant cleared a major hurdle earlier this month, after the U.S. EPA issued a policy shift exempting industrial projects like Avenal's from the newest air and climate rules.

While company officials expressed subdued optimism this week, opponents of the project vowed to fight the EPA's loosened stance on fighting global-warming pollution.

First proposed in 2008, the project has received preliminary permits from the California Energy Commission and the San Joaquin Valley Air District. Facing delay in federal approval, the company had sued the EPA.

"The judge has now asked both sides to file briefs to clarify the grandfathering of this project under their current regulations," said Frank Wilson, company spokesman, on Friday. "That will happen in May. This is still a matter of litigation, so we won't have any comment directly on that."

The judge is expected to issue a decision in May, Wilson added.

Earlier this month, a top EPA official told a U.S. District Court in the District of Columbia that the agency reviewed policies and decided it would allow the controversial project to proceed in southwest Kings County, where residents are already surrounded by several polluting projects such as the Kettleman Hills toxic waste landfills and sludge farms.

Avenal Power Center LLC - a subsidiary of an Australian-owned investment bank Macquarie Group Unlimited - wants to build a \$530 million plant within the Avenal city limits, about six miles from the town's residential area. The project would generate enough electricity to power 450,000 homes and businesses, according to the company website.

Activists and concerned residents aren't happy about the prospect of added pollution in a region that is already among the nation's worst in air quality.

EPA's recent policy change was met with a cool reception by project opponents.

"In a backroom deal, the EPA headquarters apparently blindsided the EPA's Region 9 Office (in San Francisco) by indicating its intention to exempt this proposed polluting power plant from anti-pollution limits that EPA itself said are very important," said Bradley Angel, executive director of San Francisco-based environmental justice group Greenaction.

"It's a dirty deal. It's a sellout. It's very bad news for the health of Kings County residents. And we're fighting it."

Company officials say their project will be one of the cleanest in the nation. A review by the Valley air pollution agency also indicates the project would have the lowest emissions of nitrogen oxides and carbon dioxide of the gas-fired plants in the area.

The company also touts the several million dollars in local taxes the project would generate each year. They say it would also provide jobs for 300-400 workers during construction and create up to 25 full-time positions.

Wilson said the company now expects to begin construction in mid-2011, with commercial operation beginning in mid-2013.

The EPA said it will take public comment on the policy change affecting the Avenal power plant and other similar industrial projects across the country.

Setton to use solar energy

Sun Power

Alex K. W. Schultz

The Porterville Recorder Monday, Feb. 21, 2011

TERRA BELLA — Setton Pistachio is going solar.

Lee Cohen, the company's general manager, is at a Western Pistachio Association conference today in Santa Barbara to announce Setton's plans to use solar energy to partially power its two local plants.

Cohen said he hopes to have the system up and running in May.

"The company is very eager to get the system running," he said. "Not only will it reduce dramatically our electrical costs, but it also will showcase our commitment to sustainability."

Forty four-pound modules — 4,872 at the Terra Bella plant and 2,436 at the Pixley plant — will provide 25 percent to 35 percent of Setton's total electrical consumption and annually offset 1,900 metric tons of carbon dioxide, Cohen said.

The company will continue to receive most of its power from Southern California Edison's electrical grid and natural gas, he said. The modules, which will cover seven acres at the Terra Bella plant and three and a half acres at the Pixley plant, will be capable of generating 1.7 megawatts of power, Cohen said.

The project, designed and engineered by Carlsbad-based Synergy Power, carries a price tag of about \$6 million. Setton, however, will not have to absorb the entire cost.

In its effort to promote the use of solar power, the federal government will give Setton a cash grant of about \$1.8 million. Additionally, on Saturdays and Sundays, when Setton uses less power, the system will continue to generate the same amount of energy. The excess power will be net metered into SCE's electrical grid, allowing Setton to bank credits with the electricity supply company and wipe out another 30 percent of the cost.

In the end, Setton is looking at a price tag of roughly \$2.4 million. "It's a very attractive system," Cohen said.

Cohen said he expects to see positive returns on the company's investment in just four years.

"It really makes it economically viable for us," he said.

Setton is in the process of ripping out its parking lot and repaving it. The modules will be situated on top of newly placed car ports above the car spaces.

"They'll be serving a dual purpose," Cohen said of the car ports.

Cohen and Plant manager Jeffrey Gibbons began discussions two years ago about using solar energy at the plants, which, in total, can store 85 million pounds of pistachios.

"We're excited about it," Gibbons said. "We've looked into it for a while. It made sense to pull the trigger this year."

Cohen said he was not sure how his company would make use of the money saved on electrical costs, but Setton is "always considering expansion." He said the company may invest in an additional building or two to assist in operations.

Cohen also said the next truck the company buys will be an electrical truck, which will be able to park next to the solar station and recharge.

"All of our trees run on solar power," Cohen said. "We feel it's important to make the same commitment in practice."

[Bakersfield Californian, Commentary, Sunday, Feb. 20, 2011:](#)

Politics, air rules make for a smelly situation

By Lois Henry

This story is a depressing testament to how -- as you've always suspected -- nothing every really changes in the bowels of state government.

Last summer, several de facto lifetime members of a powerful but obscure panel in California's air pollution regulation arena were publicly booted as the state faced a lawsuit over their improperly long tenures.

Finally, many thought, the panel would have fresh blood, new perspectives.

But at this year's first meeting of that panel two of the bootees, including the panel chairman, were wondrously restored to their seats, leaving observers shaking their heads. I'm talking about the Scientific Review Panel of Toxic Air Contaminants.

I know, you've never heard of it. But this panel has a direct impact on your cozy little life, so read on.

It was the review panel that declared in 1998 that diesel exhaust, specifically diesel particulate matter (specifically PM2.5 tiny bits of soot and ash), is dangerous to humans.

That pronouncement teed up the regulatory push by the California Air Resources Board (CARB) to severely restrict emissions from diesel trucks and heavy equipment. The rules have been delayed until 2014 for a number of reasons, not the least of which is that CARB staff vastly overestimated how much those vehicles contribute to air pollution.

But the rules will come to pass.

Which means unless you wear animal skins and eat grubs, you'll be paying way more for anything (food, medicine, furniture, etc., etc.) that comes to you by way of truck as owners struggle to pay for expensive retrofits or whole new fleets.

I've argued numerous times that more and more evidence is showing diesel PM2.5 may not be the killer CARB and the Scientific Review Panel have made it out to be.

Setting that aside for the moment, I think it's important to know who's on the Scientific Review Panel.

The Pacific Legal Foundation thought so too and after discovering several members had been serving since the Reagan administration (the first one) without going through the proper vetting and nomination process, they sued the state. Yes, the foundation is a conservative group funded in part by the trucking industry.

That doesn't negate their point that, by ignoring nomination procedures, the review panel and the public have been effectively denied the benefit of having new people with innovative ideas and fresh thinking participate.

The state took heed and last July five members, including chairman and UCLA professor John Froines, were summarily kicked off the Scientific Review Panel.

Froines' reinstatement is especially galling to many industry groups because he has been a longtime, outspoken activist on the supposed ills of diesel exhaust.

Froines, a left of left liberal whose activism goes back to the radicalism of the 1960s, also directs the Southern California Particle Center, dedicated to proving how diesel PM2.5 hurts people. I don't understand how that's not a huge conflict of interest.

See, the Scientific Review Panel also approves methodologies for government-funded studies. Froines' Particle Center conducts just those sorts of government-funded studies.

So, not only is he in a position to shut down any oppositional research, he can also churn out practically unlimited "science" to support his own theories that diesel = bad.

Which then revs up CARB's regulatory engine and results in higher costs for you and I in exchange for questionable, at best, health benefits. Clearly, it's become a closed system.

It has a direct impact on how we live and we, the people funding this system, have almost no recourse in how it operates.

Critics had thought Pacific Legal Foundation's lawsuit punched a hole in the system last summer. And, indeed, a new person had been appointed as chair of the Scientific Review Panel, but only briefly.

Assembly Speaker John Perez appointed UC Irvine professor Michael Kleinman to replace Froines on July 22 after receiving a list of eligible candidates from the University of California office of the President.

Kleinman, like Froines, was eminently qualified and was looking forward to serving on the panel. Then around Sept. 8, he told me, the Speaker's office called and asked him to step down.

He was told the UC president's office erroneously thought it could not resubmit Froines' name because of his previous tenure. When it was determined Froines' could be a candidate Kleinman was asked to resign. The Speaker got a new set of names from the UC, which included Froines, and the deal was done.

Kleinman characterized the entire episode as strange and "highly charged."

Neither the UC President's office nor the Speaker's office would cop to having been lobbied to put Froines back on the panel. But I say that's exactly what it smells like.

"It does seem like an end run," said Pacific Legal Foundation attorney Damien Schiff, though he admitted that if they went through the proper procedures the state is within the letter of the law.

Even so, he said, his clients object to Froines' appointment as violating the intent of the Scientific Review Panel, which was supposed to be free of politics and strictly adhere to science.

Instead, the head of the UC and the Assembly Speaker practically twisted themselves into knots to put Froines back in charge, even though other, highly competent, people were ready and willing to serve.

CARB has made a series of gaffes in recent years such as overestimating diesel emissions. The number of deaths attributable to PM2.5 was also over inflated, it turned out. And CARB chairwoman Mary Nichols admitted she withheld key information from fellow board members that the author of a health report used to justify the diesel rules lied about his credentials until after they voted for the rules. Given all that, you'd think the state would at least want to appear to be playing fair.

But mixing power, arrogance and politics doesn't often result in "fair."