

[Bakersfield Californian editorial, Tuesday, April 12, 2011:](#)

## **Embrace reality: Repeal valley's EPA ozone fine**

We've got to work together, here in the most polluted region in America, to make our air more breathable. We've got to make sacrifices, accept restrictions and change long-entrenched habits.

But the people of the San Joaquin Valley shouldn't be asked to do the impossible. And we shouldn't be forced to pay a penalty for an ill-defined problem largely caused by several factors -- some geographical, some vague, unknowable and just plain erroneous -- that are mostly beyond our capacity to affect.

That's why we're endorsing a proposed bill by House Majority Whip Kevin McCarthy, R-Bakersfield, that would repeal the \$29 million fine imposed on the Central Valley by the federal Environmental Protection Agency -- a fine that shows up as a \$12 surcharge on our car registration bills. The San Joaquin Valley Air Pollution Control District, which incurred the penalty for failing to meet ozone standards, passed along the fine to valley residents by way of the DMV.

McCarthy's bill would also prevent the EPA from adopting a new ozone standard that would be impossible to meet. The present standards don't take into account geography, natural ozone background levels, nonlocal freeway traffic or the reactive properties of specific ozone constituents relative to public health. The bill would create advisory panels that would, over five years, study the issues associated with ozone, health and the factors that contribute to the valley's air problems.

If anything, the Central Valley deserves an air-quality grant for its progress: Ozone standards that we were once violating 56 days a year were exceeded just seven times in 2010. Local industry has cut emissions up to 80 percent over the last 20 years. Can more be done? Of course. But enforcement should be commensurate with reality and common sense.

## **Riverbank to sue over quarry plan**

By Kevin Valine, staff writer

Modesto Bee, Tuesday, April 12, 2011

**RIVERBANK** -- The city will try to stop an open-pit mine that is proposed to remove 56 million tons of rock over 75 years and haul that rock by train through downtown.

The City Council voted 5-0 on Monday to sue Tuolumne County, which approved the Cooperstown Quarry this month.

The lawsuit will demand that Tuolumne County conduct an environmental impact report for the mine. The city will ask a judge to stop work on the mine until there is a decision on the lawsuit.

Sacramento-based attorney Douglas White is representing Riverbank. He expects to file the lawsuit and request to put the project on hold within three weeks.

The Tuolumne County Board of Supervisors unanimously approved the mine April 5 despite concerns from Riverbank, Oakdale and the San Joaquin Valley Air Pollution Control District. The air board says the mine and the trains will greatly exceed its standard for nitrogen oxides, a key component of smog.

But the mine — and the 30 to 45 well-paying jobs it would produce — has widespread support in Tuolumne County.

Tuolumne County Counsel Gregory J. Oliver said Monday that no one else has indicated they will sue.

The Cooperstown Quarry could open in about a year on 135 acres bordering Stanislaus County, about nine miles south of Knights Ferry. Trains from Oakdale-based Sierra Northern Railway would haul the rock through Oakdale and Riverbank.

The trains can have as many as 60 cars, which is about two-thirds of a mile long, and make as many as 20 round trips per week. But Sierra Northern officials say they will make far fewer trips and the trains could have fewer cars.

#### Project's impact

Riverbank officials are concerned about trains backing up traffic and delaying fire engines and ambulances responding to 911 calls and school buses taking children to and from school; the trains would have less impact on Oakdale.

"This is a 75-year project that is going to have huge, huge impacts on our community," Mayor Virginia Madueño said. "We (the council) all agreed we need to have the court look to see if Tuolumne County did its due diligence. We believe it did not."

Tuolumne County officials say they followed the California Environmental Quality Act in their more than two-year review of the project.

"Riverbank's decision to use taxpayer dollars to appeal a CEQA-compliant project that will create jobs and help stimulate the local economy is irresponsible, to say the least," said Patrick Embree with mine operator Resource Exploration Drilling LLC in an e-mail. "We have complied with CEQA every step of the way and remain extremely confident in the merits of our project."

Cooperstown Quarry would consist of an open-pit mine and processing plant on land owned by Jack and Tricia Gardella. The mined rock would be used for roads, levees, railroad ballast and other industrial uses.

#### Slow go through town

As part of the county's approval of the quarry, Resource Exploration and the Gardellas are responsible for legal costs if the county is sued.

Tuolumne County approved the project with what is called a negative declaration. White said that is insufficient. He said an environmental impact report, which is much more extensive, is the appropriate and required review.

"Given the significance of the project and the amount of rock that will be removed," he said, "it's not appropriate for them just to do the most basic environmental review when it's pretty clear a more detailed environmental analysis and mitigation measures are needed."

The trains would travel at 10 mph through Riverbank and Oakdale. In Oakdale, the trains would cross Yosemite Avenue near ConAgra Foods and at Crane Road.

In Riverbank, the trains would follow Patterson Road through downtown, crossing at Claus Road near Riverbank High School and Eighth Street before crossing Patterson Road and turning into a switching yard. It would take about four minutes for a 60-car train traveling at 10 mph to clear a crossing.

## **Calif. to set ambitious renewable power standards**

By Adam Weintraub - Associated Press

In the Merced Sun-Star, Tuesday, April 12, 2011

SACRAMENTO, Calif. -- Gov. Jerry Brown plans to sign legislation that would require California utilities to get one-third of their power from renewable sources, giving the state the most aggressive alternative energy mandate in the U.S.

Under the bill, California utilities and other power providers would have until the end of 2020 to draw 33 percent of their power from solar panels, windmills, landfill gases, small hydroelectric plants and other renewable sources.

Supporters said the increase from the current 20 percent target will reassure investors at demand for renewable energy will grow, fueling a field that has been one of the few growth spots for California's economy during the recession.

U.S. Energy Secretary Steven Chu was expected to attend the bill signing ceremony Tuesday at the SunPower-Flextronics solar manufacturing plant in the San Francisco Bay area city of Milpitas.

"Instead of watching from the sidelines, America needs to get back in the clean energy race, and that's exactly what California is doing," said Stephanie Mueller, spokeswoman for the U.S. Department of Energy.

Critics of the legislation said sticking with traditional energy sources such as coal and natural gas would be cheaper, keeping costs down for business and residential ratepayers. Business groups point to estimates that the higher standard could drive up electricity costs for California ratepayers by more than 7 percent, despite language in the legislation to limit cost increases.

"Industry in California already pays electricity rates about 50 percent higher than the rest of the country," said Gino DiCaro, spokesman for the California Manufacturers and Technology Association. "With 33 percent, those rates are going to go up even more."

Brown said Monday he would look carefully at whether the new standard will drive up electricity costs but said increasing use of renewable sources makes sense for California and the country.

"I know one thing: Being dependent on foreign fossil fuel is not good for our economy, it's not good for our security, and it's not good for our climate," the Democratic governor told The Associated Press in a telephone interview. "We have to be bold."

Making California less reliant on fossil fuels will benefit the state's air quality and make oil supply a smaller factor in America's foreign policy, said state Sen. Joe Simitian, who carried the legislation. The Democrat from Palo Alto was instrumental in setting the current renewable power standard at 20 percent and has been working for four years to get the increase to 33 percent.

Republican Gov. Arnold Schwarzenegger vetoed an earlier version of the bill but issued an executive order that called for 33 percent renewable power by 2020. Simitian kept pushing to get the higher standard written into state law, which is harder to undo than an executive order.

When his bill died on the Senate floor as the 2010 legislative session ended, he said the action sent a chill through the renewable power generation market. Supporters said the new bill sends a clear signal to financial backers that demand for renewable power will keep growing.

"It really comes down to whether a bank will loan you money to build a facility," said Jan Smutny-Jones, executive director of the Independent Energy Producers, a coalition of electricity generators that produce about 80 percent of California's renewable power.

California power generation is just short of receiving 20 percent from renewable sources. About 57 percent of in-state generation in 2009 came from natural gas, with about 15 percent from nuclear power plants and 12 percent from large hydroelectric generators.

Because utilities are close to meeting the previous requirement for renewable power, the investors who provide the money to build hundreds of megawatts of generating capacity under construction this year would have put away their checkbooks in the next year or two, said Dan Adler, president of the California Clean Energy Fund.

The higher state standards give lenders confidence that there will be long-term demand for renewable energy and that their loans will be repaid, said Adler, whose \$30 million nonprofit investment fund backs 40 companies developing green energy technology.

Meeting the higher standard is expected to require tens of billions of dollars in capital investment for generation equipment and transmission lines, with expenses ultimately passed along to ratepayers of the state's investor-owned and municipal utilities.

The bill includes language that would require the California Public Utilities Commission to set reasonable limits for what utilities should have to pay and allows the standards to be relaxed if not enough renewable power or transmission capacity is available to meet them.

California's largest utility, Pacific Gas & Electric Co., has supported higher renewable standards but opposed Simitian's bill, saying the legislation does not include adequate safeguards against excessive costs. PG&E wants to work with the Brown administration to put specific measures in follow-up legislation, company spokeswoman Lynsey Paulo