

Fresno Bee commentary, Thursday, Aug. 25, 2011:

SEYED SADREDIN: Steps to help improve Valley air quality

As many of you know, despite significant improvements in our air quality, under an arcane provision of federal law, Valley residents and businesses are subject to a penalty of approximately \$29 million per year for failing to meet the federal one-hour standard for ozone.

In 1996, the Valley air basin racked up 56 days where ozone levels exceeded federal health-based standards for one-hour ozone readings. Last year, there were only seven such days. If anything, Valley residents and businesses deserve a reward and not a penalty.

We were able to craft a creative approach that will prevent the federal government from taking this money and placing it in the federal treasury.

Under the plan adopted by the Air District, the penalty mandate will be satisfied by residents paying \$12 per year in DMV fees and businesses without best available control technology paying a fee based on their emissions. Every penny collected then will be reinvested back in the Valley, in projects that reduce air pollution and help our fragile economy. Nonetheless, we have to do everything we can to make this penalty go away.

We are pursuing legislation in Congress (H.R. 1582, Rep. Kevin McCarthy) to repeal the penalty. But given the current political stalemate in Washington, don't hold your breath.

To make this unfair penalty go away, we're asking the public, businesses and municipalities to consider a range of voluntary actions that can reduce air pollution on a few days each year when we're at risk of going over the federal standard in question. If we're successful, not only will we experience health benefits from reduced air pollution, but we can also see a benefit in our pocketbooks by eliminating this penalty.

This is why the Air District has developed a new Air Alert notification system. Recent trends indicate that these violations occur at the start of the school season with increased traffic combined with high temperatures and stagnant conditions. Air Alert episodes, which can last anywhere from a couple of days to a week, will be declared when meteorological conditions and emission trends indicate the likelihood of a violation if no adjustments are made. There are steps that Valley residents and businesses can take to avert an exceedance during an Air Alert. All of this is voluntary but highly encouraged.

Residents can:

- Refrain from idling when dropping off/picking up students.
- Carpool, vanpool or use alternate transportation.
- Refrain from using drive-through services.

Businesses and municipalities can:

- Shift operations to early morning or late evening (lawn care).
- Offer flexible work schedules.
- Promote carpools and vanpools for employees.
- Implement telecommuting.
- Become a Healthy Air Living Partner.

Valley residents and businesses can sign up to receive Air Alerts through the Air District's automated email list at www.valleyair.org. Air Alerts will also be posted on the district's websites (valleyair.org and www.healthyairliving.com); social networks, such as Facebook and Twitter; available at the toll-free 1-800 SMOG INFO number (766-4463); and will be widely broadcast on Valley TV and radio stations.

The new Air Alert system is a critical tool to inform and educate Valley residents of the immediate consequences of emission-creating activities, and to urge alternatives that can help us avoid painful economic penalties and poor health outcomes that will affect everyone in the air basin.

For more information about Air Alerts and the Valley Air District, please contact one of our regional offices: in Fresno (559) 230-6000, in Modesto (209) 557-6400 or in Bakersfield (661) 392-5500.

Seyed Sadredin is executive director and air pollution control officer of the San Joaquin Valley Air Pollution Control District.

EPA to fine Kettleman City toxic-waste dump \$1m

By Lewis Griswold, staff writer

Fresno Bee, Thursday, Aug. 25, 2011

The federal Environmental Protection Agency on Wednesday hit Waste Management with \$1 million in penalties for lax operation of its laboratory at the controversial toxic waste landfill near Kettleman City.

"Significant shortcomings" at the company's lab hurt its ability to accurately analyze toxic waste that was being dumped in the landfill, said Jared Blumenfeld, the EPA's Pacific Southwest regional administrator.

But there is no evidence that the landfill poses a danger to workers or nearby communities, Blumenfeld said – meaning the search continues for the cause of a rash of birth defects in Kettleman City, a poor, rural farmworker town on Interstate 5 in western Kings County.

"Nobody has been able to answer what has been causing the birth defects," Blumenfeld said.

An environmental group that suspects the landfill is the cause called on state agencies to deny permits for Waste Management's planned expansion.

"This bombshell news once and for all exposes Chem Waste's claim that it runs a safe facility as a myth," said Bradley Angel, executive director of Greenaction for Health and Environmental Justice, based in San Francisco.

The planned expansion – approved by Kings County but still needing three state permits – meets local land use standards, said Larry Spikes, county administrative officer. The county relies on higher level governmental agencies to monitor the landfill's operation, he said.

This is not the first time Waste Management has been in trouble with the EPA.

In December, the company was fined more than \$300,000 for improper handling of polychlorinated biphenyls, or PCBs, cancer-causing chemicals used in electrical transformers and additives in oils.

The latest fine is \$400,000, plus EPA ordered Waste Management to spend \$600,000 to replace lab equipment, buy software, cover leach tanks and other measures.

Fines in toxic waste dump cases tend to be stiff. Earlier this month, a hazardous waste landfill in Massachusetts was ordered to pay \$1.7 million for mishandling hazardous waste and other violations.

Last year, the EPA learned that some toxic waste shipments were incorrectly tested on arrival at Kettleman Hills before they were approved and buried.

Lab tests showed the waste met federal standards "when in reality it didn't," Blumenfeld said. The lab was not using the correct equipment; Blumenfeld likened the discrepancy to weighing newborn babies on scales that are built to weigh elephants.

Waste Management disputes that the Kettleman Hills lab performed poorly, but will not appeal the \$400,000 fine so as "to close this chapter" of the agency's investigation of the landfill, company spokeswoman Jennifer Andrews said.

The company agreed to pay the fine in a settlement, but the government's announcement that the company must buy \$600,000 of lab equipment came as "a surprise to us," she said. Waste Management is looking into the explanation for the amount, she said.

In 18 cases, waste had to be dug out and rechecked, and in five cases, waste that contained cadmium exceeded federal standards, the EPA said.

Andrews said the lab was certified at the times of the incidents. The company disputes EPA's finding that the lab had failed to analyze material properly, she said.

An error did occur on one lab test, and steps were added to keep it from happening again, she said.

In most cases, the contents of incoming shipments were misstated by the shipper, Andrews said. Waste Management discovered the problems and dug up the waste on its own, she said.

The EPA also said "leachate" – contaminated liquid seeping from landfills into ponds – was measured after it had been diluted by water and was not a true reading of the contaminant.

Waste Management said it followed federal guidelines for testing leachate.

An outside company is now operating the landfill's laboratory and will continue doing so for at least two years under the settlement.

Toxic dump near Kettleman City agrees to pay penalties

The site operated by Waste Management Inc. will pay \$400,000 in fines and spend \$600,000 on upgrades to manage hazardous materials at the facility. The nearby community of mostly low-income farmworkers is plagued by birth defects.

By Louis Sahagun, staff writer

L.A. Times, Thursday, Aug. 25, 2011

A toxic waste dump near a San Joaquin Valley community plagued by birth defects has agreed to pay \$400,000 in fines and spend \$600,000 on laboratory upgrades needed to properly manage hazardous materials at the facility, the U.S. Environmental Protection Agency announced Wednesday.

The penalties were part of a consent decree that capped an 18-month investigation by the EPA and the California Department of Toxic Substances Control into the Chemical Waste Management landfill about 3 1/2 miles southwest of Kettleman City, a community of 1,500 mostly low-income Latino farmworkers.

Company records revealed at least 18 instances over the last six years in which toxic waste had to be excavated from the landfill after it was learned that the laboratory had mistakenly concluded the material met treatment standards, EPA officials said.

Terms of the settlement require the facility to use an outside laboratory for at least two years and invest in improved records management systems, laboratory equipment and leachate monitoring programs, the EPA said.

"Significant shortcomings at Chemical Waste Management's lab compromised the company's ability to accurately analyze the toxic waste to be disposed of in their landfill," said Jared Blumenfeld, the EPA's regional administrator for the Pacific Southwest. "These were serious compliance issues and they have now been resolved. But that doesn't mean we are going to go away. We will remain vigilant and continue checking to make sure that the facility operates in full compliance."

The action came two years after activists petitioned state and federal health agencies to investigate whether the 29-year-old landfill owned by Houston-based Waste Management Inc. might be linked to severe birth defects including heart problems and cleft palates in Kettleman City. No such evidence was found by state investigators.

Ongoing environmental exposure investigations by state environmental authorities are focusing on possible harmful effects caused by the use of household bug sprays in Kettleman City, which is surrounded by farmland.

Many residents remain skeptical of such studies. Maricela Mares Alatorre, a Kettleman City activist and mother of two, said, "Bug spray may be only compounding problems caused by all the other dangerous chemicals we are faced with on a daily basis: arsenic and benzene in water supplies, diesel fumes from big rigs, crop spraying and living in the home of the largest toxic dump in the West."

Greenaction for Health and Environmental Justice, a San Francisco-based group that has organized the community, is urging state health authorities to deny an application from the company to expand the facility, the largest of its type west of the Mississippi River and the only one in the state authorized to accept carcinogenic polychlorinated biphenyls, or PCBs.

Each year, the Kings County facility receives from the Los Angeles area about 400 tons of liquid PCBs, which are found in electrical transformers, circuit breakers, voltage regulators, plasticizers and additives to lubricating and cutting oils.

A decision on whether to grant the permit is expected later this year.

Waste Management spokeswoman Jennifer Andrews said in a statement, "Although we disagree with EPA's findings, the consent agreement will allow us to move forward with a common understanding of acceptable hazardous waste management practices and will allow us to close out several complex regulatory issues."

Bradley Angel, executive director of Greenaction, welcomed the fines and upgrades, but added, "A company with this many serious violations should not be entitled to renew its permits. The party should be over for this toxic waste dump. How many chances will they get when they are dealing with the deadliest chemicals known to science next door to a community with serious health problems?"