

## **More toxic chemicals released in state in '11**

### **Facilities topping list not in Merced County, but some in San Joaquin Valley**

By Yesenia Amaro

Merced Sun-Star, Monday, Jan. 21, 2013

Toxic chemicals released into the environment from facilities in California increased in 2011 compared with 2010, a report by the U.S. Environmental Protection Agency shows.

During 2011, 1,265 facilities in the state reported 38 million pounds of toxic chemical releases.

The state's total reported on-site and off-site releases increased 10 percent, or 3 million pounds, compared with 2010 data, according to the report.

None of the top 10 facilities with the largest chemical releases on site and off site are in Merced County. However, some of them are in the San Joaquin Valley, such as in Kern and Kings counties.

Jaime Holt, chief communications officer for the San Joaquin Valley Air Pollution Control District, said officials with the agency have just begun to do an analysis of the report.

Holt said they are trying to determine what impacts there might be on the valley, and what steps -- if any -- the agency can take to help improve the situation.

District officials might have more information after they finish analyzing the report sometime next week, Holt said.

Ron Rowe, director of environmental health for Merced County, said that while none of the major facilities described in the report are in the county, dissemination of the information remains important.

He said his agency recognizes the community's right to know data submitted to the EPA that helps everyone remain aware of the types and amounts of chemicals used near neighborhoods.

County officials make an effort to prevent pollution at every level, Rowe said.

His division oversees a program that monitors every county facility that has reportable limits of liquids, solids and compressed gas. Those 35 facilities must participate in the program.

"Because of our knowledge of the compounds that are stored and used in our community facilities, our ability to control releases is greatly enhanced," he said.

The statewide report found that releases of toxic chemicals into the air have decreased 13 percent since 2010. Releases into water increased 10 percent, while on-site land releases increased 9 percent and underground injection releases decreased 67 percent since 2010.

The top 10 chemicals based on total on-site and off-site releases in the state included copper and copper compounds, nitrate compounds, lead and lead compounds, asbestos, ammonia, methyl tert-butyl ether, styrene, zinc and zinc compounds, n-hexane and toluene, the report shows.

## **Shears munch tractor in program that helps valley farmers buy cleaner models**

By John Holland

Modesto Bee, Monday, January 21, 2013

A scrap metal company made sure that a tractor would never, ever pollute the air again.

Modesto Junk Co. demolished the tractor Friday as part of a program that aims to reduce air pollution from farm equipment.

Farmers get money toward new, cleaner-burning models but have to verify that the old tractors are destroyed — in this case by a massive set of shears at the Ninth Street scrap yard.

"Destruction is a huge part of what we do," said Jeannine Tackett of the San Joaquin Valley Air Pollution Control District. "We like to chop things up."

She spoke last week at a meeting organized by the Stanislaus County Farm Bureau. More than 50 farmers heard about tractor-replacement incentives from the district and the federal Natural Resources Conservation Service.

The district will pay up to 80 percent of the cost of new tractors, combines, loaders and other farm equipment that qualify for the program. The total depends on the new equipment's horsepower.

"It would definitely help," said David Passadori, an almond grower near Ballico who is looking for a 100-horsepower tractor. "I'm assuming it would cover at least half the cost."

The district also helps farmers replace diesel irrigation pumps with cleaner versions, diesel or electric.

The district's funding, about \$20 million this year, comes in part from state and federal grants. It also gets a cut of a \$12 annual surcharge on vehicle registration fees in the valley.

Officials said the new tractors spew far less pollution than the old ones. This includes nitrous oxide and particulates, which can harm people with sensitive lungs.

"It's been good for the environment," said Tom Garton of Garton Tractor in Turlock, one of the dealers taking part in the program. "These new engines are 100 times more clean-burning than a decade ago."

Garton said the program has been especially helpful to dairy farmers, who have kept using old tractors to deal with a financial squeeze caused by low milk prices and high feed costs.

Modesto Junk is one of 18 dismantlers that take in the tractors for the district, which stretches from San Joaquin to Kern counties.

The big shears do not go to work until a district representative is on the site, said Keith Highiet, assistant manager at the scrap yard.

The shears just happen to be made by Caterpillar Inc., best known for its tractors. Modesto Junk bought them in 2011, about the time it joined the air district program.

As a news release back then put it, "The older units get scrapped, the new units are put in to use, and we all get to breathe a bit easier."

## **Emissions standards chill truckers hauling cooled goods**

By Megan O'Neil

Bakersfield Californian, Sunday, Jan. 20, 2013

Arthur Parrino has spent half a century crisscrossing the United States behind the wheel of a semi-trailer truck. His logbooks speak of millions of miles of interstate hauls and short-distance work at the ports of Los Angeles and Long Beach.

But the 68-year-old Parrino fears he might be reaching the end of the road.

In 2008, his three-rig operation shrank by two-thirds when the ports' Clean Truck Program went into effect, barring older, heavy polluting engines.

Now, a new cycle of state emissions standards for transport refrigerated units, known as TRUs or reefers, means that Parrino is shelling out more than \$7,000 to retrofit his single remaining 2005-model-year truck in order to keep it legal to operate in California.

"I used to consider myself a pretty good businessman, but today I am just a marginal operator," said Bakersfield's Parrino, who hauls everything from artichokes to sea bass. "I am struggling to keep my head above water."

The frustration is shared by many in the refrigerated transport business, a linchpin in California's massive agriculture operation. The state's farmers, who generated \$43.5 billion in revenue in 2011 and produce nearly half of U.S.-grown fruits and vegetables, rely heavily on truckers like Parrino to get their bounty to market.

But truckers say they are struggling to keep equipment up to speed with what they call onerous environmental regulations amid a soft economy and high diesel fuel prices. And with fewer than half of the nearly 33,000 California-based TRUs compliant with emission rules even as a new cycle kicked in on Jan. 1, some truckers question how food will be delivered if the state is serious about enforcement.

"There is a health advantage to people eating fruits and vegetables, and you can't eat fruits and vegetables if they are not there," said Kenny Lund, vice president of trucking brokerage Allen Lund Co., in La Canada Flintridge.

Proponents of the emission standards say that efforts to reduce diesel particulate matter -- especially around major truck hubs -- will lower health risks associated with toxic air contaminants.

"You are never going to see written on the death certificate 'This person died from freight pollution,' but we know freight pollution is closely associated with heart attack, premature mortality, lung cancer, asthma -- the list goes on," said Diane Bailey, a senior scientist at the Natural Resources Defense Council who has closely followed California's regulation of refrigerated transport.

The greening of the industry dates to 1998 when the California Air Resources Board -- the regulatory agency responsible for air quality -- formally identified diesel particulate matter as a toxic air contaminant. The board subsequently adopted a plan to reduce emissions from all diesel-fueled engines by 85 percent by 2020.

New standards for the diesel engines that power refrigeration units -- separate from those that drive the trucks themselves -- are one component of an expansive regulatory undertaking. TRU engines must be retrofitted with a filter, rebuilt, or replaced entirely, after seven years. The requirements are being phased in over multiple years, and enforcement started in 2009 with model year units from 2002 or older affected.

TRUs operate at temperatures as low as 20 degrees below zero, depending on the cargo and ambient conditions. Truckers can spend twice as much on fuel for refrigeration units while hauling during the summer as compared to the winter.

Costs to meet the state-mandated standards range from several thousand dollars for retrofitting to more than \$20,000 for a new refrigeration unit.

The standards apply to the nearly 33,000 TRUs based in California, as well as the tens of thousands of trucks that pass through each year. Some argue that the volume of goods flowing through California make the state standards de facto national standards.

Noncompliant carriers are subject to \$1,000 fines, although that figure can escalate for repeat offenses.

In the first year of implementation, compliance topped 70 percent, said Rod Hill, an air pollution specialist with the California Air Resources Board and the architect of the new in-use standards. Last year, 10 percent of the 2004 model years were registered as compliant. In the fourth quarter of 2012, total compliance was about 43 percent, Hill said.

On Jan. 1, a new cycle went into effect with all units dating from 2005 and earlier needing to be upgraded or replaced. A California Air Resources Board spokesperson said this week that neither updated total compliance rates nor compliance rates specifically for 2005 model year units were yet available.

This go-around includes a new wrinkle in enforcement efforts. As of the new year, truck brokers, shippers and receivers are also subject to fine for contracting non-compliant carriers. The move will force more carriers to upgrade while also evening the playing field among those who have made the capital investment to bring equipment into compliance and those who haven't, Hill said.

The disparity is pitting trucker against trucker.

"We started getting complaints from the carriers that had spent the money to come into compliance that they would be at a loading dock and they would see all these non-compliant units," Hill said. "There were actually some drivers in non-compliant units that were teasing drivers that had compliant units."

To be sure, there are many companies taking the necessary steps to upgrade. Jim Wilcox, the regulatory and compliance manager for In-N-Out said the company acted early and implemented a five-year plan to bring its 79 refrigerated trailers into compliance.

Ken Gilliland, director of international trade and transportation with the Western Growers Assn., said his office is directing its members to add a certification statement to contracts with carriers and brokers affirming that their equipment is compliant.

"It is a burden and it does mean extra cost, but we are looking at it at this point that it is a regulation and it is in place and there is a requirement to comply with it so how do we accomplish that?" Gilliland said.

Others in the industry say the new rules increase the risk that there won't be enough trucks available to haul California produce. That could raise the costs of farmers and retailers, and ultimately consumers.

California Air Resources Board officials said everyone will need to share a portion of the burden.

"When it is applied to everyone, and everyone is complying the costs get transferred properly so that the people who are asking for clean air requirements are helping to bear those costs," Hill said.

The regulatory agency has worked hard to collaborate with stakeholders, and to build time and flexibility into the implementation process, Hill said. Brokers, shippers and receivers can verify if a carrier is compliant via an equipment registration system, known as ARBER.

"I think that everybody that operates as a motor carrier has an obligation to operate an engine that is as clean as they can operate," Hill said. "They need to be in compliance with the law."

The California Air Resources Board flexed its enforcement muscle this week when it announced the first court-imposed fine - \$300,000 levied against a non-compliant, Ontario based-company called Foster Enterprises -- for violations of TRU regulations.

After flirting with the idea of leaving California, owner-operator Parrino said that a combination of factors prompted him to retrofit his rig, including the threat of fines and a letter from a major customer stating it would only load compliant trucks. He is compensating his mechanic for the work in equal installments, but is concerned about being able to make good on the third and final payment.

"I have got nobody to support me. I am me, myself and I -- chief cook and bottle washer," Parrino said. "I used to love this industry, I really did. But I despise it now. The regulations are getting so restrictive."

## **S.J. County makes gains on toxic emissions**

By Alex Breitler

Stockton Record, Saturday, January 19, 2013

Toxic emissions from San Joaquin County factories and power plants continue to decline, according to data released this week by the Environmental Protection Agency.

This is a long-term trend. The level of emissions reported in 2011 - the most recent data available - was about one-tenth of the level of emissions seen in the early 2000s.

Tighter environmental restrictions and, of late, the poor economy have been identified as reasons for the decline. Some older, dirtier facilities, such as coal power plants, have been shuttered as the state seeks cleaner energy solutions.

Following are highlights from the data:

### **Origin of numbers?**

Since 1987, facilities of a certain size have been required to report emissions to the EPA. As many as 650 chemicals are covered in the yearly reporting.

The information is made available to give the public "widespread access to valuable environmental information," and to hold polluters accountable while acknowledging those that have taken steps to reduce emissions, EPA Administrator Lisa Jackson said in a statement.

### **What do the numbers mean?**

The EPA doesn't attempt to gauge the risk to public health from local emissions, nor does it attempt to say how dangerous particular factories and power plants might be.

The information can, however, give you a general idea which facilities in your area are releasing chemicals into air, land or water.

### **Are factories solely to blame for bad air?**

No. Anyone who drives a car or truck is culpable. Tailpipe emissions account for about 80 percent of the San Joaquin Valley's smog problem.

### **What do the new 2011 data show?**

While San Joaquin facilities reported record-low emissions in 2011, those numbers are already out of date.

The county's top polluter that year, the Stockton CoGen coal power plant in south Stockton, shut down in 2012 with the goal of eventually reopening as a renewable energy plant.

Also, while EPA reported an 81 percent decline in emissions in 2011 compared with 2010, that number is misleading. Hundreds of thousands of pounds of pollution in 2010 were inaccurately attributed to Pacific Ethanol Inc.'s Stockton plant, despite the fact that the plant was shut down most of that year, a company spokesman said.

Pacific Ethanol has since resumed operations and reported more modest emission levels in 2011.

### **Court won't hear challenge to Clean Air Act rule**

The Associated Press

In the Fresno Bee and Sacramento Bee, Tuesday, Jan. 22, 2013

WASHINGTON -- The Supreme Court won't hear a challenge to a tough new clean air requirement limiting sulfur dioxide emissions.

The high court on Tuesday refused to hear an appeal from businesses and industrial interests involving an Environmental Protection Agency regulation setting emission levels of sulfur dioxide, a colorless gas with the smell of rotting eggs. Sulfur dioxide from power plant smokestacks can be carried long distances by wind and weather and has been linked to various illnesses including asthma.

Several corporations and industrial associations along with several states say that EPA's required emission levels are lower than mandated by law to protect public health. But the U.S. Court of Appeals for the District of Columbia Circuit refused to overturn the EPA's decision.

The justices refused to reconsider that ruling.