

## **Air quality forecast and woodburning rules**

Sun-Star Staff

Merced Sun-Star, Monday afternoon, January 25, 2010

MERCED

AQI Forecast for 1/25/2010: 29 Good (PM2.5)

AQI Forecast for 1/26/2010: 32 Good (PM2.5)

School Flag color for 1/26/2010: Green

Fireplace/Wood Stove Burning Status for 1/25/2010: Please burn cleanly

Fireplace/Wood Stove Burning Status for 1/26/2010: Please burn cleanly

San Joaquin Valley Air Pollution Control District

Daily Air Quality Forecast

More information about the Daily Air Quality Forecast can be found at:

<http://www.valleyair.org/aqinfo/forecast.htm>.

More information about the Fireplace/Wood Stove Burning Status can be found at:

<http://www.valleyair.org/aqinfo/WoodBurnPage.htm>.

## **Court asked to overturn air permit for SD refinery**

By Chet Brokaw, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Tuesday, Jan. 26, 2010

PIERRE, S.D.—Three groups opposed to a \$10 billion oil refinery planned for southeastern South Dakota have asked a judge to overturn a state board's decision to grant the project an air quality permit.

The Board of Minerals and Environment granted the permit in August after finding that Hyperion Resources, based in Dallas, had met the requirements set in state laws and rules. Board members endorsed the state Environment Department's recommendation to issue the permit for what would be the first new U.S. oil refinery built since 1976.

The Sierra Club and local groups Save Union County and Citizens Opposed to Oil Pollution have filed a lawsuit in state court arguing that the permit should be thrown out because it does not address some environmental issues.

Hyperion filed its own court appeal, which asks that the board's decision on a carbon monoxide limit be overturned.

Circuit Judge Mark Barnett of Pierre has consolidated the two appeals to be heard as one case. After further written arguments are filed, a hearing is scheduled for June 23 in Pierre.

Ed Cable of Save Union County said Monday that opponents believe the state board has not complied with the federal Clean Air Act. Both the process and the information used by the board were flawed, he said.

Cable said the Board of Minerals and Environment also should have required a full environmental study before approving a permit for the refinery.

"If this doesn't require an environmental impact statement, what project ever would?" Cable said.

A spokesman for Hyperion did not return a phone call seeking comment Monday.

The refinery would be located north of Elk Point. It would process 400,000 barrels of Canadian tar sands crude oil each day into low-sulfur gasoline, diesel, jet fuel and liquid petroleum gas.

The project would include a power plant that produces electricity for the refinery. It would use a byproduct of the refinery process, solid petroleum coke, which would be turned into gas and

burned to produce electrical power. The company says the gasification would allow the removal of more pollutants.

Hyperion argues the refinery would be a clean, modern plant that would reduce the nation's dependence on oil from overseas.

Opponents contend the refinery would emit too much pollution and hurt the quality of life in the area.

In documents filed in circuit court in Pierre, the opponents argue that the state air permit does not deal with many environmental issues and does not require Hyperion to use the best available technologies to control pollution. Hyperion has not proved that the refinery would comply with federal air quality standards, the lawsuit says.

In addition, the board made a mistake in not requiring an environmental impact statement before granting the permit, the opponents contend.

### **EPA cracks down on pollution spikes near roads**

By Dina Cappiello, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Tuesday, Jan. 26, 2010

WASHINGTON—The Environmental Protection Agency announced Monday that it would control—for the first time—short-lived spikes of an air pollutant common along major roads and linked to respiratory problems.

The new national standard sets a one-hour limit for nitrogen dioxide, a gas created by emissions from automobiles, factories and coal-fired power plants that peaks along highways and near cities.

Along with the new limit, the EPA is also requiring at least 40 new monitors in cities and along roads to pinpoint which areas would violate the new standard.

Research has shown that breathing nitrogen dioxide for short periods of time, 30 minutes to 24 hours, can worsen asthma, increase respiratory illness and impair lung function. But since 1971, the EPA has limited only long-term concentrations of nitrogen oxide, which are measured over the course of a year.

The entire country currently meets the annual threshold, which will remain in place.

The EPA said the new standard will ensure that people most susceptible to respiratory illness, such as children, the elderly and asthmatics, are protected from more brief exposures.

Based on current monitoring data, only one county in the country—Cook County, Ill.—would violate the new threshold, and the EPA says that county would come into compliance by 2020 with curbs on pollution already underway there.

The additional monitoring EPA will require will decide whether more places violate the standard. Those areas would be announced in late 2012 or early 2013.

The American Petroleum Institute, representing the oil and gas industry, said in a statement Monday the EPA was over-regulating and that there is no scientific evidence that a short-term nitrogen dioxide standard is necessary to protect public health.

Advocacy groups wanted the EPA to adopt an even stricter standard, and they pointed out Monday that the level selected was on the upper end of a range recommended by the agency's scientific advisers.

"This standard is a step forward for public health protection, but it is also a missed opportunity to do something better for the breathing public," said Frank O'Donnell, president of the environmental group Clean Air Watch.

### **Kan. utility, federal agencies settle lawsuit**

By John Hanna, Associated Press Writer

In the San Diego Union-Tribune, Contra Costa Times and other papers, Tuesday, Jan. 26, 2010

TOPEKA, Kan. — Kansas' largest electric company has agreed to upgrade pollution controls at its biggest power plant under a legal settlement announced Monday by the utility and federal officials.

Westar Energy Inc. said it expects to spend at least \$200 million on equipment to cut emissions at its coal-fired Jeffrey Energy Center, about 30 miles northwest of Topeka. But federal officials estimated the improvements will cost about \$500 million. The bill is likely to be paid by Westar's 684,000 customers.

The U.S. Justice Department filed a lawsuit in February 2009 against Westar in U.S. District Court in Kansas City, Kan. It came five years after the Environmental Protection Agency notified the utility that Westar had violated federal air pollution regulations.

The settlement also requires Westar to invest \$6 million on other environmental projects and to pay a \$3 million civil penalty, though the utility acknowledged no wrongdoing. The parties filed the agreement Monday in federal court, and it must be approved by U.S. District Judge Julie Robinson.

The EPA said the settlement will require Jeffrey, in St. Marys, to comply with the strictest standards for controlling sulfur dioxide emissions imposed for a coal-fired plant in a legal settlement. Federal officials said sulfur and nitrogen dioxide emissions ultimately will be cut by 85 percent, or nearly 79,000 tons annually, over 2007 levels.

"EPA is committed to protecting clean air for communities by making sure coal-fired power plants comply with the law," Cynthia Giles, an assistant administrator in EPA's enforcement office, said in a statement.

Westar described the settlement as "an extension of our environmental stewardship." General Counsel Larry Irick said the company said a lawsuit eventually could have forced Westar to install even more expensive technology, with no better effect on Jeffrey's emissions.

"It makes more sense to reach a settlement to invest in cleaner environment than to spend money on lengthy litigation arguing about these allegations," Irick said. "Protracted litigation won't accomplish any environmental benefit, no matter how the case turns out."

Westar said it will try to recover most of the cost of complying with the settlement - but not the civil penalty - through its rates. The utility has to get permission from Kansas regulators, but state law makes an increase to cover such costs almost automatic.

"There is a movement in the country for stringent environmental controls," said David Springe, chief attorney for the Citizens' Utility Ratepayers Board, a state agency representing small businesses and residential customers. "They may be installing something they were going to have to install anyway."

The Sierra Club, which sought to intervene in the lawsuit, said it is reviewing the settlement but expects the case ultimately "will result in cleaner air."

The legal dispute between Westar and the federal government centered on equipment Westar replaced for its three coal-fired units at Jeffrey in the 1990s. Jeffrey's generating capacity of 1,991 megawatts is almost 31 percent of Westar's total.

The EPA argued the changes at Jeffrey went beyond routine maintenance and that Westar failed to get necessary permits for the work. Also, the utility and federal officials disagreed on whether Westar was required to install more advanced technology than it did.

The company also estimates that from 2006 through 2009, it spent nearly \$600 million to upgrade pollution controls at Jeffrey, installing new scrubbers to cut sulfur dioxide emissions.

But under the settlement, it will install a new system at one of its three units at Jeffrey by 2014 to reduce nitrogen dioxide emissions. Westar said such a system could then be installed on a second unit by 2016.

"The settlement agreement allows Westar to install this equipment in an orderly fashion," Irick said.

Westar's and federal officials' cost estimates for complying with the settlement vary widely because, the utility said, it believes it can find less expensive ways to reduce emissions from the second unit at Jeffrey.

The settlement also requires Westar to invest in plans to pursue additional wind-generated power, develop technology for truck stops to cut emissions from idling trucks and to cut emissions from its own vehicle fleet.

In regular trading Monday, shares of Westar closed at \$21.60, up 4 cents, or 0.2 percent.

## **New Anti-Smog Restrictions Could Warm Planet**

by Richard Harris

from National Public Radio, Monday, January 25, 2010

The Environmental Protection Agency's proposal to tighten the ozone standard for smog will have an unfortunate side effect: Because of a quirk of atmospheric chemistry, those measures will hasten global warming.

There's no question that smog is a hazard that deserves attention. Lydia Wegman of the EPA says the new ozone limits would have significant health benefits.

Less smog means fewer asthma attacks, fewer kids in the hospital, fewer days of lost school, "and we also believe that we can reduce the risk of early death in people with heart and lung disease," she says.

Here's the tough part: The way many states and localities will reduce smog is by cracking down on the chemicals that produce ozone. And those include nitrogen oxides, or NOx.

### **The Net Effect Could Make Global Warming Worse**

But Jason West at the University of North Carolina in Chapel Hill says that when you reduce NOx, you don't just reduce ozone; you change the chemistry of the atmosphere in such a way that you end up increasing the amount of methane in the air. And methane is a potent gas when it comes to global warming.

"By reducing NOx, the net effect is you make global warming worse," West says.

In fact, you could make warming a lot worse. If you got rid of all NOx and a related sulfur compound, that action alone would be enough to increase the Earth's temperature by 2 degrees Celsius — and that's in the danger zone for the climate, according to many scientists and governments.

U.S. pollution control laws are moving us gradually in that direction. The EPA estimates that by 2020, when the ozone standard will start to make a real difference in air quality, the result would be the reduction of 4.3 million tons of NOx per year — a reduction in emissions of 33 to 40 percent.

"Europe's in very much the same situation we are," West says. "They're trying to control their ozone as well. So if they reduce their NOx and we reduce our NOx, suddenly we're talking about big numbers."

### **Finding A Holistic Approach To Air Quality Control**

But Drew Shindell at NASA's Goddard Institute in New York City cringes at the thought of simply leaving NOx in the atmosphere to counteract global warming.

"I would have trouble with the ethics of ever saying people should be choking where these are being emitted because of the sake of global climate," he says.

Shindell argues that what's needed is a more holistic approach to the intimately linked problems of climate change and air quality. "I think we need to have policies which try to take into account both air quality and climate change. And traditionally, these have been entirely separate," he says.

In the case of smog, there's actually a fairly easy way to deal with this. West says it's true that reducing NOx will put more methane into the air, but it's not too hard to prevent emissions of methane from sources like coal mines or leaky gas pipelines.

"Reducing methane emissions looks like a pretty promising way," he says. "We know we can get some of those emissions reduced even at a cost savings. And we know it's good for climate and it's good for air quality."

To make the story even a little more twisted, methane actually reacts in the air to make ozone. The net result, then, is less ozone in urban areas, where it's worse, but a little bit more ozone spread around the world.

### **Fighting A Global Pollutant Requires Global Action**

Unfortunately, unlike smog, which is a local problem and can be addressed with local measures, methane is a global pollutant. So the usual way of attacking air pollution, with local efforts, simply won't do the trick.

"If Los Angeles, for example, wanted to control its own methane, it would find that it would really have no effect" on air quality, says West.

So eventually, dealing with local air pollution will require global action. Lydia Wegman at the EPA says her agency is starting to move in that direction.

"We definitely think that integrating air quality and climate concerns is the best way to go," she says. And in fact, that idea is being considered in the next review of smog standards, which is now getting under way.

### **GM to make its own electric motors**

By Dee-Ann Durbin - AP Auto Writer

In the Modesto Bee and Merced Sun-Star, Monday, January 25, 2010

DETROIT -- General Motors Corp. is back in the electric motor business.

The automaker said Tuesday that starting in 2013, it plans to build its own electric motors for hybrid and electric vehicles. GM has been getting electric motors for those vehicles from suppliers, but wants to make the motors in-house in order to lower costs and improve quality and reliability.

"We need to not only buy the parts, we need to really understand them," said Pete Savagian, engineering director for hybrids and electric motors, in a conference call with reporters ahead of Tuesday's announcement.

GM wouldn't say where it will build the electric motors, but it scheduled a news conference Tuesday afternoon at its Baltimore Transmission plant in White Marsh, Md. The plant currently makes hybrid transmissions. GM said it will invest more than \$246 million to build the electric motors. It wouldn't say how many motors it will build.

This isn't the first time GM has built electric motors. It built them for its EV1 electric car in the mid-1990s, and some of the engineers of that car worked on the new motors, Savagian said. Savagian said GM has been quietly developing a new electric motor since 2003, and will be the first U.S.-based automaker to manufacture its own.

GM-designed and built electric motors will debut in 2013 on rear-wheel-drive, two-mode hybrid vehicles, but eventually they could be placed in all-electric and fuel-cell cars.

Two-mode hybrids use a motor alongside a conventional engine to boost power and improve fuel-efficiency. Electric vehicles are powered solely by batteries and electric motors, while in fuel-cell vehicles, an electric motor is powered by a reaction between oxygen and hydrogen.

On traditional vehicles, gas fuels the engine and transmission, which power the wheels. On electric vehicles, batteries replace fuel and electric motors replace the engine and transmission.

Tom Stephens, GM's vice chairman of global product operations, said using energy from the electric grid is the best way to cut emissions and reliance on oil in the short term.

"We do need to have the electrification of the automobile," he said.

## **Kettleman City landfill growth sparks lawsuit**

Bee News Services

In the Merced Sun-star, Sunday, January 24, 2010

KINGS COUNTY — The fate of expansion plans for California's largest hazardous-waste landfill in Kettleman City that some blame for causing birth defects is headed to court.

A group of residents, along with two environmental groups, sued Kings County on Thursday, saying its environmental review of Chemical Waste Management's expansion plan was flawed. They say the county failed to consider impacts on air quality and public health when they approved it last month.

The project's opponents note that five babies in Kettleman City were born with cleft palates during a 15-month period beginning in 2007, and three of them died.

Kings County administrative officer Deb West maintains "all the proper steps" were taken during the permitting process.

The dump's owners say there's no evidence linking the facility to the birth defects.

People for Clean Air and Water, a group of Kettleman City residents, and Greenaction for Health and Environmental Justice said last week at a news conference before the lawsuit was filed that the county's environmental review of the project was flawed and a permit for the expansion should be thrown out.

The lawsuit is the latest attempt to stop expansion of the landfill about three miles southwest of Kettleman City. Opponents have argued it should be delayed until the cause of the birth defects is determined.

The Board of Supervisors directed county health officials on Dec. 15 to ask the state to investigate the birth defects. The landfill permit was approved Dec. 22.

The state notified the county this month that it would not conduct an investigation. Keith Winkler, health director for Kings County, said state officials told him by telephone that they don't "feel it would be fruitful for them to do a study."

The move for a study was prompted by Supervisor Richard Valle, whose district includes Kettleman City. Valle said Wednesday he had no comment on the lawsuit but plans to pursue the request for a state health investigation. "I'm not giving up on the state," he said.

Asked to comment, California Department of Public Health officials issued a written statement saying they had been looking into the concerns of the community and a link between health problems and the environment.

"We will be making our findings known to the community in the coming days and weeks," they said.

[Stockton Record Editorial, Monday, January 25, 2010](#)

## **Cozy fires in the Valley ignite a healthy**

By Donald W. Blount, Record Managing Editor

It was a recent day, before the rains set in, when the air was cool and crisp. It was a great day to stay at home with the family. What better way to add ambience than with a fire in the living room fireplace?

I still had a few manufactured firelogs in stock. They reportedly burn cleaner than real wood.

Someone in my neighborhood already had a fire going. I could see the smoke wafting from their chimney and smell the burning wood as I walked through the neighborhood.

When I got home, I grabbed a log and was ready to get started. But before igniting the flame, I needed to take one last step - check the day's burning status.

There it was on the weather page of The Record, the red bar with black lettering: Wood burning prohibited.

My plans went phfffffft.

The wood-burning season, as far as the San Joaquin Valley Air Pollution Control District is concerned, lasts from November through the end of February.

During that period the district, which stretches from San Joaquin County south to Lebec in Kern County, regulates when we can burn in our homes. Agricultural burning falls under different rules.

The program, launched in 2004, aims to improve our air quality by monitoring and limiting residential wood -burning emissions on days of poor air quality.

Basically, we aren't throwing more dirt in the air on days when the air is already dirty and there isn't enough wind to blow it away.

Wood smoke contains tiny particulate matter known as PM2.5, tiny specks of dust and soot that are among the region's most dangerous pollutants, and, according to a study, is 12 times more likely to cause cancer than cigarette smoke.

Failing to meet federal PM2.5 standards results in lost productivity, missed school days and health costs to the tune of about \$3.2 billion a year in the San Joaquin Valley.

Of course, those without gas or electricity in their homes are exempt from the wood-burning rules.

In San Joaquin County, we have had 20 no-burn days and 38 notices of violation for the season.

Violators are caught in a couple of ways:

» An air district inspector on patrol sees or smells smoke coming from a chimney during a no-burn day and issues a citation. If you're wondering how effective the inspectors were given the size of the district: Jamie Holt, chief communications director for the Valley Air District, said that no-burn days occur at various parts of the district so the 50 to 60 inspectors can be dispatched to those areas on no-burn days.

» A neighbor or someone else turns in a suspected violation. And the district's compliance office checks it out. "We don't knock on doors or go on private property," Holt said. "The inspectors take notes, come back to our office and then send out a notice of violation."

Fines are \$50 for a first-time violation or violators can sit through an at-home wood-burning course. It's akin to a traffic school for wood burning.

Does the program work?

Anecdotally, people have said they are seeing and feeling a difference when they go outside, Holt said.

I asked environmental reporter Alex Breitler for his take on this program.

The air district says it has seen steady improvement in air quality since wood-burning restrictions were first passed in 2003.

In 2008 - the most recent year for which numbers are available - San Joaquin County residents who burned wood at home released into the air 1.64 tons per day of PM2.5.

In 2005 that number was 1.8 tons per day, according to state data. Two decades ago it was 1.93 tons per day.

Despite the decrease, wood burning still results in more PM2.5 emissions than farming or on-road cars and trucks, although they emit larger amounts of other harmful pollutants.

So in short, following the wood-burning rules can be beneficial to us all.

[Sacramento Bee, Letter to the Editor, Tuesday, January 26, 2010](#)

### **Green' success just beginning**

Re "Competition strong to lure green tech" (Page A1, Jan. 18): Jim Downing's story should erase any shred of doubt about the value of California's global warming laws in rebuilding our economy.

Downing notes how government incentives have played a large role in growing the green tech industry. Federal funding has greased the wheels for job growth in Sacramento, because of local initiative in meeting the statewide renewable energy and efficiency standards. Further underscoring the link between green laws and job growth, Clean Edge stresses that California's energy and air quality standards have made our state the most attractive place in America for green businesses.

The economic benefits of going green are clear. Investing in renewable energy projects rather than fossil fuel plants creates up to seven times as many jobs per megawatt of capacity. Similarly, energy efficiency improvements create clean jobs while saving money for businesses and homeowners.

From solar and wind power to energy-efficient homes and cleaner cars, California is already beginning to see our pioneering energy policy drive green job growth. The state should keep the pedal to the metal and continue to moving forward with clean energy legislation.

Charlotte Glennie, Sacramento  
global warming associate, Environment California

[Bakersfield Californian, Letter to the Editor, Tuesday, Jan. 25, 2010:](#)

### **Implementation Group looking for real solutions**

A more accurate headline for the Jan. 17 article, "Group's 'green' facade crumbles" would have been "Attempted smear of climate change watchdog group fails miserably."

The AB 32 Implementation Group represents almost 200 diverse stakeholders, including the Kern County Taxpayers Association, who are constructively engaged in the public process of crafting policies that will help achieve the goals of California's Global Warming Solutions Act without bankrupting the families and businesses already struggling to survive a prolonged recession and record-high unemployment.

Your readers would have been better served if the reporter, rather than focusing on 2 percent of the group's membership's alleged doubts, had related what the group is worried about.

Economists at Sacramento State University recently concluded that the annual costs arising from AB 32 implementation are likely to result in the loss of more than \$182 billion in gross state output, the equivalent of more than 1.1 million jobs, nearly \$76.8 billion in labor income, and nearly \$5.8 billion in indirect business taxes.

And the California Air Resources Board's own Economic Allocation and Advisory Committee projected significant energy cost increases and job losses from AB 32. The committee has suggested a new tax that could total \$143 billion or so over 10 years to mitigate those impacts.

The unelected political appointees at CARB clearly are not focusing on the economic meltdown that will result from fiscally irresponsible emissions reduction policies.

The AB 32 Implementation Group should be commended for holding the agency accountable to the people who'll have to pay the bill.

MICHAEL TURNIPSEED, Executive Director, Kerntax, Bakersfield