

Science panel faults Bush plan on air pollution Clear Skies proposal called less effective than present rules

Juliet Eilperin, Washington Post

S.F. Chronicle, Friday, January 14, 2005

Washington -- The Bush administration's Clear Skies proposal to curb air pollution from power plants would reduce air pollution less than the current Clean Air Act rules, according to a preliminary report by the National Academy of Sciences released Thursday.

The 18-member panel's initial assessment of proposals to regulate aging coal-fired power plants represents the latest salvo in the ongoing battle over how best to clean up the nation's air. The president's Clear Skies bill would set up a cap-and-trade program that aims to cut sulfur dioxide, nitrogen oxide and mercury pollution from utilities by 70 percent sometime after 2018; the Senate will hold hearings on the plan in two weeks.

The administration has also retooled federal New Source Review rules, which require plants to install costly emission controls if they increase pollution when modifying the facilities. The administration's revised rules, which have been blocked by a federal judge since late 2003, would require new controls only when the modifications equal 20 percent of a plant's replacement cost.

The academy report, commissioned by Congress in 2003 after Democrats tried to stall the administration's revision of New Source Review (NSR) regulations, says it is difficult to gauge the effects of that plan because data are scarce.

But the committee, which consists largely of academics, says in its 160- page report that it is "unlikely that Clear Skies would result in emission limits at individual sources that are tighter than those achieved when NSR is triggered at the same sources. ... In general, NSR provides more stringent emission limits for new and modified major sources" than Clear Skies. The panel will issue a final report by the end of the year.

The New Source Review rule triggered dozens of state and federal suits against more than 50 power plants during the 1990s and forced some to install new pollution controls. The administration argues that this approach costs jobs and keeps plants from running at full capacity.

Sen. James Jeffords, I-Vt., the ranking minority member on the Environment and Public Works Committee, said the new report "provides further proof that the Bush administration has been recklessly tinkering with the Clean Air Act for several years and wants to go even further. They want to replace existing programs, like New Source Review, that have documented benefits, with a proposal that is weaker and slower when it comes to reducing emissions and protecting health and the environment."

But Environmental Protection Agency officials and Senate Republicans questioned the NAS assessment. They said it ignored the success of cap-and-trade programs like the one for acid rain, which has cut sulfur dioxide and nitrogen oxide emissions by about a third since 1990, and the fact that new plants would have incentives to reduce emissions because they would get no pollution allowances, unlike older plants.

Academy report sees benefits of existing clean air program

JOHN HEILPRIN, Associated Press Writer

Thursday, January 13, 2005, S.F. Chronicle,

WASHINGTON (AP) -- The Bush administration's plans for cutting air pollution could achieve less at certain plants than an existing program targeted by the White House, the National Academy of Sciences suggested Thursday in an interim report.

The study says the current program generally "provides more stringent emission limits for new and modified major sources" -- coal-burning power plants -- than would be provided by Bush's proposals.

The "new source review" program, which dates to 1977, requires utilities to install new pollution control equipment whenever major changes or maintenance would significantly increase emissions. The Bush administration has eased the program somewhat, but those changes are on hold pending a federal suit challenging them.

The White House also has been promoting legislation for cutting pollution from power plants, dubbed "Clear Skies," as well as an Environmental Protection Agency rule change that would accomplish much the same thing.

James Connaughton, chairman of the White House Council on Environmental Quality, said Thursday: "The NAS does not appear to have taken into account the overall emission reductions that will come from capping pollution at more than 1,000 power plants. That will far exceed the emission reductions that would come from the far fewer number that are subject to new source review."

Bill Kearney, a spokesman for the academy, cautioned that its panel of experts "will not be able to make conclusions about the overall effects of recent changes to (new source review) until it issues its final report at the end of this year."

Sen. James Jeffords, I-Vt., however, said the report had already provided "further proof that the Bush administration has been recklessly tinkering with the Clean Air Act for several years and wants to go even further."

An industry representative disagreed.

"The new source program is not an emissions-control program -- it's an enforcement program," said Scott Segal, spokesman for the Electric Reliability Coordinating Council, a utility group. "And in order for enforcement to produce reductions in emissions, you have to win the case, and the process can be a long and arduous one."

Cynthia Bergman, spokeswoman for the Environmental Protection Agency, agreed.

"Case-by-case litigation ... is a blunt tool that will never achieve the across-the-board reductions that the acid rain program has done and that we anticipate" from President Bush's proposals, she said.

On the Net:

National Academies: www.nationalacademies.org <<http://www.nationalacademies.org>>

Court allows building of stores in controversial centers to continue

Thursday, Jan. 13, Bakersfield Californian

A Fresno appeals court has refused to halt work on stores being built near two controversial Wal-Mart shopping centers.

Local Wal-Mart opponents asked the 5th District Court of Appeal last month to stop all construction at the two half-finished commercial projects in south Bakersfield.

That same court had already overturned city environmental approvals for the Wal-Mart projects, halting both.

But the win was not enough for the Wal-Mart critics.

The court ruling allowed other stores in the Wal-Mart shopping centers, such as Kohl's department store and a Lowe's home improvement warehouse, to continue construction or remain open.

So Bakersfield Citizens lawyer Steven Herum asked the court to stop construction.

Opposing lawyers for developer Castle & Cooke, which is building a center at Gosford Village, and developer Lee Jamieson, building the stores at Panama and Highway 99, argued against the move.

The court, they said, had already ruled that the decision to close or stop construction on the additional stores was up to the Kern County Superior Court.

On Jan. 4, the appellate court, in a nine-word ruling, denied Bakersfield Citizens' request.

Bakersfield City Attorney Ginny Gennaro said that lets all construction -- at this point consisting only of a Sam's Club at the Gosford Village location -- continue until the Superior Court takes up the issue.

"Legally the city can allow the Sam's Club to continue to construct," she said.

The case, unless it is appealed, could come back to a Superior Court judge as early as March 1, Gennaro said.

At that point a judge could stop construction, close existing stores or order all buildings on the site torn down.

A burning demand

Firewood dealers say shortage hurt business more than air controls

By STEVE E. SWENSON

Friday, Jan. 14, 2005, Bakersfield Californian

Firewood dealers in Kern haven't been hurt by new air pollution controls as much as they've been hit by their inability to get the firewood they want.

"The demand is still there," said Charlie Ahnfeldt, 55, as he and his part-time employee, John Pope, 41, split almond logs for sale next season.

"But it is getting harder and harder to get the wood," said Ahnfeldt, a relatively small dealer who sold all of his 110 cords this year.

Doug Lancaster, co-owner of Niles Firewood at 8 Fairfax Road, said sales have been pretty brisk, "but there is a shortage of wood."

The business, which opened 50 years ago, is a major dealer, selling 1,000 cords this season, Lancaster said.

But if they had been able to get 1,500 cords as they wanted, they would have sold all of those, he said.

"We didn't sell more wood than we normally do," Lancaster said. "But we could have (if we had more wood)."

Lancaster and Ahnfeldt said they will try to get more wood next year.

Ahnfeldt, as a mainly one-person operation, gets as much wood as he can cut and fill on a half-acre lot west of Bakersfield, he said.

Lancaster said his business was hurt this year by dealers in Southern California who paid top dollar to get greater supplies.

He's somewhat concerned he will be in the same boat next year, but he's not sure.

Neither dealer said the mandatory no-burn days by the San Joaquin Valley Air Pollution Control District have affected their business.

There were only two no-burn days last season when the control went into effect Jan. 1, 2004, and there have been only two such days this season, district officials said.

"I think it's kind of a good thing," Ahnfeldt said of the district's attempt to reduce particulate pollution.

Ahnfeldt started out 20 years ago working for other dealers or in partnerships, but in the last nine years he's been on his own in the Ahnfeldt Firewood business.

While he cuts all his own wood, larger dealers like Niles buy much of their firewood wholesale from companies. Lancaster said Niles also cuts some of its own firewood.

Ahnfeldt said his firewood business is a six-month project, and he has two other jobs as a forklift operator and a truck driver for the rest of the year.

The key to his business is a relationship with Paramount Farms, which allows him to take his 20-inch chain saw to slice up trees the farms drag out for disposal, he said.

It takes him about 15 to 20 minutes a tree, four hours a cord and another hour to load a cord, he said.

A cord is 128 cubic feet. For 24-inch wood, a cord is 4 feet high, 4 feet wide and 8 feet long.

A cord with 18-inch wood is 1.5 feet deep, by 4 feet high by just over 21 feet long.

Some dealers have used the term "face cord" but that is not a full cord and the dealer should be asked how many cubic feet is being sold, Ahnfeldt said. Often the base price goes up when a full 128 square feet is sold, he said.

The Kern County Department of Weights and Measures will respond to complaints that a dealer is misrepresenting a cord, but the department will not go out to confirm if a dealer is selling a proper cord, a department spokeswoman said.

Ahnfeldt said he's very particular about selling full cords. Michael Grainger of Shafter, a customer of Ahnfeldt's for the last 20 years, said one reason he buys his wood from Ahnfeldt is "he's never been short."

The other reasons Grainger gave for being such a loyal customer is the wood he buys from Ahnfeldt burns well, is cured properly (not green) and it is split in easy-to-handle sizes.

"I get full value," he said.

Prices of firewood have gone up over the years, from about \$125 a cord of almond about 10 years ago to generally \$195 a cord now. Prices vary based on delivery, pickup, stacking or type of wood; oak's the most expensive.

But equipment and fuel costs have also gone way up. "The increase in price hasn't given me any extra money," Ahnfeldt said.

But he likes the business, despite its sometimes back-breaking labor, because he's gratified by the 100 customers who rely on him every year.

"With everything else I do, it works out pretty good," he said.

Smoke release draws officials' ire

By Kelli Phillips

Thursday, Jan. 13, Contra Costa Times

A plume of dark smoke released Wednesday afternoon from the Tesoro Refinery was not a significant public health risk, but air quality officials say it's a repeat offense that may warrant fines.

A mechanical failure occurred at one of the refinery's boilers about 2:30 p.m., said Tesoro spokesman Jon Ballesteros.

No one was injured, but repair efforts caused a combination of steam and petroleum coke dust to be released from the boiler stack.

"To continue safe operation, we had to take it out of service," Ballesteros said. "The corrective actions we are taking are resulting in the visible smoke emissions."

A boiler problem was also to blame for the release of carbon monoxide on July 4, 2004. The boiler, which was part of a unit that transforms hydrocarbons into gasoline, broke down causing the boiler stack to emit carbon monoxide.

"We're really disappointed to see a repetition of the problem," said Teresa Lee, spokeswoman for the Bay Area Air Quality Management District.

Lee said the issue of fines had been raised and that Jack Broadbent, the district's executive officer, wants to sit down with refinery representatives to find out why this keeps happening.

The smoke from Wednesday's release was not expected to affect public health, said Randy Sawyer, director of the hazardous materials program for Contra Costa Health Services.

However, health services did issue an advisory to nearby communities warning "individuals with respiratory sensitivities" that the smoke could worsen conditions such as asthma. A similar warning was issued in July.

Sawyer said the release of smoke could continue for up to 24 hours while the refinery fixes the problem.

SCV air study a mixed bag

By Susan Abram

Thursday, January 13, LA Daily News,

Most ozone brought into SCV; particulates created here

SANTA CLARITA -- An analysis of air quality in the Santa Clarita Valley has found that while most ozone is transported into the region, particulate matter from planned projects such as the Newhall Ranch housing development and the proposed sand and gravel mine in Soledad Canyon could exceed state standards.

In the report released Wednesday by the South Coast Air Quality Management District, the agency concluded that much of the ozone that contributes to unhealthy air quality days in the Santa Clarita Valley comes from outside the region. Not surprisingly, the report noted that the highest concentrations of particulates were near the Golden State and Antelope Valley freeways.

Researchers also found that ozone will not be affected by an increase in local vehicle emissions, but that particulate matter from construction will likely increase, though they cautioned that the impact would be nominal.

"The maximum regional average of PM10 impact is projected to occur near Newhall Ranch," according to the report. "Future development would not cause violations of the federal annual average PM10, but could cause possible violations of the state standard."

The federally mandated standard of PM10 air quality means particles smaller than 10 microns, or about one-seventh the thickness of human hair.

Newhall Ranch, which is scheduled to begin construction in 2006, was approved by the Los Angeles County Board of Supervisors in 2003 in a 4-1 vote.

"Santa Clarita is a confined area within a confined basin," said Joe Cassmassi, senior meteorologist for the AQMD. "Growth is a big issue, because there are several ongoing projects. We made the assumption that what if everything began construction on the same time? What we found is there's going to be an impact, but fortunately, it would be nominal."

Cassmassi also said that emissions produced in Santa Clarita contributed to 2 percent of the total local ozone impact.

However, "weekend ozone concentrations under average wind transport conditions are approximately 23 percent higher than weekdays," according to the report.

"In the total picture, the problem isn't the Santa Clarita Valley," Cassmassi said. "They can't account for the billions of cars that pass up and down the freeways."

City officials had asked the AQMD to compile a specialized report exclusively for the area.

From 2001 to 2003, Santa Clarita recorded the third-highest-average ozone readings in the nation, at 126 parts per billion, according to the federal Environmental Protection Agency. The standard at the time was 80 ppb. Santa Clarita also ranked in the national Top 10 for number of days exceeding the standard, averaging nearly 50 days a year for the past three years.

City officials have said another concern was unhealthy dust particles that would be produced by the proposed Cemex Inc. sand and gravel quarry in which 56.1 million tons would be mined over the next 20 years.

Cassmassi said the impact on air quality from the project would be found immediately surrounding that area.

"The impact would be very localized," he said. "Particulates are heavier than air. A very fine portion will stay suspended."

Results found in the report were not surprising, city officials said.

"We had always understood that our ozone migrated here from other parts," said Travis Lange, Santa Clarita environmental services manager. "The report pretty much says that air quality is one of those things where the source isn't always where it ends up."

Lange said the city has emphasized several programs to improve air quality, such as replacing city vehicles with those that burn cleaner fuels and by planting trees, which help clean the air.

But ultimately, some of the changes will have to come from surrounding areas.

"When a big part of the problem is coming from outside the valley, you have to look at it on the bigger picture," Lange said. "I think this subregional plan helps us to know what the issues are, and what policies to support."

Carmakers Taking Two-Track Approach With New Models

By John O'Dell

Thursday, Jan. 13, Los Angeles Times

DETROIT - The auto industry is being driven in two directions this year as it tries to cash in on very different trends: hybrids and horsepower.

At the North American International Auto Show, which opens here Friday to the public for a 10-day run, carmakers are touting a slew of ecologically friendly gasoline-electric vehicles as well as a host of pedal-to-the-metal gas guzzlers.

For instance, Toyota Motor Corp. executives have talked up their green vehicles - noting that they plan to add a hybrid engine to their Lexus GS sedan in 2006 - while displaying a high-performance concept car called the LF-A.

Toyota sources say that if the two-seat LF-A were to go into full production, it would feature the company's biggest engine ever - 500 horsepower with eight or 10 cylinders - and reach a top speed of 200 mph. Its competitors would include Ferraris, Porsches and Aston Martins.

"These shows highlight the schizophrenia of the auto industry," said Jason Mark, vehicle programs director for the Union of Concerned Scientists. "They trumpet their green image while offering high-performance, inefficient cars to consumers."

Toyota President Fujio Cho agreed that the industry's latest products could be seen as "bipolar."

But the combination of "environmentally friendly vehicles and vehicles that are fun to drive," he added, simply "reflects customer demand."

Ford Motor Co. is also playing both sides of the street.

It has promised to introduce four hybrids over the next three years. They will supplement the Ford Escape hybrid sport utility vehicle that the company introduced last summer.

"There will come a time when every car and truck is a hybrid of some sort," said Mary Ann Wright, hybrid programs chief at Ford, which has vowed to become the industry leader in environmentally friendly vehicles. "People are waking up" to the idea that "we can't keep trashing our ecology."

But for all that, Ford is clearly hoping to wow showgoers with raw power.

"Not everybody is interested in hybrids," said Ford Chairman William Clay Ford Jr. "Some long for the more traditional turn-ons in cars and trucks: horsepower and performance."

To enter the company's sprawling display at the Detroit show, viewers pass a row of souped-up 2005 Mustangs with 300-plus-horsepower V-8 engines; the limited-production, 550-horsepower Ford GT; and a gleaming polished-aluminum Shelby GR-1 concept car with 605 horsepower.

"People are competitive," said performance-car builder and racing great Carroll Shelby. "A powerful car lets you run faster than the other guy."

The only new "green" idea being highlighted by Ford is its Mercury Meta One diesel-electric concept, mostly suited for European markets.

For some carmakers, the aim seems to be to sell successfully to both hybrid and horsepower fans without offending either. Toyota's Cho, for example, pointed to the upcoming Lexus RX400h hybrid SUV as an example of straddling both worlds.

Engineers were able to tweak the design so that the RX400h boasts a rating of 268 horsepower - more oomph even than the gasoline-powered RX330.

Toyota plans to promote the RX400h's dual personality by advertising that it has the equivalent power of a V-8 engine and yet still gets 28 miles per gallon - just like a compact sedan.

The goal, Cho said, is to "develop high performance and high fuel economy simultaneously."

Shelby is also trying to play to these seemingly disparate elements. Besides helping design the GR-1 - capable of accelerating from 0 to 60 mph in less than four seconds - he has a hand in Hydrogen Car Co., a Los Angeles enterprise that hopes to develop autos powered by clean, renewable energy.

"It's a big balancing act," Shelby said, "to get to where you can have sensible cars that also excite people."

Thursday, Jan. 13, Bakersfield Californian, Editorial

Welcome new refinery owner

If Flying J can accomplish half of what company officials say they want to do, its purchase of the Shell refinery on Rosedale Highway will be a boon for Kern County and the state.

The purchase also would be a corporate Cinderella story.

Shell at first said it was not interested in operating or selling the 1930s-era plant and would close it; that the refinery wasn't worth the cost of upgrading to meet environmental standards, even though the multinational giant admitted grudgingly that the plant turned a profit most years; and that there was a dwindling supply of economical local crude oil for the plant to refine into diesel fuel and gasoline.

But the new corporate prince charming wants to give the ugly-sister refinery a makeover and:

- Maintain local employment.
- Largely use crude stock from local oil fields.
- Expand the output of gasoline and diesel oil.
- Keep the plant's product in the region.
- Make the plant environmentally cleaner.

Can they do it?

The Utah-based company is one of the largest retailers of diesel fuel in the U.S. and Canada through its chain of 165 full-service truck stops.

Its refining subsidiary, Big West Oil, will operate the facility, so the odds for success look good, even though there are serious air and ground pollution issues to address.

It is difficult to see a downside. Local property taxes will rise, surrounding businesses and contractors will remain economically viable, consumers will benefit from more gasoline and diesel fuel, and environmental standards will be increased.

The deal was a close call.

It is doubtful that any good would have come about without unusually heavy political pressure on Shell to aggressively seek a buyer.

Democrat U.S. Senators Ron Wyden of Oregon and Barbara Boxer of California, Attorney General Bill Lockyer and the Federal Trade Commission all played a role.

They and Flying J deserve thanks for helping bring about a result filled with potential.