

Landfill expansion a go: Commission OKs controversial Kettleman plan

By Eiji Yamashita

Hanford Sentinel, Wednesday, Oct. 21, 2009

The county Planning Commission approved a controversial plan Monday night to expand one hazardous landfill and build another at Kettleman Hills in southwestern Kings County.

Waste Management, whose plan will expand the existing hazardous waste landfill by 14 acres and build a new 64-acre landfill, says the project is necessary and important for the region because the expansion will extend the life of the Kettleman hazardous waste facility by more than 30 years.

Kettleman is one of only two landfills in the state that accept hazardous waste, such as batteries, lead paint and contaminated soil, making it a key facility for the state, company officials say.

But the project has many detractors, among them Kettleman City activist Maricela Mares-Alatorre and a coalition of environmental justice led by Bradley Angel of Greenaction and local groups. They argue that the plan shouldn't be approved unless the county investigates the cause of the recent spike in birth defect and infant deaths in Kettleman City.

Numerous complaints they have range from how the public hearing held two weeks ago gave more time for the supporters to speak, to lack of Spanish translation in the process. Most recently, a plan to haul radioactive waste to Kettleman has angered the groups.

But there were no protesters on Monday. Instead, nearly 100 Waste Management supporters packed the room in the Kings County Government Center for the planning commission vote.

The vote was 4-0, with one member of the commission, Riley Jones, absent. He had recused himself from the vote during the public hearing two weeks ago, citing a conflict of interest.

"We as a society generate hundreds of contamination sites up and down the state. We don't like these sites scattered around where citizens and children can get exposed to it, so the question is how do we dispose of those materials properly," Commissioner Jim Gregory said before he voted in favor of the project.

"We have to put it somewhere; we can't say, 'Just dump it anywhere.' That's not an option ... The alternative of not having a site such as this would be hundreds of sites that have no place to go. To me, that's a greater risk."

Other commissioners echoed Gregory's opinion. Commissioner Mark Cartwright said Waste Management is just doing its job and doing it at the safest site possible.

"I'm an engineer by education, and if I look at the science behind what's in these reports, (it's clear that) one of the few places around that we can put that stuff and protect the public health at the same time is the Kettleman Hills facility," Cartwright said. "The reports verify that it is the best place to go with it."

Waste Management spokeswoman Kit Cole praised the decision.

"I think it was a recognition of how safe and secure this site is, how protective of human health and the environment it is and how hard all the employees work everyday," Cole said.

The expansion of Landfill B-18 and construction of B-20 are the latest in a string of projects that have sparked controversy in Kettleman City. The region is the poorest in the county, with 44 percent of the area's residents living in poverty and 92.3 percent Latino, according to census data. The community of 1,500 is located 3.5 miles from the landfill.

Over the past two years, Waste Management has converted one landfill into a so-called bioreactor, where liquid is added to help break down trash faster, and opened a new solid waste landfill, B-17. The company is also seeking the renewal of the license to dispose of waste contaminated with polychlorinated biphenyls, a highly toxic substance also known as PCBs.

But the community does benefit from a six-figure annual settlement fund and other donations liberally made by Waste Management which, like any other major tax revenue contributor in the county, works at

being a good neighbor. The company's contributions divide the community: Some praise the company and others criticize its philanthropy as a ploy to influence public opinion.

One man in the audience who spoke up against the project Monday was Felix Delgadillo of Hanford.

"I need somebody to restore back to me a little faith in government, because when an outfit this big can come into a small community and hold a carrot to get the people on their side by donating money, you people are in control," Delgadillo told the commission.

"I'd like to know which way the money is flowing. On whose behalf do you sit there and conduct business for the constituency?" Delgadillo said.

Commissioner Louise Draxler said money is not a factor.

"We spent a lot of reading hours and we weren't doing that for anything related to money. We were doing things for the right reasons at the right time and what's best for our community," Draxler said.

As part of the condition of the approval, Waste Management has agreed to pay up to \$100,000 for a community health survey of Kettleman City residents, pay off a \$552,300 debt owed by the Kettleman City Community Services District, donate \$450,000 to the Reef-Sunset School District to build sports-related and other facilities, and help pay for a crossing at Highway 41.

Mares-Alatorre, a Kettleman City resident and a major project opponent, said Monday's vote was expected.

"I'm saddened, but I'm not surprised at the outcome," Mares-Alatorre said in a phone interview after the meeting. "This whole process has been rushed through and weighted in favor of Chem Waste. We called for a health survey to be done; that wasn't done. This whole process has been stacked against us all the way from the beginning."

She said her group will spend the next week considering an appeal of the decision to the Board of Supervisors.

County still eyeing rail line

By Valerie Bibbons

Visalia Times-Delta and Tulare Advance-Register, Wednesday, Oct. 21, 2009

The development of a short-haul railroad along the eastern edge of the county was back on the agenda Tuesday for the Tulare County Board of Supervisors as a closed-session item.

The board and the Tulare County Association of Governments are still involved in negotiating the purchase of right of way for the 32-mile stretch between Strathmore and Jovista.

This first round of negotiations is for the land under the tracks, but officials with TCAG have made it clear they want to pave the way for another operator to take over the line.

The price tag for the right of way: \$3.1 million. But that cost could be as much as \$20 million to make the line viable, according to a study by California State University, Fresno's Sid Craig School of Business.

The tracks have the lowest rating allowed by federal standards and have a top speed of 10 mph. At that speed, it would take hours for a railroad car to make it from Dinuba to Exeter.

While the Visalia City Council will support the \$3 million purchase of the right of way for an east-county short-haul rail line, it has a message for the overseers of Measure R spending: Don't come back asking for more.

Measure R's half-cent sales tax generates money for county transportation projects.

The Visalia City Council already has indicated that it agrees with the purchase of a right of way, but the city isn't willing to commit any additional money for the project beyond the right of way.

City councils around the county approved the addition of \$3 million in the Measure R spending plan in 2008, allowing the Tulare County Association of Governments to move ahead with the purchase of the

right of way, association Executive Director Ted Smalley said. The association oversees the spending of Measure R money.

The amendment to the expenditure plan was supported by city councils in Visalia, Lindsay and Tulare. Any further additions to the Measure R work plan, which details how and when the tax money will be spent, require the support of half of the cities that represent half of the population of the county.

Officials with the county's Rail Advisory Committee are also asking for \$1 million in federal money to help study the rail corridor along the eastern side of the Valley and to help buy the line's right of way. They will need the support of local cities for the application.

Officials are starting with the stretch between Jovista and Strathmore, but long-term plans call for a link with south county cities, including Porterville with Dinuba and, eventually, Fresno. A viable line would lure manufacturers to the area and reduce air pollution, proponents say. Association representatives have flown to Washington, D.C., several times this year to seek the federal help needed to make the rail line attractive to a prospective buyer.

Long Beach port settles truckers suit over clean air plan

The port agrees to remove requirements not directly related to the push to allow only newer, less-polluting trucks at the complex, including a demand that trucking firms file financial reports.

By Ronald D. White, staff writer

L.A. Times, Wednesday, Oct. 21, 2009

The Port of Long Beach has reached a settlement in a lawsuit brought by the American Trucking Assn. over disputed elements of a plan to clean up the air around the nation's busiest seaport complex.

Long Beach officials have agreed to strip their plan of all requirements that are not directly tied to the goal of getting cleaner trucks on the road, including a demand that trucking companies file financial reports.

Under the change, trucking companies would agree to comply with environmental, safety and security requirements. They would need to register their trucks with the port and equip them with radio frequency identification tags.

Still in place is a ban on all 1988 and older trucks from the ports. As of January, the ports will allow only 2004-or-later trucks. A year into the program, both ports have already beaten their most optimistic projections for new trucks and reduced emissions.

"This is a critical milestone for the program, reaching consensus with an important industry partner," said Nick Sramek, president of the Long Beach Board of Harbor Commissioners.

ATA President and Chief Executive Bill Graves said, "We never disagreed with [Long Beach's] objectives, only with certain provisions of the concession agreement which we believed were unnecessary."

In settling the case, Long Beach has distanced itself from the neighboring Port of Los Angeles, which is also being sued by the trucking association.

As part of its own clean air plan, the L.A. port included several elements that affect the operations of the trucking companies that serve the port, including the requirement that all drivers must be employees of logistics companies. This would eliminate independent truckers at the port by 2013.

The ATA and many of the nation's biggest retailers have argued that Los Angeles' plan would allow the International Brotherhood of Teamsters to unionize drivers in a bid to gain more clout at the nation's seaports.

Los Angeles has gained other big-city port allies and is taking its fight to a national stage.

On Sunday, mayors Michael R. Bloomberg of New York and Cory Booker of Newark, N.J., joined Ron Dellums of Oakland in supporting Los Angeles' version of the clean truck program.

"Today, I am calling on Congress to support legislation that will empower ports to implement the L.A. Clean Truck Program, an innovative initiative that will create good, green jobs and improve the quality of the air that New Yorkers breathe," Bloomberg said.

The agreement between Long Beach and the 37,000-member ATA must still be approved by a federal judge.

As Hybrid Buses Get Cheaper, Cities Fill Their Fleets

By Micheline Maynard, staff writer
N.Y. Times, Monday, Oct. 20, 2009

If you wonder whether hybrid- electric vehicles will ever catch on, simply ask one of the millions of people who ride in them every day.

Hybrid-electric buses, that is.

Transit systems from New York to Taipei, and from Ames, Iowa, to Ann Arbor, Mich., are adding hybrid buses at a rapid clip. New York, by far, has the nation's biggest fleet of hybrid buses, which run on electricity and diesel fuel, with nearly 1,000 in all five boroughs, most in Manhattan.

Although the initial cost is well above that of a conventional diesel-powered bus, hybrid buses emit less pollution and get far better fuel economy. They are quieter than old-style buses, and their ride is generally more comfortable (not accounting for the condition of city streets). Like the hybrid taxis that have become a common sight in New York, hybrid buses arrived during the last decade.

Transit officials faced pressure in the mid-1990s to clean up their bus fleet, which was a major contributor to air pollution on city streets. "We were looking at what to do to reduce bus emissions as quickly as possible that didn't have a major cost," said Joseph J. Smith, senior vice president for the department of buses for the MTA New York Transit Authority.

Its first option was not hybrids, however, but buses that ran on compressed natural gas, or C.N.G.

While those buses are starting to become more popular across the country, the costs back then to switch from an all-diesel to a C.N.G. fleet would have been prohibitive, Mr. Smith said. "It was unbelievable the kind of money you would have had to invest in those garages," he said.

In 1998, the transit authority began using its first 10 hybrid-electric buses, costing \$1 million each; they became guinea pigs for what turned out to be a successful experiment. By 2001, the city had ordered another 125 and subsequently bought hundreds more.

Today, New York has the largest fleet of hybrid buses of any city in the country — 850, out of a fleet of 4,500. And the price has dropped by half, although hybrid buses are still twice as expensive as conventional diesel buses.

Environmentalists argue that the switch has been worth it, in terms of public health. "People say that it's expensive to switch from diesel to hybrids or natural gas. The question is, how much are your kids' lungs worth?" said Daniel Becker, director of the safe climate change of the Center for Auto Safety in Washington. The improvement in pollutants has been impressive. From 1995 to 2006, diesel particulate emissions — also known as soot — dropped 97 percent, while emissions of nitrogen oxides dropped 58 percent per bus.

The buses' performance has been impressive, especially by bus standards. Each is expected to save the city 50,000 gallons of diesel fuel, compared with what would be consumed by a conventional bus, or a 45 percent improvement in fuel economy.

The typical hybrid bus gets 4 miles per gallon, which pales when compared with the 50 m.p.g. of the Toyota Prius, but a city bus weighs 20 tons, compared with a 3,000-pound car. The average all-diesel bus gets about 2.75 m.p.g., Mr. Smith said.

Much of the fuel economy savings can be traced to new lithium-ion batteries, like those on a camera or cellphone, which have been installed in the buses.

Their early batteries, which were lead acid, cost \$20,000 and needed to be replaced every two to four years. The lithium batteries are expected to last six years, and the weight difference alone equals a 13 percent improvement in fuel economy. But those batteries are expensive, at \$60,000 each.

The batteries mean that overall maintenance for New York's hybrid buses is more costly than for conventional diesel buses. However, the hybrid buses are easier to fix — and most important, don't break down as often, which the department measures as "mean distance to failure."

The newest buses to make their appearance in the city are a pair of turbine-driven hybrids, the first of eight that will join the fleet. (Baltimore is also testing turbine-driven buses.)

"It will revolutionize the way we do business in the garages," Mr. Smith said. "There is no oil, there's no transmission, there's no starter, there's no generator, no antifreeze for a radiator. When you have an inspection every 3,000 miles, you do not have to drain the oil or drain the transmission."

Moreover, the bus will not need a filter to catch particulates, small bits of filth from diesel fuel. The filter normally requires changing every year.

Along with changing life at depots, the buses have changed life for drivers and for repair crews. After all, New York has operated diesel-powered buses since 1938, said Henry Sullivan, the department's chief maintenance officer.

Each driver receives roughly an hour of training to become familiar with the functions of the bus and then is coached in the correct way to drive it.

Mechanics, meanwhile, undergo significant training, Mr. Smith said, because the batteries can pose a hazard. "You're not dealing with 12 volts or 24 volts, you're dealing with 600 volts," he said. "You make a mistake — that could kill you."

Beyond hybrids, officials are looking to the next phase of alternative-fuel buses, which will be equipped with hydrogen-fuel cells. The first one will be tested by the city next spring, but Mr. Smith said he did not expect them to be commercially available for at least 15 years.

Still, if New York's experience with hybrid buses is any indication, other communities could follow the city on its path to cleaner transportation.

"You pay through the nose in the beginning, but we opened the door for these smaller cities to have hybrids", Mr. Smith said. "We see it as building bridges from one technology to another technology."

Meanwhile, the public interest in hybrids of all types, cars and buses, also helps, Mr. Becker said. "It's sort of a rolling ad that you can live a comfortable lifestyle without destroying the planet at the same time."

Hundreds join group to save beach bonfire pits

By Jeff Overley

O.C. Register, Wednesday, Oct. 21, 2009

City officials might not like their beach bonfire pits, but it turns out the rings have quite a few friends.

That much is clear from the immediate success of a Facebook group called Save the Big Corona Fire Pits, which formed after a Register story last week on plans to do away with the rings.

In just a few days, the group has racked up 433 members – known as "friends" on Facebook – who decried the potential loss.

"Don't get rid of the fire pits ... they are as much a part of Big Corona as the sand," one user wrote.

"Those fire pits are a part of the beach experience!" another Facebooker said. "Don't take that away from our kids and future generations. Save them!"

Elected officials this month banned the burning of wooden pallets in the rings. In doing so, several City Council members signaled a desire to rip out the rings entirely, blaming them for air pollution, increased alcohol consumption on the shore and dangerous litter, such as wire hangers used for toasting marshmallows and roasting hot dogs.

Some locals acknowledge problems, but say out-of-town visitors are largely at fault. One Facebooker, in a common reaction to the initial story, put things this way: "Its all cuz of the stupid riversiders."

NM delays tougher ozone rules

By Susan Montoya Bryan, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Wednesday, Oct. 21, 2009

ALBUQUERQUE, N.M.—The New Mexico Environment Department has delayed adoption of more stringent rules targeting emissions in the Four Corners region that contribute to ozone pollution.

State officials said Tuesday they have a good reason for not considering the rules this year, but environmentalists argue ozone is a recurring problem in the northwest corner of the state and officials are shirking their responsibility to address the region's air quality concerns.

State law allows New Mexico to adopt tougher regulations than the federal government only if ozone levels are within 95 percent of the federal standard of 0.075 parts per million. However, readings in the Four Corners—home to two coal-fired power plants and oil and gas development—were unusually low this summer and failed to meet that threshold.

"In a way, it's good news that we've had better readings. It's good news for air quality and for residents in that area," said Jim Norton, director of the department's Environmental Protection Division.

Still, the Environment Department and environmentalists agree the region is not out of the woods.

If ozone levels go up next year, Norton said the state may need to consider adopting the rules that were tabled, which call for cleaner burning compression engines at oil and gas well sites and the installation of other equipment designed to capture emissions.

Northwestern New Mexico traditionally has ozone levels that are close to triggering non-attainment under federal ambient air quality standards. Environmentalists blame emissions from the two power plants and the thousands of oil and gas well sites that dot the region.

Jeremy Nichols, director of WildEarth Guardians' climate and energy program, said New Mexico is being conservative about interpreting its authority to control emissions when other oil and gas producing states, including Colorado and Wyoming, have taken steps to improve air quality.

Nichols added that it's possible the federal government could lower the ozone standard in the future and the state will still have to consider regulations to reduce ozone-forming emissions.

"It's disappointing," Nichols said of the state's decision. "It's setting ourselves up to violate air quality standards and it's setting ourselves up to just exacerbate the public health impacts that we know are going on in that region."

Ozone, the primary component of smog, can irritate the respiratory system, reduce lung capacity and aggravate asthma. It's formed when nitrogen oxides and volatile organic compounds react with sunlight.

Norton said the Environment Department is bound by the authority granted by state lawmakers and until the ozone level is at least 95 percent of the federal standard, it cannot petition the state Environmental Improvement Board to enact more stringent requirements.

There's anecdotal evidence that less industrial activity in the region may have resulted in fewer pollutants being emitted this summer, but the department's experts believe cooler temperatures and moist weather played a role in keeping ozone levels in check.

"Hopefully, this is a trend and we'll keep getting better and it will be less of a health problem," Norton said.

Since the ozone level is based on a three-year average, Norton said this year's low level may balance out next year if the readings are high.

Despite this year's level, Nichols and other environmentalists said the state should get a head start on the problem or risk more federal oversight and potential sanctions if the region fails to meet federal standards in the future.

"The stigma of being designated a dirty air area is not anything communities in New Mexico want to deal with," Nichols said.

Gore: China, US must cooperate on climate change

By Christopher Bodeen - Associated Press Writer
In the Modesto Bee, Wednesday, Oct. 21, 2009

BEIJING -- Former U.S. Vice President Al Gore said Wednesday that cooperation between China and the U.S., the world's two biggest emitters of greenhouse gases, is crucial to tackling the climate change crisis.

"The strategic partnership between the United States and China, as it is beginning to emerge, is a fateful one, an important one, a crucial one, if the world is going to be successful in addressing this crisis," Gore said in a speech to a clean energy forum in Beijing.

His remarks come less than two months before December's global climate conference in Copenhagen that aims to replace the U.N.'s 1997 Kyoto Protocol on cutting greenhouse gas emissions.

Gore said a clear understanding of the global warming threat and a full commitment to renewable energy was key.

"There is no more worthy goal for our two great nations," said Gore, who shared the Nobel Peace Prize in 2007 for his efforts to combat global warming.

Pressure has been mounting for the U.S. to put together its position before the U.N. conference. Gore said he was confident the U.S. Senate would pass a climate change bill before the conference and said a watered-down House bill could be amended later to strengthen its provisions.

He said that while any global pact reached in Copenhagen was bound to disappoint many, it would likely be replaced by something stronger once the business community got on board.

"I choose to be optimistic," he said.

Wealthy nations are seeking broad controls on emissions from all countries in the new pact, while developing countries say tough emissions limits would likely hamper their economic growth and that industrialized nations should carry most of the burden.

As a compromise, developing countries say they would be willing to accept compensation for the economic costs of reducing greenhouse gas emissions. The environmental group Greenpeace said Monday at least \$140 billion a year will be needed.

Gore also called for U.S.-China cooperation on wind, solar, and geothermal power generation and said charging companies for the heat-trapping carbon dioxide they produce would spur innovation and bring down the cost of future technologies. But he questioned the viability of current biofuel and nuclear technologies as a substitute for oil and coal.

Earlier Wednesday, Chinese President Hu Jintao said Beijing was hopeful that the Copenhagen talks would be fruitful, in a phone conversation with President Barack Obama ahead of the American leader's visit to China next month, according to a Foreign Ministry statement.

"Even though there are still many problems that need to be solved in the current negotiations, as long as all parties join hands and strive hard, there is still hope that the Copenhagen meeting will achieve positive results," Hu said.

Hu promised in a September speech at the United Nations to make "substantial" reductions in China's carbon dioxide emissions per unit of economic output. However, the country's target of reducing energy consumption per unit of its GDP by 20 percent by 2010 compared to 2005 levels would still result in a net increase because of the country's high rate of economic growth.

[Bakersfield Californian, Commentary, Wednesday, Oct. 21, 2009:](#)

CARB can't ignore credibility problems

Credibility is power.

When you have it, it's like a rock in your fist. But despite its power, it can be as fragile as an eggshell -- handle it with care or it'll shatter into a gooey mess.

That's what I believe the California Air Resources Board members have on their hands as they bull forward with the diesel emissions rules they passed last December based on a health report written by CARB researcher Hien Tran.

Tran lied about having a Ph.D in statistics from Davis.

He was outted to both CARB staffers and at least one board member prior to the Dec. 12, 2008, vote on the diesel rules.

But the board went ahead with the draconian rules requiring all trucks and heavy equipment to retrofit their engines to reduce emissions containing particulate matter as small as 2.5 microns (PM2.5).

The idea is to protect people from the effects of PM2.5, which is blamed by some researchers for killing off hundreds of Californians a year. At least that's one side. Other studies have found little to no effect on mortality from PM2.5.

Tran discounted those opposition studies. And the researchers whose studies he used have never opened their data sets to independent scientists to see if their results could be replicated, so I think it's still highly questionable whether PM2.5 is as deadly as it's been made out to be. But that's a different story.

Back to Tran, how his lie was handled and the gooey mess it's left.

Turns out, not everyone who should have been told was informed about the Ph.D.

The board, for instance, was never notified.

Though one CARB spokesperson initially told me board members were told briefed in closed session, another told me the materials were "made available to those who asked."

At the board's meeting last month, member John Telles was clearly shocked when a group of public speakers brought it up.

"This is the first time I've actually been apprised that there was fraud in the organization here," he said. "In my world, if an article was published by somebody who didn't have a Ph.D. and said he had a Ph.D., the whole thing would be nixed...I just find it incredible."

I spoke with Telles later and he was equally frustrated that CARB staffers said during the meeting not to worry because they had shopped the report around again for more peer review to make sure it was kosher.

"The board should have been made aware that they were seeking outside sources for a second review to see if there was a problem," Telles said.

He considered the whole affair a blow to the board's credibility, especially among businesses that come directly under the new regulations, which will cost owners tens of thousands of dollars per truck.

No kidding.

Fellow board member, John Balmes, who was apparently the only board member who knew about the allegations prior to the Dec. 12 CARB meeting, felt it could have been handled better, but he stood by the report and the regulations.

He didn't bring it to his fellow board members' attention, he said, because he had notified CARB's executive director James Goldstene.

Regardless of Tran's transgressions, Balmes said the extensive peer review of the report was good enough for him. Not for me, but I'll get back to that in a minute.

Further, Balmes said even if the report were taken out of the equation CARB could justify the truck rule it passed last December.

"It (Tran's report) is a risk assessment tool that's been applied to support the on-road truck rule, but it's not the reason for the rule."

I disagree that Tran's report wasn't pivotal and I think Balmes himself makes my point.

"The main purpose of the report was to provide a tool for the ARB to use in determining how much in terms of health benefits the regulation would provide."

Exactly. And that's what Tran's report did.

He took a number of studies showing PM2.5 as deadly dangerous (carefully excluding those that showed no increased mortality due to PM2.5), he averaged death rates from different studies and then created a methodology for figuring out how many lives would be saved by taking a certain amount of PM2.5 out of the atmosphere annually.

Tran's report is the cornerstone for the regulations.

Of course, Balmes and CARB staffers have a ready answer to that in the much-touted peer review, which they say upholds the report by Tran (who they now refer to as "a person who managed some aspects" of the report rather than the lead author, by the way).

Here's the thing, though, only the draft report was given to six of the reviewers.

It's unclear if they ever read the final report, or the 150 pages of public comments, much of which came from scientists who disputed its findings.

As a side note, Balmes told me he also never read the final version with the public comments. Huh? First, am I the only sucker who did? Second, how do you vote on regulations based on a report when you only read the draft?

Also in the peer review process, nearly half of 12 scientists who weighted the studies used by Tran were authors or co-authors of those very studies. Not exactly an unbiased group.

I asked CARB for a list of names of reviewers who were contacted after they discovered the Tran deception. There were 10. Again, four of those had studies used in the report.

Even as Balmes characterized the Tran issue as a "tactic" being used by people who don't like the new rules he understood that if it wasn't handled properly "it would come back to bite the ARB."

No, it wasn't handled properly and, yeah, it's taken a big ol' chunk out of CARB's credibility.