

## **Calif to give industry more time for diesel rules**

The Associated Press

In the S.F. Chronicle, Hanford Sentinel, and other papers, Friday, Oct. 8, 2010

Air quality regulators plan to give businesses more time to comply with California's tough emission standards for off-highway diesel vehicles, such as bulldozers and forklifts.

The California Air Resources Board said Thursday it is offering construction and other businesses more time because of the economic downturn.

The proposed delay would push the start time to 2014 and make it easier for companies to comply. Improvements were originally scheduled to begin in March 2010 for larger fleets with smaller fleets starting later.

California's 2007 rules require tractors, bulldozers and other types of diesel-powered equipment to be replaced or retrofitted over the next 15 years.

The changes proposed by the air board were approved by the Associated General Contractors of America, a trade group critical of the 2007 regulations.

The board has acknowledged that its staff overestimated pollution created by construction equipment, buses and trucks. It says there are about 200,000 fewer construction vehicles in California than the board initially thought.

The miscalculations led to the proposed changes.

"Our efforts today recognize the severe financial hardships that many businesses are experiencing due to the recession, while also ensuring that we meet our clean air obligations under federal law," board chairman Mary Nicholas said in a statement.

The construction and truck regulations are meant to improve California's air quality by targeting particulate matter and nitrogen oxide – pollutants blamed for contributing to respiratory ailments, cardiovascular problems and premature deaths.

Industry trade groups said the changes were a much-needed fix for a business hard hit by the recession.

"It was not easy, but we found a way to protect workers and air quality at the same time," said Mike Kennedy, general counsel for AGCA.

The board will do a final vote on the extension in December.

## **Prescribed burn southwest of Three Rivers is scheduled for Tuesday**

Staff Reports

Visalia Times-Delta, Monday, Oct. 11, 2010

A 1,500-acre prescribed vegetation fire is set to be lit at 9 a.m. Tuesday in the Grouse Creek drainage approximately six miles southwest of Three Rivers pending favorable weather conditions, CAL FIRE announced today.

The prescribed burn should only last until 5 p.m. Tuesday, officials said.

[Modesto Bee Editorial, Monday, Oct. 11, 2010](#)

## **MID plans 2nd look at biomass**

On Tuesday, the Modesto Irrigation District board will revisit a large biomass project proposed for the Beard Industrial area in east Modesto. The MID's attorneys have put this on the agenda, which suggests they see the district at legal risk for its abrupt rejection of the environmental review on Aug. 31.

The MID negotiated for more than a year with Stephen Endsley and his partner to buy power from an \$80 million facility that they would build to burn orchard prunings, old trees and other wood products.

The MID staff had supported the project and the board had signaled its support, voting unanimously in June for the draft environmental document. That report stated that the impacts were low and could be mitigated. The San Joaquin Valley Air Pollution Control District staff said it would OK a temporary permit because the emissions would be so low.

As our Aug. 15 editorial stated, the project would provide a sizable amount of "green energy" at less cost — and more consistently — than solar power. And because it would be built by a private company, the district's financial risk would be rather small.

When the environmental document came up for a hearing on Aug. 31, residents objected on several grounds — potential air pollution, the cost of power and even the wisdom of the federal government's stimulus programs. Three directors — Cecil Hensley, John Kidd and Paul Warda — suddenly voted no, with incomplete explanations. Hensley said he needed more time. If that was the case, he should have asked for a postponement.

That abrupt turnaround pulled the rug out from under Endsley, who needed the environmental OK even if he is to sell the power to someone else. To qualify for almost \$30 million in tax credits, he has to start construction on the plant by Dec. 31.

Endsley, who says he has invested about \$1.5 million in studies and plans for the project, went back before the board in late September to basically ask, what gives?

He's sent letters to the district, arguing that he had been negotiating in good faith for months and that his company, Valley Bio-Energy, had an enforceable oral contract with the MID. He also contends that the board's decision against the environmental document was "arbitrary and capricious ... with no findings of fact or reasons."

This issue appears ripe for a lawsuit, and we won't be surprised if it ends up in court. Whatever their legal responsibility, the MID directors who suddenly changed their minds should explain their votes.

This is obviously a setback for Endsley, but it also could be deterrent to other companies that might consider doing business with the MID. They wouldn't want to invest time and money in preparing a project only to have an unpredictable board change its mind without satisfactory explanation.

The MID meeting begins at 9 a.m. Tuesday at 1231 11th St.