

Curbs on Dust in the West Targeted

The EPA wants to drop the clean-air rules for rural areas. An official with the air quality district for Owens Valley calls it 'outrageous.'

By Janet Wilson, Times Staff Writer

Los Angeles Times, Wednesday, January 18, 2006

Bush administration officials are moving to strip significant clean-air protections from broad areas of California and other Western states, saying that rural areas should no longer have to meet federal rules for windblown clouds of dust, and that mining and farming operations also should be exempt.

The proposed rules were published in the Federal Register on Tuesday by the U.S. Environmental Protection Agency. They would become final later this year after a public comment period.

In contrast to rural areas, the proposal would toughen rules on so-called coarse particulates in urban areas, including parts of Southern California. In Riverside and San Bernardino counties, dust from roads and construction sites has been a major contributor to smog. That part of the proposal has not been a subject of major controversy.

The pullback in rural areas, which drew praise from the mining industry and condemnation from air regulators and environmentalists, would particularly affect places such as the Owens Valley, which has the worst dust storms in the nation - a product of Los Angeles' draining of Owens Lake. The head of the regional air pollution control agency there called the administration's proposal "outrageous."

Although the rule would apply nationwide, its greatest impact would be in the Western states because the West has much larger rural areas and because dust is a greater concern in arid regions.

In a written statement to The Times, EPA spokesman John Millett said the new rule was based on "thorough consideration of thousands of studies of the health effects of particulate matter."

"The evidence to date does not support a national air quality standard that would cover situations where most coarse particles in the air come from sources like windblown dust and soils, agricultural sources and mining sources."

Millett said the EPA's science advisory panel supported the policy. But the advisory commission's report to EPA Administrator Stephen Johnson showed a difference of opinion among members.

Some said the EPA should continue to regulate dust in rural areas. And all panelists said the EPA should continue to monitor the level of particles. Under the proposal, the EPA would stop monitoring in rural areas.

California air pollution regulators disputed the EPA position.

"They're saying that what's in windblown dust and soil, what's being emitted from dirt, basically, is not bad for you. And we just don't know that," said Richard Bode, chief of the Health and Exposure Assessment Branch of the California Air Resources Board.

State air board officials said they were particularly concerned that the change in federal policy could harm air quality in the Owens Valley and three other parts of the state: the Salton Sea, where a water diversion program is set to begin that could create new air pollution headaches; northern Sacramento County; and the Calexico border region.

All four areas have levels of dust that sometimes violate current federal rules but would be exempt under the proposal because they are rural.

Under the plan, the EPA would continue to regulate so-called fine particulate matter - tiny particles from soot and other sources that can penetrate deep into the lungs. Those particles are closely tied to truck traffic and have become a major problem in Southern California.

In rural areas, regulation of coarse particles would fall to individual states. California is the only state with its own rule. And even in California, air regulators said, the absence of federal rules would weaken their ability to force industries to clean up.

"What EPA has done is unprecedented" by giving exemptions for certain parts of the country and certain industries, said William Becker, executive director of an association representing state and local air pollution control officials across the United States. Exempting farming and mining "ties the hands of most states," he said.

Ted Schade, head of the Great Basin Unified Air Pollution Control District, which oversees air quality at Owens and Mono lakes, called the EPA proposal "a real slap in the face."

Federal regulations have more teeth than state rules, carrying the possibility of fines for polluters and a loss of transportation funds for state governments if pollution levels are not brought down, Schade and state air regulators said.

The administration's move "would take away that federal hammer," Schade said.

Schade said that it was unfair to eliminate protections for more sparsely populated areas, and that federal regulators appeared to be ignoring visitors to four national parks and three wilderness areas that are sometimes hit by dust storms that start around Owens Lake.

He and others disputed the EPA's contention that health studies have shown inconclusively that large-particle dust from mining or agriculture is dangerous. In some parts of the West, including the Owens Valley, the soil contains arsenic, sulfur compounds and toxic metals that can make dust clouds a potential health hazard.

Air regulators cited studies in the Coachella Valley and elsewhere that have shown that coarse dust can clog lungs and cause asthma, heart disease and other health problems. They said that although fewer studies had been done in rural areas than in urban regions, the lack of data should be a reason to maintain standards and continue studies, not eliminate the rules.

In August, the California Air Resources Board wrote to the EPA to object to a draft of the current proposal.

"We do not agree ... that the available evidence is adequate to conclude there are few, if any, adverse health effects associated with coarse particles originating in rural areas," the California regulators wrote. "Although there are only a few studies to date ... there is sufficient evidence to conclude they can induce adverse effects."

Both industry and environmental groups have sued the EPA in the past over dust and soot rules. Dr. John Balbus, who works for Environmental Defense, a national environmental organization, said his group would evaluate its options.

"Dust is dust. If you're doing agriculture in an area with high natural dust, you can have problems. If you're doing spraying of pesticides, and using cyanide in mining, they can be toxic too ... in dust," Balbus said.

Luke Popovich, a spokesman for the National Mining Assn., said that the Clinton and Bush administrations had endorsed exemptions for the industry because mining emits few coarse particulates.

"It's such a negligible impact given the overall sources," he said.

"We're talking about, largely, clouds of dust raised at mining sites deep in the middle of nowhere by haul trucks. These hardly constitute a threat to public health. We think the country's got far, far bigger problems to worry about."

In addition to the 90-day public comment period, the EPA will hold three public hearings on the proposed rules, including one on an unspecified date in February in San Francisco. The agency is under court order to complete work on particulate standards by Sept. 27.

Firm Fights DWP Critics on Project in Owens Valley

Officials of CH2M HILL say the \$415-million cost of dust suppression was due to regulators, not contractors. The board wants new bids for job.

By Patrick McGreevy, Times Staff Writer

Los Angeles Times, Wednesday, January 18, 2006

Targeted by an audit and facing the potential loss of a city contract, the engineering firm CH2M HILL on Tuesday challenged criticism by Los Angeles Department of Water and Power board members about the expensive Owens Valley dust-reduction project.

Days after the DWP issued a new request for bids on the project management contract held by CH2M HILL, an executive with the firm wrote to DWP board President Mary Nichols defending the project as a success and saying cost increases have been dictated by air quality regulators, not contractors.

"The contentions and controversy surrounding financial issues has obscured a critical fact - that this project has been by every technical and environmental standard a tremendous success for the city of Los Angeles and the citizens of California," wrote Jack Baylis, a senior vice president for the company. "With two-thirds of the dust-reduction project complete, there has been a 70% reduction in the number of days when dust levels exceed federal limits."

Much of the project has involved diverting water back to dry areas of the valley.

Although Baylis said his firm "will fully support and will cooperate with the performance audit over the next several months," he contended that officials have perpetuated "egregious misconceptions" about the project and its cost, which officials estimate is now at \$415 million and may exceed \$500 million.

The DWP board voted to seek new bids on the project based on concerns about cost and the concern of some board members that it is a conflict of interest to have the same company that designed the project also serve as project manager.

Board members, including Nichols, said Baylis' letter did not dissuade them from seeking new bids and an audit of CH2M HILL's work.

"There are some statements in there that have to be checked out, but even if they are true, we are looking at the context of the overall project, which has escalated dramatically in cost," Nichols said.

Board member Nick Patsouras said an audit is justified to help the board understand how CH2M HILL's original \$500,000 contract has grown to \$90 million in billings.

John Corsi, a spokesman for the firm, said the original contract was to identify the dust problem caused by the DWP taking water from the Owens Valley for decades. The follow-up contracts were for designing the solution and overseeing its implementation.

Baylis said it has been implied at public hearings that CH2M HILL has received all of the more than \$400 million spent, when it got only \$90 million, with the rest paid to construction contractors and others working on the project.

In addition, Baylis said about \$25 million of the money received by his firm has been passed on to minority and women-owned subcontractors.

He also disputed the claim of city officials that the project has grown in cost from an original estimate of \$120 million when it began in 1998. That assertion has been made repeatedly by city officials, including in a motion by council members Bernard C. Parks, Janice Hahn and Alex Padilla in November calling for the audit.

"DWP's general manager originally informed council that the dust mitigation program would cost no more than \$120 million," the three said.

Baylis said that an original estimate in 1997 by the Great Basin Air Pollution Control District put the cost of the project at \$91 million, but that it was not an engineering cost estimate.

"The estimate also did not include specific project elements that were necessary to adequately suppress dust within the prescribed time periods," Baylis wrote.

Instead, he cited a 1997 estimate of \$313 million to \$440 million validated by Parsons Engineering, an independent firm and competitor to CH2M HILL.

"Additionally, the total costs were driven by compliance to the agreements between Great Basin Air Pollution Control District and the city, and further by directives by Great Basin, not by CH2M HILL," Baylis wrote.

Patsaouras and Nichols said some of the added cost might be the responsibility of the DWP, not the contractor, but they thought there was value in reevaluating the whole project.

Patsaouras said Tuesday that CH2M HILL can compete for the contract, but that the board wants to get a fresh look at which services are available and for how much.

Hearing offers public opportunity to comment on local roads study

Bakersfield Californian, Wednesday, January 18, 2006

Thursday night is your chance to comment on Kern Council of Governments' latest study showing we can build a roster of roads projects without harming the valley's chances of meeting federal air quality standards.

The study focuses on carbon monoxide and PM 2.5, known as fine particles, that would be generated by widening 24th Street, building the Westside Parkway and other projects. The district has already met federal standards for carbon monoxide, and hasn't begun tackling the relatively new pollutant, PM 2.5. Engine combustion contributes to PM 2.5.

To take a look at the study, go to www.kerncog.org and click on "Air Quality Conformity Analysis."

This study is a pit stop on the way to KCOG's full analysis of all pollutants, which it will release this spring. That analysis will include projects that were accelerated by federal money secured by Rep. Bill Thomas, R-Bakersfield, last summer. Those projects haven't been nailed down completely, so they're not included in this study.

KCOG's public hearing will take place at 7 p.m. Thursday at 1401 19th St., Suite 300 in Bakersfield.

Get Out -- Upcoming

Bakersfield Californian, Wednesday, Jan. 18, 2006

"Energy & Clean Air Business Exposition," featured speakers, mixers, car crusher demonstrations, vendors, exhibits, lunch and more, noon to 6:30 p.m.

Thursday, Holiday Inn Select, 801 Truxtun Ave. Web site

www.bakersfieldchamber.org or call 324-1375.

Briefs

In the S.F. Chronicle, Wednesday, January 28, 1006

LONG BEACH, Calif. (AP) — An Australian energy firm said it has a safer, environmentally agreeable way to ship liquefied natural gas to California that doesn't use terminals proposed by three other companies.

The plan by Woodside Natural Gas Inc., a subsidiary of Woodside Energy Ltd., would convert natural gas from a liquid state on tankers and bring it ashore through a pipeline rather than making the conversion at an onshore facility.

Woodside planned to announce its plans at a Sacramento news conference Wednesday but the location of the Southern California system won't be disclosed. The project could supply up to 15 percent of California's natural gas needs, Woodside Natural Gas president Jane Cutler said.

The safest way to import the fuel has preoccupied the LNG debate. Three terminals have been proposed, one at the port in Long Beach and two off the Ventura County coast.

Unlike those projects, however, the Woodside plan doesn't require building a terminal to convert the liquid back to a gas. Woodside would construct special conversion tankers to deliver the natural gas directly into an underwater pipeline 15 miles off shore.

All four proposals need state and federal environmental approval. The final environmental review for the Long Beach project is expected by summer and a revised review of one Ventura County project, proposed by Australian-based BHP Billiton, is expected in March.

Crystal Energy has also proposed a terminal off Ventura County.

In Long Beach, a proposed Mitsubishi-ConocoPhillips onshore terminal inside the city's port has drawn concern from state officials and some residents that a terrorist attack or major accident could kill or injure hundreds of people.

The two proposed terminals off the Ventura County coast have been criticized because environmentalists worry they could produce air pollution and interfere with shipping lanes.

Ignoring science on clean air

From the NY Times, in the Tri-Valley Herald Wednesday, January 18, 2006

Every five years, the Clean Air Act requires the administrator of the Environmental Protection Agency to revise federal air quality standards for smog and soot. It is a stressful moment.

When Carol Browner, President Bill Clinton's administrator, tightened standards in 1997, industry and its friends in Congress erupted in protest, and a federal appeals court said the rules were unconstitutional. The regulations did not

actually take effect until Justice Antonin Scalia ruled in 2001 that Browner had the right to issue them and had done so properly.

Now it is the turn of Stephen Johnson at the EPA, only this time it is the scientists and environmentalists who are upset, and not without reason. Last month, Johnson proposed new rules governing fine particulate matter, known as soot. The most dangerous of these are microscopic specks that can cause significant inflammation and arterial damage after entering the bloodstream and lungs.

At best, Johnson's proposed rules represent only a modest tightening of the Browner rules - despite additional research during the last few years, some 2,000 studies altogether, expanding the list of adverse health effects associated with fine particles (especially among children) and, collectively, pointing to the need for stronger standards.

Industry also has complained. While the standards do not deliver cleaner air on their own, they set in motion the regulatory machinery and capital investments aimed at achieving cleaner air. Industry has a point when it says it is already spending money on cleaner fuels, engines and power plants.

But more can be done. According to EPA estimates, particle pollution kills about 20,000 people every year and hospitalizes many more. Johnson's critics complain that he either ignored or rejected the advice of not only his staff scientists but also the agency's Clean Air Scientific Advisory Committee. The chairwoman of that committee, Rogene Henderson, has said publicly that she was surprised and disappointed by Johnson's decisions, that the battle wasn't finished and that the panel would continue to press its case.

Johnson has conceded that his proposal is based only on studies completed before 2002 and said his agency will consider more recent studies before a final decision in September. This is the least he can do. Science marches on, and there is no excuse for an agency charged with protecting public health to be bringing up the rear of the parade.

[Letters to the Fresno Bee, Tuesday, January 17, 2006:](#)

Disappearing hawks signal air quality problem

Several years ago when we took a walk around Millerton Lake, we saw at least a dozen hawks. It was viable habitat then. This year we looked for hawks but sighted fewer than a handful. It is clear to me that their nesting habitat is being systematically eliminated.

Wild hawks are threatened when their habitat becomes polluted. The air around the lake has become a dusty brown haze, and rampant development is taking place within thousands of feet of the lake. Despite being man-made, the lake has delicately re-established itself as a native-appearing ecosystem.

Hawks can be indicators of the effects of development. Just as a single motorboat sends wave movements out in all directions, so can the effects of development subtract from viable nesting areas for hawks.

Christine Kroll, Fresno

'Just as unhealthy'

In this area firewood is dirt cheap, and many people can't afford to heat their homes with gas or electricity.

Instead of punishing folks for trying to save money, the government ought to offer financial incentives toward the purchase of more efficient wood-burning stoves and fireplace inserts.

I don't know anyone who still uses a fireplace merely for aesthetic purposes, and sitting in a cold house can be just as unhealthy as breathing polluted air.

Marian Clifton, Selma