

State budget crisis may make Valley air dirtier

Funding cutbacks could close biomass plants that turn ag waste into electricity.

By Mark Grossi, Lesli A. Maxwell, The Fresno Bee, December 23, 2002

Facing federal cleanup deadlines and lawsuits over dirty air, the San Joaquin Valley may soon lose some unexpected pollution-fighting

weapons -- several small power plants.

These so-called biomass plants make electricity by using agricultural prunings that would otherwise burn in state-sanctioned disposal fires on farms.

The plants produce 95% less pollution than open-field fires, a huge reduction considering the Valley can produce almost 1 million tons of farm waste annually.

But with state budget cutbacks and unsuccessful biomass bids for electricity contracts, some plants face closure in June. Others will continue but miss the benefit of state money that helped them make ends meet.

"We're not just a power company with a renewable energy source," said Kent Duysen, owner of Terra Bella-based Sierra Power, which would have to close if it doesn't have a long-term contract by June. "We're having a positive effect on the air in a place that needs the help. We should be considered differently in this valley."

Local air officials see much the same picture, saying biomass plants prevent

7 tons of particle pollution daily from going into the Valley's air, which is among the dirtiest in America.

The particles -- dust, soot and other specks -- are linked to increased mortality rates and lung disease.

But the state budget crisis may trump the Valley's air problems.

Gov. Davis has proposed eliminating \$4 million from the current budget that was set aside for biomass operators -- part of the \$10.2 billion package of midyear cuts he is pushing the Legislature to adopt to begin sewing up a record \$34.8 billion shortfall.

The money for the biomass grant began in 2000 as a three-year, \$30 million subsidy for the more than three dozen plants statewide. The money helped revive several struggling or closed biomass plants.

Since the first year, however, as state revenues declined dramatically, funding for biomass has been precarious. This year, it could be wiped out entirely. The budget has thrust lawmakers into a difficult position.

"Biomass is important not only for air quality, but for energy production," said Assembly Member Sarah Reyes, D-Fresno, who chairs the Assembly Utilities and Commerce Committee and sits on the Budget Committee. "But at a time when we're facing this kind of deficit, there's not going to be an opportunity for the state to subsidize them."

Biomass plant owners are not the only ones who will suffer from the loss of that subsidy, says a lobbyist for the California Biomass Energy Alliance, an association of plant owners.

"No one in the San Joaquin Valley can afford the extra emissions that will result if these plants close down," said Peter Weiner. "What we need is recognition at the highest levels of government that the air quality benefits are too great not to stabilize the biomass industry."

That argument works for one Valley lawmaker.

"If the rest of the state had to breathe the air we breathe, they would say that the money is a good investment, regardless of the budget," said Sen. Dean Florez, D-Shafter.

In addition to preventing particle pollution, the San Joaquin Valley Air Pollution Control District says, biomass prevents 4.6 tons of smog-creating nitrogen oxides from going into the air. Nitrogen oxides are emitted from combustion sources, such as fires or vehicles.

"[Biomass plants] are very beneficial," said Hector Guerra, senior planner with the district.

District officials figure the cost of reducing pollution with biomass plants is about \$1,400 per ton of soot and particles. Normally, up to \$5,710 per ton is considered an appropriate cost for other industries.

On the other hand, biomass electricity production is considered expensive compared to solar or wind energy. Biomass plant owners must pay for grinding up waste wood and hauling thousands of tons from farm fields.

To float loans for the work, the plant owners need long-term contracts with the state or with utility companies, they said.

The Valley's largest biomass plant, in Delano, landed a five-year contract with San Diego Gas and Electric. AES Delano Inc., formerly Delano Energy, is rated at about 50 megawatts -- each megawatt providing enough power for 750 to 1,000 homes.

But a five-year deal is a far cry from the 15- and 20-year contracts the biomass plants need to remain viable, said Doyle Hibler, plant manager. Without the state incentive program next year, his operation will have a tough time.

"It's going to be a stretch," he said.

It will be tougher for three Valley plants that have been shut out in their bids for utility contracts, Weiner said.

The three are Duysen's Terra Bella plant, Madera Power in Firebaugh and Dinuba Energy in Tulare County. Their combined 43 megawatts is enough electricity for up to 43,000 homes.

Now, with the state's energy contracting authority set to expire Dec. 31, they appear to have a six-month extension on their state contracts. But, by June, they will need to negotiate contracts with PG&E, Southern California Edison and San Diego Gas and Electric.

The Public Utilities Commission has ordered the utilities to buy more renewable power, which includes biomass, solar, geothermal and wind. But, because of higher costs, biomass has trouble competing with other energy production.

Some Valley biomass plants couldn't make ends meet and went out of business in the mid-1990s. But state money helped some plants reopen during the energy crisis in 2001.

One such plant was Madera Power in Firebaugh, owned by Energy Products of Idaho. Project manager Mike McIver said the state should try to keep biomass plants running.

"I would think the state would do everything possible to keep biomass plants going," he said. "If it means the state subsidizes them, I think it's right. We're talking about pollution control."

Air pollution rule stands

By Audrey Cooper, Record Staff Writer, December 21, 2002

An attempt to delay regulation of some farm-caused air pollution was rejected this week by a federal appeals court.

Environmentalists said the decision by the 9th U.S. Circuit Court of Appeals was an important step toward better air quality in the San Joaquin Valley.

The California Farm Bureau had asked the court to delay new pollution regulations for badly polluting farms until the court ruled on its lawsuit over the issue.

The new regulations require certain farms to apply for air permits under Title V of the Clean Air Act. That section of the law covers sources that emit more than 25 tons of pollution a year.

That could include a 4,000-cow dairy, or even a farm with six diesel pumps. Livestock waste and diesel emissions contribute to the Valley's unhealthy smog levels.

The U.S. Environmental Protection Agency agreed to regulate the farms as part of a legal settlement with environmental groups. Before that settlement, California agriculture had been exempt from air rules.

A Farm Bureau attorney said Friday she was not disappointed by the court's decision. While the group wanted the court to stay the regulations, it did succeed in pushing up the date of the court arguments.

That means oral arguments could be heard in early April, one month before farmers who own irrigation pumps must apply for the new air permits. Applications for other pollution sources, such as dairies, are due in August.

That's cutting it close, attorney Michele Dias said.

"Our main goal -- because this is so significant and has significant consequences for farmers -- is to be heard by the court as quickly as possible," she said.

"The EPA still hasn't said what all the guidelines will be, and our farmers are out there waiting. It falls on them to determine whether they need to get a permit, and hiring a consultant is expensive," she said.

Brent Newell, an attorney for the Center on Race, Poverty and the Environment, blamed the Farm Bureau for trying to delay the regulations. Two previous Farm Bureau lawsuits against the EPA were dismissed, he said.

"My clients are enthused, because what it means is that this effort to delay the rules has failed. The fact that the court denied the request also speaks volumes to the power of their argument," he said.

EPA attorney Kara Christenson said she didn't think the court's action indicated whether it was sympathetic to the EPA's argument.

"I hope that's the case, but I think it was a high legal threshold for the Farm Bureau to meet. Nevertheless, I think we're going to win when this comes up in the spring," she said.

More farmers could be covered under the new Title V rules if the Valley's air problem is declared "extreme," one step up from the current "severe" rating. Under the "extreme" category, 1,500-cow dairies or farms with just two small pumps could be regulated.

* To reach reporter Audrey Cooper, phone **546-8298** or e-mail **acooper@recordnet.com**

[Visalia Times-Delta Editorial, December 23, 2002:](#)

Dairy serves itself best with self-regulation

Agriculture is not the privileged customer it used to be, especially in California. A series of measures -- labor laws, anti-pollution regulations, environmental requirements, health and safety laws, even sales taxes -- are all being applied to the California agriculture and once-routine exemptions to those laws are being lifted. This is simply among the new facts of life for agriculture, which needs to brace itself as an industry and be prepared for it. Farmers are not going to consider this fair treatment; they're already dealing with weather, pests, global markets, wet seasons, dry seasons, a law-book shelf of regulations and a fickle consumer. It's not as if they needed something else to deal with. They're going to get it, though, ready or not. So they might as well be ready. Among the latest is a new set of regulations governing dairy waste. New regulations released last week by the Environmental Protection Agency require large dairies -- those over 700 cows -- to obtain a permit to control pollution under the Clean Water Act. This will apply to most of the dairies in the Tulare County, where the average dairy herd size is 1,269 animals. The new regulations also stipulate how much manure can be applied to fields as fertilizer, and will require farmers to report on the numbers of animals and amount of manure produced. Tulare County was about to require that of dairy farmers anyway. There is somewhat hopeful news

there, in that the county is already anticipating some of these things and adding new stipulations of its own on dairies. Dairies will be forced to comply one way or another, so they might as well get used to it on the county level. The dairy industry is already developing guidelines of its own under the California Dairy Quality Assurance Program and is wise to do that. The last thing the industry wants is to be seen as a despoiler of the environment. It is fighting enough misconceptions about its business as it is. The dairy industry needs to stay ahead of the curve of these increasing regulations, however. It serves itself and the rest of the agriculture community much better if dairy projects a record of taking care of its own environmental problems. There won't be any going back to old ways of doing business for dairy or any other agricultural enterprise, and there probably shouldn't be. The best way to keep agriculture viable is to be so scrupulous about maintaining a good record of attention to the environment that there are never any threats from the outside.

[Letters to the Editor, Fresno Bee](#)

[December 23, 2002:](#)

'Drastic measures'

By Noelle Soto
Fresno

In regard to your Dec. 15 publication of the special report on the current conditions of the Valley's air quality, I would like to commend you and your staff.

This was a much-needed wake-up call to the residents of Fresno and the neighboring counties. No one seems to comprehend the issues and drastic measures that are needed to improve the air. Many turn their heads away from the idea of how they are causing and adding more pollution to the status quo. With this special report, I hope many more people will see what they can do to help our air for future generations. The power of change begins now.

[December 22, 2002:](#)

Special 'Last Gasp' report : 'no finer effort to educate'

By Winston H. Hickox
Secretary, California Environmental Protection Agency, Sacramento

My congratulations to The Bee for its incredibly insightful presentation of the San Joaquin Valley's air quality dilemmas in your special report "Last Gasp."

The Bee has performed a valuable service for its readers and all Valley residents by exploring the issue of air pollution in such depth and detail.

"Last Gasp" is a powerful special report that clearly shows how some of the factors that make the Valley so productive also make its air so polluted.

Your readers will understand that, just as there is no single source of smog and haze, so, too, is there no single solution. Residents, employers, local, state and federal agencies must all work to solve problems that have built up over decades.

Air quality is one of the major environmental areas within the Cal/EPA family. As with water, waste and our other responsibilities, we depend on sustainability, indicators and education to contribute to long-term solutions.

Sustainability: Are the current trends that affect the state of our environment sustainable?

Indicators: What does monitoring the condition of our environment tell us about the trends in air and water quality and other aspects of our environment?

Education: What are we telling our citizens about their environment, and how are we helping them to better understand the problems we face and the alternative solutions we must consider, so that they will be better prepared to participate in the public discourse that will shape our future?

Measuring and tracking pollution data may be depressing today, but can point the way to solving the problem. Those who were fascinated by "Last Gasp" may want to look at the report on Environmental Protection Indicators for California (EPIC) at <http://www.oehha.ca.gov/multimedia/epic/index.html>.

Finally, I believe your readers should know that I have seen no finer effort to educate than your special report. The service you have provided your readers is invaluable to them and to those of us involved on a daily basis in the public discourse.

I look forward to working with Fresno-area residents in efforts to improve the Valley's air quality. Thank you again for your outstanding contribution to the Valley.

'Last Gasp' in focus

By Pat Dressler
Hanford

I commend the editorial staff of The Bee for its effort in focusing on the dirty air here in our Valley.

Something needs to be done and we need to hold accountable the industries that create this horrific environment we live in. We need to demand that the Environmental Protection Agency do its job to help us clean up our Valley.

We as citizens must look at what we can do to improve our air quality and get politically involved by working with local industries to create a safer and more livable environment.

'Call to action'

By Cheryl Lingo
Reedley

You are to be commended for "Last Gasp," your in-depth report on Valley air quality. It confirmed many of my fears about the severity of the problem and introduced me to some concerns not yet on my radar.

Most importantly, however, the report convicted me of my rather cavalier attitude that "other people" need to do more to clean up our air. After all, I don't own an SUV (anymore), and I have an energy-efficient gas insert in my fireplace.

I suppose it is part of our flawed human nature to lay blame on others, so it's easy to attack farmers, dairymen and businesses for the massive pollution problems we face. It's much harder to attack the other sources of pollution listed in the chart in your report that hit much closer to home -- the ones that require me to change my daily practices; the ones that will inconvenience me and cost me more money.

I hope every reader hears the same call to action I heard in your report, one that places responsibility for our air quality to individuals, not industries. To paraphrase a famous line, "I have seen the enemy and it is me."

'It is our air'

By Joan Lipton
Fresno

The "Last Gasp" special report Dec. 15 is a clarion call to action. We cannot get out of this ugly, unhealthy mess unless we all work on it together.

Every day each of us should ask, "What am I doing for our air today?" Everyone who lives and breathes in our basin has a responsibility. Time is ticking. We should not wait any longer for the Environmental Protection Agency to force the issue. It is our air, the air we breathe. Blaming the Bay Area will not help us.

We all create pollution by our lifestyles and our way of doing business. We cannot wait, period. Let's stop pointing fingers or keeping our heads in the sand and just do it. The curative suggestions are in The Bee's tour de force, "Last Gasp."

Fleeting sight

By Larry A. Smith
Fresno

Did you see the breathtaking view of the snow capped Sierra Nevada on Wednesday? No? Darn. Perhaps there will be one day in 2003 when you can actually see their splendor.

Another look

By Mark S. Keehnel
Central High School West

Thank you for your work on the issue of air pollution in the San Joaquin Valley. It is a very emotionally charged issue. While I don't necessarily agree with all of the tenets of your work, it certainly has forced me to re-evaluate my long-held opinions.

I am both a high school science teacher and a part-time respiratory therapist with 21 years' experience in the Valley. I am curious: Has there been any study regarding the issue of acid rain connected with our air pollution? Could you cite and sources on the Internet that you have found helpful?

I'm using "Last Gasp" in my chemistry class. We collected the Dec. 18

Clamp down on cars

By Sydney Bluestone
Fresno

The Bee is to be commended for its list of solutions to the deteriorated Valley air quality in its special report "Last Gasp." I believe the following additional pragmatic suggestions may be implemented rather quickly in the Fresno-Clovis area and have some tangible restorative effect on one of "the nation's worst air basins."

Cut the number of automobiles that enter downtown Fresno by requiring a minimum of two passengers in each auto to enter a downtown parking lot. This should produce a substantial reduction in automobile traffic.

Start mass transit by running express buses on Freeways 41 and 168 to downtown Fresno. Make the right-hand lane a bus (non-diesel) lane except for entrances and exits. This requires building large parking lots, for example, along Highway 41 near Children's Hospital and one in Clovis in proximity to Freeway 168 or other locations. Charge a dollar for each trip between the hours of 6:30 to 9 a.m. and from 4:30 to 7 p.m. with frequent departures. Riders would save on gas, parking fees and automobile wear. This would reduce auto traffic and get the public used to mass transit.

The Bee's "Last Gasp" report has other proposals for helping clean the skies of pollution (such as encouraging people to ride bicycles to work, entailing additional bike lanes). Let us never forget one out of seven of the Valley children have some form of asthma.

'Stop this plague'

By Julianne Rooney
Fresno

After reading the special report, "Last Gasp," I realized the pollution problem in the Valley is only

getting worse. There are plenty of excuses, but has anything been done yet to fix the ongoing problem?

As an environmental science student, I now know the terrible consequences our carelessness has brought. More and more children are acquiring asthma, and the pollution doesn't stop in the Valley; it travels everywhere in its reach.

One major concern of mine with the pollution problem is the amount of excessively polluting vehicles. The vehicles that topped the list are older cars, followed by newer trucks and cars. I am outraged by the fact that people continue to drive these cars. The damage they are doing to the environment is far more than the benefits of keeping the car.

I want to urge people to reconsider their way of life, and do anything possible to stop this plague. If not, we can only imagine the way our lives will be in the near future.

[Letters to the Editor, Modesto Bee, December 23, 2002:](#)

Fireplace ban would boost health

I would like to answer Constance Nguyen's column on the proposed fireplace ban ("Wood fireplace ban will hurt much, help little," Dec. 9, Page B-6).

I will not go into the side issues she raises, only the main topic: Why propose a ban on burning wood in the winter?

Wood smoke makes up about 30 percent of the present composition of our winter air pollution. It contains hundreds of noxious compounds along with soot. Many of these chemicals and particles get into our lung tissue to cause asthma and aggravate other health problems. Our winter pollution does not come from the Bay Area -- we create it all ourselves. Since wood smoke is not really good for us to breathe and composes a sizable portion of the pollution problem, it's worth taking a look at reducing it.

The ag burning program is mandatory and farmers have about 100 days of restrictions per year on their wood burning. Residents will be asked not to burn wood only for about five to 20 days per year. Those days will be when the air is already unhealthy for healthy adults -- much worse than air considered unhealthy for the elderly, the ill and children.

Wood-burning stoves (as opposed to fireplaces) are exempt, and for the last 10 years there have been EPA-certified inserts for fireplaces that will allow residents to have wood fires. Also exempt are those who have no other source of heat, who live at or above the 3,000-foot elevation, or who live where gas and propane are not available.

CAROLINE MITTON

Modesto

More heat, fewer colds

Here is another positive comment about wood stoves. I wonder if anyone has looked into a factor that our family has experienced in wood-burning stoves.

When my wife and I were raising our son and daughter in the 1960s, we used natural gas for heat. All four of us got colds in the winter months.

In 1972 we put in an old pot-belly wood stove that came from an old schoolhouse. This stove heats the whole house. We open a window about 2 inches in the farthest room to create a draft that sucks heat through the house.

The biggest factor we have noticed is no more colds, for any of us. To this day. I'm 70, the wife is 63. Both son and daughter have homes and children and live in homes with gas heat. Guess what? They all get colds in the winter.

One more thing: I still do not take flu shots. I am one that will not give up my pot-bellied wood-burning stove.

K.R. KUNDE

Manteca