

EPA to issue new rule on mercury emissions

Not all power plants will need to cut pollution

Shankar Vedantam, Washington Post
in the S.F. Chronicle, Tues., March 15, 2005

Washington -- The Environmental Protection Agency is to issue a rule today to reduce mercury emissions from power plants through a cap-and-trade system that allows some power plants to make deep pollution cuts while others make none.

The rule sets broad national limits on mercury emissions that enables power companies to decide which coal-fired plants will receive pollution controls -- meaning that even as many states reduce their emissions, some could see increases in emissions of mercury, a potent neurotoxin.

The rule is certain to be contested in court by environmental groups, who charge that it places the financial interests of power companies over public health.

Industry groups back the cap-and-trade approach as more practical and cost-effective than the alternative that environmentalists prefer: limiting emissions at every plant.

The biggest mercury emissions come from plants in Texas, followed by those in Indiana, Ohio, Pennsylvania, North Dakota and Kentucky, according to the EPA. California has fewer than a half-dozen coal-fired power plants, while Idaho, Rhode Island and Vermont have none.

The EPA's actions in developing the mercury rule prompted intense criticism by the agency's inspector general and the nonpartisan Government Accountability Office, which said the agency ignored scientific evidence.

"It is unconscionable (that) EPA is allowing power companies to trade in a powerful neurotoxin -- it is unprecedented and illegal," said S. William Becker, executive director of two bipartisan state environmental groups, the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials.

To justify the new approach, the administration reversed a decision by the Clinton administration to list mercury as a "hazardous air pollutant." That allowed for greater flexibility in designing emission controls and made possible a trading system to mesh with an EPA rule issued last week to control emissions of sulfur dioxide and nitrogen oxides, said Scott Segal, a spokesman for the Electric Reliability Coordinating Council, which represents a number of coal-fired utilities.

Today's rule will call for a cap of mercury emissions at 38 tons per year from power plants by 2010 -- down from 48 tons at present -- and an additional reduction of 15 tons per year by 2018.

Smog-Busting Inventors Get Tech Award

By BEN DOBBIN, Associated Press Writer
in the S.F. Chronicle, Tues., March 15, 2005

Rochester, N.Y. (AP) -- Three scientists who helped this car-crazy world breathe a whole lot easier have been given the nation's highest technology award.

Their creation - a ceramic honeycomb that oxidizes auto emissions - has kept an estimated 3 billion tons of toxic pollutants out of the atmosphere over the last 30 years.

"People don't realize how bad it was when millions of cars were spewing out deadly fumes," said retired engineer Rodney Bagley. "Many of the cities were almost unbreathable" in the 1960s.

The soda can-sized device developed by Bagley, Irwin Lachman and Ronald Lewis at Corning Inc. in 1972 and 1973 made air pollution control practical for the first time. Its paper-thin walls were coated with precious-metal catalysts that turned lung-choking gases streaming through automotive exhausts systems into water vapor, nitrogen and carbon dioxide.

President Bush awarded each of the men a National Medal of Technology during a ceremony Monday at the White House.

Theirs was possibly the most significant contribution to air pollution control, but one that "needs time to develop ... before all those years of use shows up as a benefit," Lachman said.

First fitted in 1975-model cars, the honeycombs are now used in 95 percent of the world's autos with catalytic converters. By 2007, all new diesel vehicles on U.S. highways will need to be equipped with the smog-busting devices.

Lachman and Lewis came up with the "miracle material" - a mixture of clay, talc and alumina, an oxide of aluminum - capable of withstanding immense heat and cooling rapidly without cracking. Bagley devised the manufacturing process to create thousands of the cells.

EPA Issuing New Mercury Pollution Rules

By JOHN HEILPRIN, Associated Press Writer
in the S.F. Chronicle, Tues., March 15, 2005

WASHINGTON, (AP) -- The Bush administration says its new power plant regulations will cut mercury pollution from electric utilities nearly in half by 2020, raising electricity prices but helping protect fetuses and young children from a toxic metal known to cause nerve damage.

Yet critics say the Environmental Protection Agency's rules, which use an industry-favored market trading approach rather than required cuts at each specific coal-burning power plant, fail to do all that the Clean Air Act requires.

"Unless every coal-fired power plant is required to reduce its emissions, dangerously high concentrations of mercury in Maine and other parts of the country will persist," said Sen. Olympia Snowe, R-Maine.

The EPA on Tuesday was issuing the regulations - the first mercury controls on coal-burning power plants - to meet a court-ordered deadline in a settlement with the Natural Resources Defense Council, an environmental group that sued EPA 13 years ago to regulate hazardous air pollutants from power plants. Since the late 1990s, the EPA has regulated mercury dumped in water and air from municipal waste and medical waste incinerators.

Environmental and public health groups, including the Defense Council, criticized EPA's approach for not requiring all power plants to use the best available pollution-control technology.

"It's the do-nothing approach to mercury," said John Walke, NRDC's director of clean air programs. "They get a holiday basically ... that requires them to reduce mercury no more than would incidentally be achieved from their smog and soot cuts."

The new EPA rules anticipate that the nation's 450-plus coal-burning power plants that now produce a total of 48 tons of mercury each year will cut that amount to 31.3 tons in 2010, 27.9 tons in 2015 and 24.3 tons in 2020.

The agency's "cap-and-trade" approach sets a maximum on how much pollution should be allowed, then lets companies trade within those limits. Some companies can increase pollution while others turn a profit selling unused pollution allowances.

Dan Riedinger, spokesman for the power industry's Edison Electric Institute, said a cap and trade approach is preferable to setting a single deadline for making technology improvements that, once met, gives "little or no incentive" to cut more pollution.

Scott Segal, director of the Electric Reliability Coordinating Council, a group of power companies, said using market forces to control pollution would result in significant cuts while providing stability for consumers and electricity producers.

"The federal government is wise to avoid overly inflexible mercury control programs," Segal said. "If regulations force utilities to shift from coal to natural gas, the result is predictable" - higher electricity prices.

Utilities could also meet the EPA's targets by switching to cleaner-burning coal or natural gas. But power plants at first will not have to do anything more than what is required to reduce two other

pollutants under a rule EPA issued last week to address air pollution that travels long distances, agency spokeswoman Cynthia Bergman said.

That's because the mercury rule "relies completely" during first five years, she said, on incidental cuts from scrubbers to reduce fine particles from sulfur dioxide and from chemical processes to reduce smog-forming ground-level ozone from nitrogen oxides.

After that, power plants are expected to find ways to specifically reduce mercury.

"While this rule is protective of public health, most of the mercury that creates health risks for Americans comes from fish contaminated from sources that we can't control," Bergman said Monday. "This is a global problem."

In the meantime, she said, pregnant women and women of childbearing age should heed government warnings to limit fish intake, since most Americans consume fish from abroad.

Mercury concentrations accumulate in fish and work up the food chain, which has prompted most states to issue fish consumption advisories. Forty percent of mercury emissions come from power plants, but those emissions have never been regulated as a pollutant.

Supes will consider new air district bill

By Seth Nidever, Sentinel Reporter
Hanford Sentinel, Mon., March 14, 2005

HANFORD - On Tuesday, the Kings County Board of Supervisors plans to oppose a State Senate bill that would change the composition of the San Joaquin Valley Air Pollution Control District's board of directors.

SB 999, authored by State Sen. Mike Machado (D-Linden), would increase the current board membership from 11 to 15 and change the way some members are picked.

Currently, each of the eight counties gets one appointment and three cities - one from the north region, one from the central region and one from the southern region - each get one appointee.

The bill would consolidated Kings and Madera counties into one appointment and change the way cities are represented.

Under the proposal, the district's largest cities - Fresno, Bakersfield, Modesto and Stockton - would each get a permanent member, with Fresno receiving a second appointee to reflect its higher population.

The remaining three board appointments, one of whom must be a medical doctor, would be chosen to represent the entire district from a list of nominees submitted by health and environmental organizations, public officials and other groups.

In other business, the board will:

- Get an update on construction of the new county jail and the cogeneration plant at the Kings County Government Center.

- Consider approving Kings County Mental Health's request for state money to fund the extensive planning process necessary to get Prop. 63 up and running in the county. Prop. 63, which passed last November, levies a 1 percent tax on all income above \$1 million to expand county mental health services statewide.

Flying J ready to take over Shell refinery

By ERIN WALDNER, Californian staff writer
[Bakersfield Californian, Tuesday, March 15, 2005](#)

All systems are go for Flying J Inc. to take possession of the Shell Bakersfield Refinery today.

Jeff Utley, senior vice president at Big West Oil LLC, Flying J's refining division, said Monday the companies would close the deal today. Some paperwork needed to be signed, he said, and that was it.

The sale protects \$2.6 million in annual state and local tax revenue, about 250 good-paying jobs and helps guard against even higher fuel prices.

The Rosedale Highway refinery produces 2 percent of the state's gasoline supply and 6 percent of the diesel.

"I think it's a victory for the city, but I think Shell has made it more difficult than it had to be," said Jamie Court, president of the Foundation for Taxpayer and Consumer Rights in Santa Monica and a vocal critic of Shell's handling of the refinery.

This was not the outcome most expected, or even hoped for, when Shell announced in November 2003 that it was closing the refinery in 11 months. Company executives cited continual declines in San Joaquin Valley heavy crude oil as the reason.

Asked if the company had considered selling the plant, officials said no one would want it.

Shell was greeted with a firestorm of protests.

The company was accused of trying to tighten the market to increase profits at the pump. California Attorney General Bill Lockyer and the Federal Trade Commission launched investigations into the matter.

Shell eventually agreed to delay the refinery's closure to give time for a buyer to surface. Flying J entered the picture in January when Shell announced it had signed an agreement with the Ogden, Utah-based company to buy the refinery.

This was just three months shy of Shell's revised, and final, closure date for the refinery.

"This is a victory. It would be a bigger victory if Shell hadn't sabotaged the turnaround of the hot refinery," Court said Monday. The plant is temporarily down. In refinery terms, it's cold.

Shell spokesman Stan Mays said the work was timed with a PG&E project.

Cindy Pollard, a local spokeswoman for Pacific Gas and Electric Co., said the utility is upgrading a two-mile, 115-kilovoltage power line, and the refinery needed to be off line for the work to be completed. She said back when PG&E and Shell were scheduling the work, the company and utility decided now would be the best time because the refinery would be closed by now.

Workers at the refinery are using the downtime to make repairs to the 73-year-old plant.

Court also claimed Shell has prevented former refinery workers from returning to work under Flying J.

Ed Huhn, secretary-treasurer of the local union that represents workers at the refinery, said if an employee took a severance package from Shell, he or she cannot work at the refinery for a year, per an agreement between the union and Shell. The employee can return to the plant under Flying J if he or she gives back the severance package.

Environmentalists get behind law

Groups worry that changes may weaken everyman tool

By ERIC STERN - BEE CAPITOL BUREAU

Tuesday, March 15, Modesto Bee

SACRAMENTO - Conservation groups are bracing for an assault on a landmark state environmental law they say has helped ordinary citizens fend off encroaching development since 1970.

They're rallying behind the California Environmental Quality Act, or CEQA, that calls for a public review of how construction projects will affect the air, roads, wildlife and water supply. The law

also determines ways to offset the consequences of building - in some cases by setting aside an acre for conservation for every acre developed.

Legislative leaders and Gov. Schwarzenegger's administration have targeted the CEQA review process as they push to streamline regulations to make it easier to build more housing.

Ideally, they want to increase the supply of housing so much that prices drop.

Home builders long have complained that the CEQA has been abused by "not-in-my-back yard" opponents who try to drag out projects in costly court battles to scare away developers.

Environmentalists disagree. The CEQA is "the one really effective way to give people a voice in their community" when developers have better access to policy-makers in city halls and the Legislature, said Karen Douglas, acting executive director of the Planning and Conservation League.

"What we're really trying to do is issue a wake-up call and tell people what's at stake," she said.

The group is issuing a report today with the California League of Conservation Voters about "everyday heroes" who have fought plans like building a toxic waste incinerator in Los Angeles and a major housing development on Contra Costa County farmland.

Eliminating requirements

"We need (CEQA) now more than ever to fight back against powerful builders and developers who are eager to find a way around this popular law," said Susan Smartt, executive director of the California League of Conservation Voters.

A push at the Capitol would eliminate some CEQA requirements on a project-by-project basis in urban areas, replacing them with an upfront environmental review for a wider region and making it harder to thwart future projects in the region.

Environmentalists say they are open to changing the CEQA to better fill in urban areas with housing and avoid sprawling development. But they are concerned that proposals to weaken the CEQA, if not restricted to true urban cores, could encourage developments on the outskirts of cities.

Patrick Dorinson, a spokesman for the Business, Transportation and Housing Agency, said Monday that the governor's plan to expedite housing is still taking shape. "Nothing's been finalized yet," he said.

Senate Democratic leaders, who unveiled their own housing plan recently, have vowed not to "gut" the CEQA, although their proposal does call for changes to the law.

Tim Coyle, a lobbyist for the California Building Industry Association, said environmental groups are jumping too fast.

"This is a classic position, that any modification or any change to CEQA is somehow defined as gutting the law," Coyle said Monday. "CEQA is not the problem; it's the people who abuse CEQA that are the problem."

Environmental advocates warn that moving too quickly on projects will short circuit the public's role in shaping land-use decisions.

"With the public participating, you can always get positive changes," said Lydia Miller, of San Joaquin Raptor Rescue Center, who has been involved in CEQA battles over farmland development in Merced and Stanislaus counties.

Grants will help monitor valley air

Latino communities often overlooked by state, advocate says

Tuesday, March 15, in the Modesto Bee, (originally published in the Fresno Bee)

Two environmental grants given to nonprofit agencies in the central San Joaquin Valley will help people become clean-air advocates and allow rural residents to know how dirty the air is in their communities.

Everyone in the valley should have the chance to express opinions about air quality to the state's regulators, according to Carolina Simunovic, the environmental health director at Fresno Metro Ministry, which advocates cooperation among various religious groups in Fresno and local service organizations to help resolve community problems.

People are upset about having to use asthma inhalers to breathe, but don't know how to make their voices heard, Simunovic said.

An \$83,000 New Constituencies for the Environment grant from the William and Flora Hewlett Foundation will train people how to become clean-air advocates, Simunovic said.

The focus is on assisting low-income people and ethnic minorities "that need to be active and need to have a voice," she said.

Latino Issues Forum will use a \$100,000 grant to increase the number of air-quality monitors in the valley, said Chione Flegal, senior program manager at the public policy and advocacy institute in San Francisco.

The agency, which operates an office in Fresno, plans to start a monitoring program over the next couple of months in Huron, Flegal said.

"There is currently a gap in where (air quality) information is being gathered. These areas tend to be rural, low-income, predominately Latino communities," she said.

Eric Brown, a William and Flora Hewlett Foundation spokesman, said the goal is to help organizations that are working to solve air pollution problems in the valley.

"Local groups can provide you with a real understanding of what's happening on the ground - and they are very close to the community," Brown said. "They deserve a voice in the debate over air quality. And our hope is we'll be able to continue to provide them with resources to get these stories out."

The William and Flora Hewlett Foundation of Menlo Park has been awarding grants since 1966 to help solve environmental problems.

Borbas hint they may use farmland for development

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Tuesday, March 15, 2005

Like the catchphrase of a popular old television commercial, you could accurately make this statement: When the Borbas talk, people listen.

What that means for 330 acres of farmland being canceled from a non-development agreement is, nevertheless, a mystery.

James Borba, part of the high-profile dairy clan from Chino and owner of B&B Dairy LLC south of Bakersfield, is asking county supervisors to take the acreage out of so-called "Williamson Act" enrollment.

Farmers pay lower property taxes under the act by agreeing not to develop land for 10 years. The state subsidizes the program by paying counties for some lost revenues.

When farmers don't renew enrollment, they're essentially sending a signal that the land is slated for development down the road.

The 330 acres requested by Borba won't be out of the Williamson Act program until Dec. 31, 2014.

The acreage juts south of Taft Highway, atop the curving boundary of the Buena Vista Canal. It sits at the northwest corner of a giant patch housing twin Borba operations: a pair of dairies owned by cousins James and George Jr., each home to about 14,000 cows.

James Borba could not be reached Monday afternoon for comment.

In the late 1990s, the family spearheaded what's become a migration of Chino dairies to Kern County.

The twin Borba dairies, first proposed in 1998, [inspired a wave of dairy litigation by environmental groups](#). The lawsuits ended up changing how Kern handles dairy applications.

Two Borba family members also sit on the board of directors of Citizens Business Bank, which started in Chino in the 1970s.

The bank moved into the Central Valley, and Kern County, in 2003, with the purchase of Kaweah National Bank. George Borba Sr. has served as the bank's board chairman since it was formed in 1973, according to the bank's Web site. John Borba is also a director.

[Bakersfield Californian, Editorial, Tuesday, March 15, 2005:](#)

Refinery news hits spot

The San Joaquin Valley Unified Air Pollution Control District was correct in granting the Rosedale Avenue refinery more time to comply with new air pollution control requirements.

The district board last week granted Flying J Inc. a one-year extension for compliance, despite Kern County and the San Joaquin Valley having some of the worst air quality in the nation.

The decision reflects a well-thought-out balance between the need for stricter emission requirements and the ultimate benefits of the promised improvements to the refinery.

The new emission control requirements had been imposed on the previous owner, Shell Oil Co. But in 2003 Shell said it would shut down the facility that produces 6 percent of the state's diesel and 2 percent of its gasoline supplies.

Although small quantities, given the tight supply statewide pressures from federal, state and local officials were put on Shell to sell the profitable refinery that it had acquired as an outgrowth of the merger of Chevron and Texaco, the former owner.

Even with all of that, Shell said the refinery was too old, inefficient and not close enough to economical supplies of local crude to make it attractive for sale by a December 2004 deadline. The company allegedly put restrictions on the sale that seemed to doom the refinery's continued operation.

Shell then modified its rationale for dumping the facility, saying it didn't meet the company's long-term strategic plans. In either event, the company did not undertake the pollution control improvements since it didn't anticipate the refinery's continued operation.

Flying J -- operator of truck stops throughout the West -- felt differently and emerged as a last minute buyer, reportedly paying \$130 million.

Its refinery operating subsidiary, Big West Oil, completed negotiations with employees and announced that it would upgrade the refinery and double its gasoline output.

But it said it could not do so in the short time remaining before a mandated June date for compliance with the new emission requirements for boilers, team generators and heaters.

Any improvement in emission controls -- even if momentarily delayed in implementation -- is good news for the entire region and the oil industry.

For gasoline consumers, more of the uniquely formulated gasoline required in California will help offset ever-tighter and more expensive supplies.

Agricultural diesel fuel users also will see maintenance of supply. Keeping the plant in operation will reduce the number of truck transportation of supplies, itself a potential pollution problem.

And for subcontractors and businesses in the region, the continued operation of the refinery is a desperately needed economic boost. All that and ultimately fewer emissions are good rationales for the APCD board's decision.

[Fresno Bee editorial, Tuesday, March 15, 2005:](#)

Common ground

UC Merced, Fresno State seek ways to work together for Valley's good.

We can't think of a more appropriate partnership than California State University, Fresno, teaming up with the University of California at Merced to research air, water and other environmental issues confronting the San Joaquin Valley.

These projects will leverage the strengths of an established state university and the newest UC campus to pursue challenges that don't stop at county lines. These issues must be confronted on a regional basis and the two campuses have the resources and the commitment to lead that effort.

Science faculty members from both universities are discussing how to collaborate on the research. Most recently, about 45 faculty members from the two universities met in Merced to discuss strategies. One of the things that officials from both institutions are working on is how best to use each other's faculty, students and scientific equipment.

Chancellor Carol Tomlinson-Keasey of UC Merced points out that a sound foundation in science will be critical to her institution's success in the Valley. It also is a requirement if there's going to be any chance of a medical school being established here. Tomlinson-Keasey said a medical school is probably 10 years away, but it will take cooperation now to create the conditions required to get the facility.

This effort will put renewed emphasis on the importance of student achievement in the Valley, especially in the sciences. For a variety of reasons - poverty and language barriers among them - students here have not performed as well as they should. We must improve education in the Valley. It will help if UC Merced and Fresno State are working together. California's Master Plan for Higher Education establishes the UC system as the state's primary research university, but we believe that role should be augmented by California State University campuses.

In the rapidly changing 21st century, research shouldn't be limited to a single part of California's highly respected public universities. Cooperation between Fresno State and UC Merced in many areas should show the wisdom of such collaboration.

These two institutions are setting an important tone for Valley governmental agencies: You can get results by working together instead of floundering by engaging in jurisdictional jealousies.