

## **Health and environment news roundup**

BY STACEY SHEPARD, Californian staff writer  
Bakersfield Californian, Wednesday, Dec. 3, 2008

A free electronic waste collection will be held from 9 a.m. to 3 p.m. Saturday at Bakersfield College's southwest stadium parking lot at the corner of Mount Vernon and University avenues.

Items that will be accepted include various types of computer equipment, televisions, printers, connection cords, DVD players, phones, batteries and fluorescent light bulbs.

### **SMOG CHECK PROGRAM AWARDED**

Valley Clean Air Now, a San Joaquin Valley advocacy group, has received the Governor's Environmental and Economic Leadership Award for its Tune In, Tune Up program.

The program offers free, voluntary smog checks for older vehicles and provides \$500 vouchers for repairs if needed.

A typical Tune In, Tune Up event removes approximately 3,000 tons of carbon monoxide, 300 tons of hydrocarbons, and 150 tons of nitrogen oxides from the air in one year.

### **GROUP APPEALS OFF-ROAD VEHICLE DECISION**

The Center for Biological Diversity has filed an appeal to a recent Bureau of Land Management decision to open two routes in eastern Kern County to off-road vehicles, saying it threatens desert tortoise in the area.

The routes, in the Rand Mountain area, are next to the Desert Tortoise Natural Area, private conservation lands for the tortoise, which is protected under federal and state endangered species acts, the center said in a news release.

## **UC Merced plan gets support**

By Michelle Hatfield  
Modesto Bee, Wednesday, December 3, 2008

MERCED -- Overwhelming support was expressed Tuesday night for the expansion of the University of California at Merced and the development of a neighboring village.

The statements came during a public hearing on a draft environmental impact report, which enumerates the effect of both projects on the surrounding environment, such as agricultural land, traffic, air pollution and noise.

When development will lead to a significant negative impact, officials must show how they will minimize those effects to acceptable levels.

About three dozen people attended the Tuesday night meeting on campus. Officials presented plans for the maturing 815-acre campus and a 2,000-acre neighboring community of homes, parks, schools and shop-ping. UC Merced and the adjoining community are years in the making.

The public hearing is a requirement of such projects, providing residents a chance to give input. People who were unable to attend Tuesday's meeting can comment via mail or e-mail through Jan. 5.

All of Tuesday's 12 speak- ers supported the plans and urged their approval during 45 minutes of comments. They highlighted the educational, economic and other benefits of UC Merced's expansion, and said university officials have made many concessions to reduce the amount of harm to agriculture or wetlands.

Speakers also were hopeful that proposals to build high-density housing would be a model for Merced and other Central Valley communities.

Many of the speakers represented area groups and politicians who lobby on behalf of UC Merced, such as the economic development agency and the county office of education.

The Army Corps of Engineers must approve UC Merced's expansion because the campus sits on federally protected wetlands. In the next several decades, the campus could enroll 25,000 students. Today, UC Merced has 2,700 students in its fourth year.

The current development outline is much more satisfactory to the Corps.

"We've taken a lot and they've given a lot," said Nancy Haley, project director with the corps, about UC system officials.

## **MORNING ROUNDS**

By RONI CARYN RABIN  
N.Y. Times, Wed., Dec. 3, 2008

### **Stringent New Standards for Medical Incinerators**

Medical waste incinerators will be soon be facing tougher limits on toxic air pollution, The Chicago Tribune reports. After a federal court ruled the Environmental Protection Agency's standards weren't stringent enough for incinerators, which emit mercury and dioxins, a newly proposed E.P.A. rule will mandate that they cut pollutants by a factor of 10.

### **Deadline for global climate treaty in question**

By ARTHUR MAX - Associated Press Writer  
Tri-Valley Herald, Wednesday, December 3, 2008

POZNAN, Poland—Negotiators from 190 countries agreed a year ago to complete a new global warming treaty by the end of 2009 that would force governments to reduce carbon emissions.

That deadline now appears to be slipping away.

"It was too optimistic to begin with," said Eileen Claussen, the president of the Pew Center on Global Climate Change, whose organization closely monitors the U.S. Congress on climate issues.

Delegates from nearly all the world's nations have been meeting since Monday in the Polish city of Poznan to assess progress toward the new treaty, but many like Claussen doubt one can be finalized by the next climate meeting in December 2009 in Copenhagen, Denmark.

The new treaty is meant to replace the Kyoto Protocol, which expires in 2012 and has required that 37 countries slash emissions of heat-trapping gases by an average 5 percent from 1990 levels.

Yvo de Boer, the U.N.'s top climate official, has said it is critical to have a new framework by next year, though he doubted a full text could be reached by then.

"Do we have to agree on every last comma in every last rule on every last aspect of a Copenhagen agreement? Or do we need to have a political understanding on the key elements?" he told reporters on the eve of the two-week Poznan conference.

"The critical issue for me is that we work toward a robust political agreement in Copenhagen that is ratifiable, that is sufficiently clear for countries to say, 'yes, this is a sound basis on which we commit to making serious emissions reductions.'"

The details can be filled in later, he said.

That raises the question, is there such a thing as a ratifiable agreement of principle?

The U.S. Congress, for one, would not ratify anything less than the real deal, says Alden Meyer, of the Union of Concerned Scientists, an environmental group based in Cambridge, Massachusetts.

"They won't buy a pig in a poke," he said.

Relaxing the December 2009 deadline would take pressure off negotiators and could fatally set back the process, Meyer said.

"If you don't get a decision in Copenhagen, then you lose the political momentum that we've built up with the world expecting a deal there—and then what becomes the next deadline? Does that mean we slip a year, we slip two years?"

Claussen, in a telephone interview from Washington, said the new administration of President-elect Barack Obama cannot finish domestic legislation in time to bring hard U.S. commitments to the table in Copenhagen "despite what I believe will be heroic efforts."

"The U.S. won't be in a position to negotiate with specific targets and timetables in 2009," she said. Nor would it be ready to negotiate the commitments it expects from other countries, especially rapidly developing nations such as China.

The American legislative process is at the center of a chicken-and-egg debate.

The U.S. cannot sign an international agreement unless Congress approves the terms, argues Claussen. In 1997, the Senate voted 95-0 against the key elements included in the Kyoto Protocol negotiated five months later. Though the administration of former President Bill Clinton helped fashion the protocol, the pact never came back for another vote.

Jennifer Haverkamp, senior council for the New York-based nongovernment Environmental Defense, said it could work to U.S. delegates' advantage to have no legislation tying their hands in Copenhagen.

She said citing Kyoto as a precedent was invalid, since "there was inadequate consultation with Congress" during the negotiations, which would not happen this time.

Kert Davies, the Washington-based research director of the global environmental group Greenpeace, said his organization thought an agreement was achievable—and necessary.

"We don't have any more years to wait," he said. The U.S. delegation could come to Denmark with something less than a final climate law, "as long as it is a clear message with a range of emissions reductions" that Washington was prepared to accept.

Asked if he thought a full agreement would emerge from Copenhagen, chief U.S. delegate in Poznan, Harlan Watson, said, "That's what we agreed to" a year ago. "It won't be easy."

## **Coal Mining Debris Rule Is Approved**

By Robert Pear and Felicity Barringer  
N.Y. Times, Wed., Dec. 2, 2008

WASHINGTON — The White House on Tuesday approved a final rule that will make it easier for coal companies to dump rock and dirt from mountaintop mining operations into nearby streams and valleys.

The rule is one of the most contentious of all the regulations emerging from the White House in President Bush's last weeks in office.

James L. Connaughton, chairman of the White House Council on Environmental Quality, confirmed in an interview that the rule had been approved by the White House Office of

Management and Budget. That clears the way for publication in the Federal Register, the last stage in the rule-making process.

Stephen L. Johnson, administrator of the Environmental Protection Agency, concurred in the rule, first proposed nearly five years ago by the Interior Department, which regulates coal mining.

In a letter to Interior Secretary Dirk Kempthorne, dated Tuesday, Mr. Johnson said the rule had been revised to protect fish, wildlife and streams.

Mining activities must comply with water quality standards established by the federal government and the states, Mr. Johnson said.

But a coalition of environmental groups said the rule would accelerate "the destruction of mountains, forests and streams throughout Appalachia."

Edward C. Hopkins, a policy analyst at the Sierra Club, said: "The E.P.A.'s own scientists have concluded that dumping mining waste into streams devastates downstream water quality. By signing off on this rule, the agency has abdicated its responsibility."

Mr. Bush has boasted of his efforts to cooperate with President-elect Barack Obama to ensure a smooth transition, but the administration is rushing to complete work on regulations to which Mr. Obama and his advisers object. The rules deal with air pollution, auto safety, abortion and workers' exposure to toxic chemicals, among other issues.

The National Mining Association, a trade group, welcomed the rule, saying it could end years of uncertainty that had put jobs and coal production in jeopardy.

The coal industry could be the largest beneficiary of last-minute environmental rules.

"This is unmistakably a fire sale of epic size for coal and the entire fossil fuel industry, with flagrant disregard for human health, the environment or the rule of law," said Vickie Patton, deputy general counsel of the Environmental Defense Fund.

The Environmental Protection Agency is trying to finish work on a rule that would make it easier for utilities to put coal-fired generating stations near national parks. It is working on another rule that would allow utility companies to modify coal-fired power plants and increase their emissions without installing new pollution-control equipment.

Joan M. Mulhern, a lawyer at Earthjustice, an environmental group, denounced the mining regulation.

"With less than two months left in power," Ms. Mulhern said, "the Bush administration is determined to cement its legacy as having the worst environmental record in history."

At issue, she said, is a type of mining in which "coal companies blast the tops off mountains to reach the seams of coal and then push the rubble into the adjacent valleys, burying miles of streams."

Administration officials rejected the criticism.

"This rule strengthens protections for streams," said Peter L. Mali, a spokesman for the Interior Department office that wrote the regulation. "Federal law allows coal mine waste to be placed in streams, and the rule tightens restrictions as to when, where and how those discharges can occur."

The rule gives coal companies a legal right to do what, in the past, they could do only in exceptional circumstances, with special permission from the government.

As a presidential candidate, Mr. Obama expressed "serious concerns about the environmental implications" of mountaintop mining.

"We have to find more environmentally sound ways of mining coal than simply blowing the tops off mountains," Mr. Obama told one environmental group. At the same time, he proposed a major federal investment in clean coal technology.

Gov. Steven L. Beshear of Kentucky and Gov. Phil Bredesen of Tennessee, both Democrats, had urged the Bush administration not to approve the rule. Mr. Beshear said he feared that it would lead to an increase in pollution of "Kentucky's beautiful natural resources."

Several members of Congress also opposed the rule, including Representative John Yarmuth, Democrat of Kentucky.

In giving his blessing to the new regulation, Mr. Johnson, the head of the E.P.A., noted that Mr. Bush had promoted the use of clean coal technology as a way to reduce dependence on foreign oil.

"Americans should not have to choose between clean coal or effective environmental protection," Mr. Johnson said. "We can achieve both."

But environmental groups like the Natural Resources Defense Council see the mountaintop mining rule and pending changes in air pollution regulations as part of a final effort by the Bush administration to cater to the needs of energy industries.

The proposal that would give more leeway to coal-burning power plants, to increase their emissions when they make repairs and renovations, was on the original wish list of the energy task force convened by Vice President Dick Cheney in 2001.

In 2006, a federal appeals court struck down an effort by the Bush administration to loosen the rules on such coal-burning plants.

### **Frazier Park residents fired up over no-burn rule**

BY STACEY SHEPARD, Californian staff writer

Bakersfield Californian, Thursday, Nov. 27, 2008 (updated Monday, Dec 1)

Two straight weeks of prohibited fireplace burning has been no treat even for seasoned residents of Bakersfield but it's been especially unpleasant for the Frazier Park area.

For the first time since no-burn rules took effect in 2004, the San Joaquin Valley Air Pollution Control District extended the restrictions to cover the mountain community this year. It was previously excluded under an elevation exemption.

But now they aren't and some people are flaming mad.

"It just irks me," said Bill Brydson, a retired General Motors superintendent who's lived in Frazier Park since 1981.

"I need to warm this house up because it gets pretty cold here. It was 40 this morning," he said Tuesday, "and it gets down to 20, 15 and 10 sometimes. And it just comes through the walls of the home."

Brydson said his home is large with peaked ceilings. To keep it warm, he needs heat from the natural gas-fired furnace and wood burned in a fireplace insert.

Frazier Park's inclusion in the no-burn program comes after the air district last month lowered the threshold for when burning is prohibited, resulting in more no-burn days than ever.

Saturday is the first day since Nov. 13 that burning is allowed in the portions of Kern County covered by the San Joaquin air district.

The 14 consecutive no-burn days tailed so far this month are more than were called during the entire last season — November 2007 to February 2008 — when 13 were tallied in affected Kern areas.

#### BALANCING BURNING, PUBLIC HEALTH

Brydson doesn't gripe alone.

The air district's Bakersfield office has received more than a couple dozen calls in the past week, the majority from upset Frazier Park residents, spokeswoman Brenda Turner said.

Supervisor Ray Watson, an air district board member whose supervisorial district covers Frazier Park, has also received calls, letters and e-mails.

With no plans to back-peddle on the rules, all air district officials can do is try to explain why the rule was imposed.

In a letter sent to a constituent last week, Watson said he tried to explain that "the air board has imposed restrictions on all kinds of industries to get us where we are today ... We're putting the squeeze on every industry and it's down to the point where individual lifestyle habits are contributing to air pollution."

The fireplace restrictions aim to reduce fine particulate matter, known as PM 2.5, that obscures visibility on even sunny days. The tiny specks of soot, dust, smoke and liquid are a wintertime problem; smog is more prevalent in the summer.

Recent research has shown PM 2.5 is more harmful to health than previously thought. It can trigger asthma attacks and lung ailments, and the tiny particles can pass through the lungs and into the bloodstream, where they can clog arteries.

Doctors have documented trends that show an increase in deaths from lung diseases, heart attacks and strokes on days when fine particle pollution is high.

In response, the federal government in 2006 lowered the level of PM 2.5 acceptable in the air on a daily basis.

The San Joaquin Valley has violated the new standard on 69 days so far this year. An air basin is out of compliance with federal standards until it reduces its daily PM 2.5 violations to zero over three consecutive years.

Air district research has shown that fireplaces are one of the largest sources of directly emitted PM 2.5.

"Wood burning is a significant thing and (not burning) really can make a big difference," Turner said.

This year's strengthened fireplace rule, which was expected to triple the number no-burn days, was passed in an effort to meet the new federal standard.

#### SEEING THROUGH THE SMOKE

But an explanation of the rule doesn't always ease the frustration.

"All this clean air stuff is baloney," said Brydson, the Frazier Park resident who previously lived in the San Fernando Valley. "This air up here is some of the best air I've seen."

Frazier Park's air quality is not as poor as the valley's but San Joaquin air district Executive Director Seyed Sadredin said the community is impacted by smoke from wood-burning.

Residents in the area have complained to the district about the smell and health impacts of heavy smoke exposure, he said.

“The impact of wood burning is very localized, it stays within your neighborhood and within close proximity of where you’re burning,” he said. “We felt that people anywhere in the valley are entitled to the same health protections as others ... given the extreme nature of the toxic and harmful pollutants from wood-burning ...”

However, the air district will look into the possibility of more precise forecasting so no-burn days can be called in smaller geographic areas, perhaps by zip code, Sadredin said. But for now, the district doesn’t have accurate tools to forecast at that level, he said.

In the meantime, the recent string of recent no-burn days is testing even the patience of Bakersfield residents, who say they’d come to accept the sporadic restrictions in recent years.

Trudi Williams said she’s been staring at a cord of wood she bought on Halloween but hasn’t been able to use yet.

“I’m just beside myself. Maybe one or two days in a row but we’re going on two weeks,” she said.

Williams said she and her husband don’t think it’s necessary to heat their entire home with natural gas, “which is a fossil fuel,” so they burn wood in the fireplace, put extra blankets on their bed and wear sweatshirts, socks and slippers to stay warm.

Williams acknowledged that air pollution in Bakersfield is a problem but said she’s doing her part, by reducing her driving and riding her bike more often.

“I’ve put 8,000 miles on my vehicle in the past two years,” she said. “I believe I’ve got some green points going for me.”

#### PLAYING BY THE RULES, MOSTLY

Despite their opposition to the rule, Williams and Brydson say they’re complying. Neither has burned wood the past two weeks..

“I’m not going to pay anybody 50 bucks because I’m burning,” Brydson said, referring to the fine issued by the air district to anyone caught burning on a no-burn day. “I may have money but it ain’t for them.”

But no-burn day or not, Williams said the fireplace would be lit on Thanksgiving day.

“I’ll pay the \$50,” she said.

#### **ARE YOU EXEMPT?**

The no-burn rule only applies in areas of Kern County that are within the San Joaquin Valley Air Pollution Control District’s jurisdiction.

This primarily covers the valley portion of Kern and the Frazier Park area. Tehachapi and the Kern River Valley are in a separate air basin.

Exemptions within the San Joaquin Valley air district include:

- Locations where natural gas service is not available. (Homes on propane are also exempt.)
- Homes where wood burning is the sole source of heat.
- An exemption may be allowed for homes where the furnace is inoperable or in need of repair.

Contact the air district for information at 326-6900.

#### **ABOUT THE NO-BURN RULE**

- The no-burn season runs from Nov. 1 through the end of February.
- The daily burn status can be found: by calling 800-SMOG-INFO; going online [here](#); or by subscribing to the Daily Air Quality Forecast e-mail [here](#).

It is also printed daily on *The Californian's* weather page.

**Choking on smoke?** • Anonymous complaints about burning on a restricted day can be made by calling 800-926-5550.

## **Pollution becomes hot topic**

By MARTÍN E. MARTÍNEZ / Vida En El Valle

Vida En El Valle Wednesday, November 26th, 2008

SACRAMENTO -- Dozens of people protested outside the offices of the Environmental Protection Agency in Sacramento to ask for a reduction of greenhouse polluting gas emission in California.

The demonstrators -- arrived from Los Ángeles, San Diego, San Francisco, San José and the Central Valley -- carried signs demanding to the agency not profit with pollutants and chemicals because the only part affected with this is the people of the community.

"We don't want this agency (to divert) pollutants, such as coal, to other countries, then reuse them here. This is a very stupid idea in which only big companies are benefit while our community is affected by pollution," said Robert Cabrales, community organizer for Communities for a Better Environment based in Los Ángeles.

The demonstrators from the San Joaquín Valley complained mainly of high levels of pollution from agriculture which causes a range of respiratory illnesses and even cancer.

"If there is an absence of regulations to use chemicals for agriculture, people are exposed to diseases such as asthma, especially in children, lung cancer and also affects reproductive health," said Martha Dina Arguello, a doctor with the organization Social Responsibility Los Angeles.

Valeria Alvarado, one of the participants who came from Visalia, said the situation in the area is really critical because it has the highest rates of childhood asthma.

"In Visalia, there are large fields of oranges that are constantly sprayed with pesticides which provoke people suffering from asthma. Now I have two children with that problem and this is the reason that I am here now," said Alvarado.

Two weeks ago, a report indicates that in the San Joaquín Valley 800 people have died in recent years as a result of high levels of pollutants.

Another demand was enforcement of AB 32, which was signed by the governor in 2006. The legislation gave the EPA the responsibility of regulating greenhouse gas in the state.

Protesters believe the agency is not doing a good job to achieve the objective but rather seeks only to benefit of certain businesses dedicate to incinerated and reuse contaminants.

"The truth is that this agency has not been doing nothing for the community who have to suffer the consequences of pollution. The law says clearly that the mission of this agency is to reduce pollution levels for the benefit of the people in California," said Rafael Aguilera, chairman of the Verde Group in Sacramento.

Aguilera added that last week it was reported that the Sacramento-based company Plasma Arc Garbage Incinerator was closed after a series of complaints against it.

Mariana López, a member of Environmental Health Coalition in San Diego, noted that the EPA is responsible for improving methods of pollution but so far there is not have been results.

"We want to respect our communities, our state, California is one of the most polluted in the country, especially the Central Valley, so it is their responsibility to offer solutions to reduce the rates of pollution, that is the reason which was created," López said.

She added that the community can not allow this agency to make California a "market of pollution," where the only beneficiaries are big companies.

Vida en el Valle was unable in contacting EPA staff to give an answer to these allegations.

[Bakersfield Californian, Letter to the Editor, Wednesday, Dec. 3, 2008:](#)

### **Get kids to walk**

Recently, I walked out of church and noticed how poor the air quality was. Once I was home, I pulled out of the copy of *The Californian*, and staring at me on the front cover was a picture of the fires occurring near L.A. I was wondering if that is the reason the air quality is poor.

Bakersfield is the second most polluted city in the United States, according to numerous sources.

I have an idea to cut back on pollution. Out of the 700 students who go to Tevis Junior High, not even a fourth walk home. Even those who live under a mile away still get picked up by their parents. I believe that if more people walk to and from school, we will lower a portion of the pollution.

ADAM JULANDER, Bakersfield