

## **Valley air rule requires cleaner school buses**

**But cost of the changeover and distant 2016 deadline cause concerns.**

By Mark Grossi / The Fresno Bee

Friday, September 22, 2006

San Joaquin Valley schoolchildren will breathe far less toxic exhaust from diesel school buses under a new air rule, but the cleanup effort will take up to 10 years and cost \$250 million.

The rule, approved Thursday by local air officials, requires the Valley's 185 school districts to retire their aging diesel bus fleets by 2016 or update them with better emissions controls.

About 2,000 buses will be affected, said officials with the San Joaquin Valley Air Pollution Control District.

Air officials acknowledged that school districts will have trouble coming up with the money. They said funding to retire or update buses could come from state and federal grant programs, as well as the air district's annual surcharge on Valley vehicles.

Air board member Tony Barba said the new rule is important for the health of the next generation: "This is to protect our children."

Researchers have found that children who ride older school buses are exposed to toxic diesel risks three times higher than people who live in urban areas. Diesel exhaust has been linked to respiratory illnesses and cancer.

The Valley has one of the oldest school bus fleets in California. Air district figures show about half of the school buses on Valley roads today were built before 1990, years before the more stringent engine requirements were enforced.

About 700 buses in the Valley's eight counties already meet the new requirements, air officials said. Some buses are new, while others have been fitted with updated emissions controls or have been converted to run on cleaner-burning fuel.

On Wednesday, for example, Madera Unified School District showed off the first of 11 school buses to be retrofitted this month with a diesel exhaust purifier to reduce toxic emissions.

Leaders from Clovis Unified School District and Reedley-based Kings Canyon Unified School District said they support the program. But they told the air district's governing board on Thursday that funding sources are crucial; otherwise, some school districts won't be able to afford to provide bus transportation.

"Schools will just park the [older] buses," said Joe Bjerke, district transportation director for Clovis Unified.

The most dramatic part of the cleanup will occur as the remaining pre-1977 buses are retired. Replacing one with a new diesel bus would eliminate more than 70% of the particle pollution. Replacing it with a bus powered by compressed natural gas would trim more than 80% of the particle pollution, as well as eliminate most nitrogen oxide, a smog-forming gas, according to the air district.

A new diesel bus costs about \$120,000; the price tag on a new compressed natural gas bus is about \$145,000.

Activists on Thursday said they wanted to see the air district provide incentives for buying vehicles that use cleaner alternative fuels, such as compressed natural gas. "This rule is a good start, but it could be stronger," said Sarah Sharpe of the Coalition for Clean Air, a longtime California advocacy group.

Air district officials said they wanted to remain neutral on the type of fuel used to power buses because many school districts won't be able to afford anything except diesel buses, which generally cost less than vehicles powered by alternative fuels.

Several speakers at the air district meeting said they would like to see a deadline sooner than 2016. Merced resident Alicia Bohlke said she didn't want her two children, ages 5 and 9, to wait.

"Ten years is just a little too long," she said. "My children will be grown."

Air district engineer George Heinen said an earlier deadline could affect the poorer, rural school districts more than the larger, urban school districts. Typically, children come from farther away to attend school in rural districts, he said.

Said Heinen: "If those districts can't afford buses, we might have the unintended consequence of increasing pollution with more parents driving vehicles to get their children to school."

## **Pollution control district tackles buses, developers**

By Sarah Ruby, Californian staff writer

Bakersfield Californian, Thursday, September 21, 2006

It was a day of school buses, employee concerns and deals with developers at the San Joaquin Valley Air Pollution Control District meeting Thursday.

Here are the actions taken:

\* By 2016, San Joaquin Valley school districts will have to replace all pre-1978 school buses and replace or retrofit all buses built between 1978 and 2002. About 80 percent of the valley's 3,300 school buses will be affected. It will cost \$27 million to implement, and the district plans to help fund the rule through its grant programs.

\* Castle & Cooke and Panama 99 Properties have agreed to offset all air pollution associated with their developments. These agreements go beyond existing rules, which require builders to pay for a portion of the pollution generated by construction activities and traffic to and from their projects.

Castle & Cooke will pay more than \$4 million for three projects -- Gosford Village, Stockdale Ranch and Gateway Village. Panama 99 Properties will pay almost \$1 million for a commercial project at Panama Lane and Highway 99.

Their money will be used to replace ag pumps and other sources of pollution.

\* More than a dozen air district employees spoke to the board, asking it to consider raising salaries. They are among the lowest paid air regulators in the state, even when compared with similar areas -- Sacramento and Yolo, for example, they said. In the southern region of the air district, five of 15 engineers have left for better paying jobs in the past year, they said. These losses make it hard to carry out the district's ambitious attack on air pollution, they said.

Starting out, an air district inspector would make \$32,000, they said.

Staff salaries are paid by permit fees, which haven't increased across the board since fiscal year 1997-98.

District managers are negotiating a new contract with its employees. Employees are seeking a raise of 7 percent per year for three years, plus increased benefits. Management's offer averaged out at a raise of 2.5 percent per year.

## **School bus fix en route**

### **Smog-belching vehicles to be replaced by 2016**

Zachary K. Johnson, Record Staff writer

The Record, Friday, September 22, 2006

MODESTO - While the wheels of the school bus go round and round, the diesel engines pushing some buses forward emit soot and chemicals studies say contribute to air pollution and cause health problems for the students riding inside.

But buses taking kids to school in the San Joaquin Valley are set to run cleaner now that the governing board for the regional air pollution control district passed rules regulating school buses.

The rules are intended to weed out older and dirtier buses from school fleets within 10 years, according to the San Joaquin Valley Air Pollution Control District, which unanimously approved the rules at a Thursday morning meeting of its governing board.

By 2016, schools will be required to replace all buses manufactured before 1978 and replace or retrofit newer school buses to meet emission standards. Schools have the option to retrofit existing buses with engines that use cleaner-burning fuels. All school buses manufactured since Oct. 1, 2002, will be in compliance, whether fueled by diesel, gasoline or an alternative fuel.

Members of the public mostly supported the new rules at the air district meeting, which took place by video conference in Modesto, Fresno and Bakersfield. Environmental groups supported the new regulations but criticized the district for not requiring schools to phase out the oldest and dirtiest buses before the 2016 deadline.

"It's a good first step," but the board missed an opportunity to put in the stricter time line, said Sarah Sharpe of the California group Coalition for Clean Air. The new rules also should have included incentives for schools to use buses powered by natural gas, she said.

The rules will affect Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare counties. Air quality in the San Joaquin Valley falls short of federal standards regulating the levels of smog and solid particles in the air.

The new regulations would cut the emission of smog-causing nitrogen oxide by three-quarters of a ton per day and reduce the emission of particulate matter by three-tenths of a ton per day, according to pollution control district staff.

These reductions are relatively minor compared with the amount of ambient air pollution, but the real public health benefit will be seen by cleaning the air breathed by the students and school employees in and around buses, said Seyed Sadredin, executive director of the pollution control district.

Toxins in diesel exhaust can cause cancer, attack the immune system and cause irritation of the eyes and lungs, according to the district.

The particulate matter in exhaust can find its way deep into a child's sensitive lungs and can exacerbate, or even cause, asthma, said Patricia Monahan, senior analyst for the Union of Concerned Scientists.

In 2003, the California Air Resource Board enacted rules, citing health concerns, stating school buses could not idle in front of schools for more than 30 seconds.

Costs to retrofit a school bus can range from \$8,000 to \$12,000, said Jason Osborn, director of transportation for the Manteca Unified School District, which has a fleet of 52 diesel buses. But 31 of those buses were manufactured before 1994. The current technology available will not bring buses this old up to the new standards, he said. This means Manteca Unified would have to replace some buses in its fleet earlier than anticipated, Osborn said.

The cost of new diesel-powered school buses starts at around \$120,000, according to transportation officials. Buses that run on natural gas cost more.

The pollution control district counts 2,581 diesel school buses in the San Joaquin Valley. Of these, 1,354 were manufactured in or before 1990. The oldest bus in the Valley was made in 1949.

In 2006, a control district program used more than \$13 million of district and state funds to replace 101 buses and retrofit 123 more. There are other grants available for schools looking to update their fleets, said George Heinen, supervisor for rule development at the air district.

The Lodi Unified School District won't have to change what it's been doing to meet the 2016 deadline, said Terry Fuglsang, the district's transportation director.

The life of a school bus in Lodi is expected to be about 20 years, and the school district has kept its fleet up to date, he said.

Of the school district's 103 buses, 41 were built in or after 2002, he said. Nineteen of those run on natural gas.

"I think any rule that improves the quality of air for our young students is a good rule," he said.

## **EPA Cuts Soot Level Allowable Daily in Air**

Industry and Activists Criticize New Rules

By Juliet Eilperin, Staff Writer

Washington Post, Friday, September 22, 2006

The Bush administration imposed stricter standards on the nation's air quality yesterday for the first time in nearly a decade, ruling that communities across the country must cut back on the amount of soot in the air on any given day.

The agency did not go as far as its own scientists had urged in curbing soot, which is linked to heart and lung disease as well as childhood asthma. The decision sparked complaints on both sides of the pollution debate, with public health experts saying it was inadequate and industry officials calling it too stringent.

The Environmental Protection Agency's new rule lowers the limit on how much fine particulate matter Americans may be exposed to over a 24-hour period, cutting the existing standard of 65 micrograms per cubic meter of air to 35. However, it leaves unchanged the annual limit for "fine particulate matter," or soot, in the air. That standard remains an average of 15 micrograms per cubic meter per day over the course of a year.

"Today EPA is delivering the most health-protective national air standards in our nation's history," agency Administrator Stephen L. Johnson said in a telephone news conference yesterday. "All Americans deserve to breathe cleaner air, and through these more protective standards, that's exactly what we're delivering today."

The EPA's scientific advisory panel voted overwhelmingly last year to recommend cutting the annual amount of soot Americans breathe, from a daily average of 15 micrograms per cubic meter to 13 or 14 micrograms. But William L. Wehrum, the EPA's acting assistant administrator for air and radiation, said officials concluded that the current annual standard "is in fact adequate to protect public health with an adequate margin of safety, and there isn't sufficient evidence to justify a tightening of that standard."

Under federal law, officials are supposed to revise air quality rules every five years to reflect the latest scientific findings. Wehrum said the Supreme Court has ruled that officials should be "no more and no less stringent" than is needed to protect public health. "We have to hit the sweet spot here," he said.

The District and Baltimore -- which lie downwind of several power plants and are clogged with traffic -- are struggling to meet existing federal soot standards, which date to 1997.

Vince Morris, a spokesman for D.C. Mayor Anthony A. Williams (D), said the city is disappointed with the decision to leave the annual fine-particulate standard unchanged.

"It's discouraging to see the EPA take this approach, but it's not really surprising," Morris said. "We're trying to make the air cleaner for District residents against an avalanche of suburban sprawl and upwind factories, and this decision isn't going to help us at all. It's really a shame."

Public health activists, who noted that 60,000 Americans are estimated to die prematurely each year because of air pollution, were harsher in their assessment. According to an EPA analysis, the stricter standards endorsed by the scientific advisory panel would have reduced air pollution-related deaths in nine cities by 48 percent; the administration's new rules would cut deaths in those same cities by 22 percent.

"It is the single worst action the Bush administration has taken on air pollution," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "With this decision, the Bush administration has abdicated its responsibility to protect breathers from dangers in the air."

Dan Riedinger, spokesman for the Edison Electric Institute, whose members generate 60 percent of the nation's electricity, attacked the administration from the opposite perspective. Power plants have cut their fine-particulate emissions by 40 percent since 1980, he said, and the industry plans to spend more than \$50 billion to cut emissions an additional 60 percent in Eastern states.

"EPA persists in overemphasizing studies that suggest a possible benefit to tightening the air quality standard, while downplaying those suggesting that doing so may not provide the health benefits EPA is seeking to achieve," Riedinger said. "Under the new standards, hundreds of counties that currently meet existing air quality standards will be in violation of the new ones, requiring tens of billions of dollars in annual expenditures to reduce emissions from all sectors of the economy."

The new rules will take effect in 2015; by then, the affected communities must draft plans for reducing air pollution or risk losing federal funds.

If the revised standards were in effect today, the District as well as Arlington and Loudon counties in Virginia would be out of compliance. But EPA officials said they expect all three areas to meet them by 2010.

Wehrum estimated that when the new rules take effect, about 32 additional counties -- most of them in Southern California -- will be out of compliance. Bebe Heiskell, who serves as county commissioner in Walker County, Ga., which is working to meet the 1997 standards, said she is concerned that the new rules will make it even harder for her community to attract businesses.

"It could have a detrimental impact on economic development and maintenance of the industry we do have," said Heiskell, who is appealing the EPA's decision to label her county as out of compliance. When it comes to soot in the air, she added, "I don't think it's affecting health in my community."

## **New air pollution rules rankle health groups**

By Deborah Zabarenko, Environment Correspondent, Reuters  
Published in the Washington Post, Friday, September 22, 2006

WASHINGTON (Reuters) - The U.S. government approved new air pollution standards on Thursday, promising "cleaner air to all Americans," but health and environmental groups said the revised rules are too weak to protect against lung disease and other pollution-related ailments.

Meanwhile, groups that represents U.S. electric power companies -- one key source of the particle pollution addressed by the standards -- said the new rules were too stringent.

Stephen Johnson, who heads the U.S. Environmental Protection Agency, told reporters: "Today EPA is issuing the most health-protective national air quality standards in our nation's history."

The new standards will reduce premature deaths, heart attacks and hospital stays for people with heart and lung disease and bring health benefits valued at between \$20 billion and \$160 billion a year, Johnson said.

Daily standards for the amount of particles in the air were strengthened by nearly 50 percent, he said. Previously, U.S. law allowed 65 micrograms of soot particles per cubic meter of air; the new rules call for a limit of 35 micrograms.

That reduction was less than what was sought by a broad coalition of environmental and health organizations, and a panel of EPA's own scientific advisers.

EPA's decision to keep annual standards for soot particles at the same levels they have been since 1997 -- 15 micrograms per cubic meter of air -- drew the ire of environmentalists, who had sought to have these strengthened.

"TRULY BREATH-TAKING"

"EPA's action is truly breath-taking in ignoring the dangerous impact of particulate pollution on Americans' hearts and lungs," Dr. John Balbus, health program director of the group Environmental Defense, said in a statement.

"By ignoring medical science, EPA is fundamentally failing to protect Americans from the serious death and disease associated with particulate pollution," Balbus said.

Dozens of health groups -- including the American Medical Association, American Lung Association, American Heart Association, American Cancer Society and American Academy of Pediatrics -- had urged the agency to set tougher standards for short-term and long-term exposure to particle pollution.

Particle pollution comes from vehicle tailpipes and factory smokestacks, and can trigger asthma attacks, heart attacks and premature death from various heart and lung ailments.

Environmental opponents of the new rules said EPA's chief had ignored the recommendations of its key committee of scientific experts, but Johnson said there was no agreement on the panel as to what the level should be.

EPA's decision also rankled those representing U.S. electric utilities.

"The industry believed that the existing standards continued to meet the legal requirement for the protection of human health," said Joe Stanko, counsel to the Electric Reliability Coordinating Council.

Stanko said complying with the new standards would cost an estimated \$20 billion to \$60 billion a year. He said his group was considering possible legal appeal of EPA's decision.

States must meet these new standards by 2015, with a possible extension to 2020.

## **San Joaquin Valley briefs**

S.F. Chronicle, Friday, September 22, 2006

FRESNO, Calif. (AP) - The air in the San Joaquin Valley improved enough to meet a federal standard, but new, tougher regulations may soon change that, air pollution officials said.

The valley, with one of the worst air basins in the country, no longer violates the federal health standard for a one-day peak measurement of tiny particles of pollution that can lodge in the lungs and have been linked with lung disease and heart problems, air officials announced Wednesday.

The microscopic specks called PM 2.5 form when vehicle exhaust combines with ammonia from dairies, but can also come from soot from fireplaces, smoke from wildfires and dust from agriculture.

San Joaquin Valley Air Pollution Control District officials credit public support and investments in clean-air technology by businesses for the improved air quality.

Though the valley's air has improved somewhat, it is still not healthy. A second federal standard that looks at PM 2.5 on an annual basis shows the region's average is still about one-third higher than that standard allows.

The U.S. Environmental Protection Agency is scheduled to meet next week to revise its one-day PM 2.5 pollution regulation, which will likely mean the valley will fall back below standard.

## **Weekend weather: A warm but possibly smoky weekend**

Staff reports

Visalia Times-Delta, Friday, September 22, 2006

Sunshine and temperatures in the mid-80s are forecast for the weekend in Tulare County, but smoke from a fire in the Sacramento Valley could waft into the area.

Accuweather, which provides the Times-Delta and Advance-Register weather forecasts, says it will be 86 and 85 Saturday and Sunday, with lows of 50 and 54.

But the Valley Air District reports that smoke from a large wildfire near Zamora, along Interstate 5 in Yolo County, could create problems initially in San Joaquin, Stanislaus and Merced counties and maybe further south.

Air experts say that if you can smell smoke, that means it's strong enough to have an impact on your health, particularly for children and older people.

For more details, see the weekend editions of the Visalia Times-Delta or Tulare Advance-Register.

## **EPA's New Soot Rules Tamer Than Expected**

By John Heilprin, Associated Press Writer  
S.F. Chronicle, Thursday, September 21, 2006

WASHINGTON (AP) -- The government on Thursday announced new limits on how many tiny particles of soot that people safely can breathe each day, rejecting tougher standards recommended by its own experts.

The Environmental Protection Agency kept some of its 1997 standards for soot particles - those smaller than 2.5 micrometers, or one-thirtieth the diameter of a human hair - that lodge in the lungs and blood vessels.

Experts advising the agency had said that the science supports tougher standards than EPA chose. Other air pollution experts and advocates complained of political tinkering.

The health-based limits on soot are considered an important part of the Clean Air Act, helping save 15,000 people a year from premature deaths due to heart and lung diseases.

EPA officials expect their decision will cut by roughly half the allowable particulate emissions from smokestacks and tailpipes. The advisory panel said they should be cut slightly more.

EPA Administrator Stephen Johnson called them "the most health protective national air standards in U.S. history."

"Wherever the science gave us a clear picture, we took clear action," he said. "There was not complete agreement" by the scientific advisory panel.

But 20 of 22 members of the panel said the EPA should set tougher standards, particularly those measured on year-round.

The agency said it was tightening its 24-hour standard for fine particles, which it said would deliver health benefits of \$9 billion to \$75 billion a year. It retained the annual limit for fine particles that scientists said should be strengthened, but revoked a standard for coarser particles.

Bill Becker, executive director of associations representing state and local air-pollution control officials, said EPA's rule defies the agency's principle of using the best available science.

"For the first time in its 36-year history, EPA has ignored the recommendations of its independent scientific advisers, as well as agency staff experts, in setting health-based air quality standards," Becker said.

"This final action will result in thousands of avoidable premature deaths, and thousands of cases of cardiovascular and lung disease throughout the country," he said.

John Balbus, who directs the health program for the advocacy group Environmental Defense, said the limits will not adequately protect the public because people still will face long-term exposure to soot pollution.

Power plant operators also were unhappy with EPA's action, said Dan Riedinger, a spokesman for the Edison Electric Institute.

"We think EPA has jumped the gun by adopting a more stringent standard before the existing standards have been given a chance to work," Riedinger said. "Our hope, obviously, is that these reductions will provide a real health benefit, though EPA hasn't adequately made that case."

## **EPA ignores advice for annual limits on tiny soot Science panel had urged tighter rules, citing health effects**

By Jane Kay, Chronicle environment writer  
S.F. Chronicle, Friday, September 22, 2006

Ignoring the advice of its own science panel and several health and environmental groups, the Bush administration issued new limits Thursday on lethal soot particles billowing from sources such as power plants, trucks and ships.

In making the announcement, U.S. Environmental Protection Agency Administrator Stephen Johnson said the rules would cut by nearly half the amount of fine particle pollution that could legally be emitted in a 24-hour period.

But the EPA's science panel had wanted a rule that would go further in cutting pollution made up of microscopic flecks of dirt, soot and vapor. Fine particles have been linked to thousands of premature deaths, asthma attacks, heart attacks and other health problems.

In his decision, Johnson failed to tighten limits of the amount of fine particulate pollution that may be emitted in a year.

Medical experts, including some EPA staff members, say that annual standard must be strong to safeguard public health, particularly in urban areas. Daily pollution limits control short-term spikes; annual limits are designed to cut steady flows of pollution.

The EPA issued the rules under a requirement to update standards for major pollutants every five years.

Fine soot or dust -- 2.5 micron particles, one-thirtieth the size of a human hair -- is regulated because it can penetrate deep into lungs and blood vessels, causing an array of health problems.

The new standard was attacked by such industry groups as Edison Electric Institute, an industry group of power companies, and National Home Builders. They don't like the EPA reducing the daily standard, arguing there is uncertainty over the health benefits of reducing fine particles and that it's costly.

Environmental and health groups, including the American Lung Association, criticized Johnson for not reducing the annual standard.

"This was a decision based on political science rather than real science," said Frank O'Donnell, president of Clean Air Watch. "We're terribly disappointed that EPA has chosen to disregard its own science advisers. The results will leave millions of Americans unprotected from the dangers of particle soot."

The EPA's Clean Air Scientific Advisory Committee, which includes scientists from environmental and industry groups and EPA staff, had pushed Johnson to lower the annual limits set in 1997.

Those limits are an average of 15 micrograms of fine soot per cubic meter of air; the committee wanted it to be lowered to between 13 and 14 micrograms per cubic meter. In defense of his decision not to tighten the annual limit, Johnson said it is very complex science and that reasonable people can disagree.

"Even with our own (committee), there was not complete agreement," he said.

But in an interview Thursday, Rogene Henderson, chairwoman of the science panel, said 20 of the 22 members wanted the more stringent annual standard. Many studies indicate people suffer cardiovascular and respiratory problems under the current limits, she said.

Each of the seven EPA staff members on the committee agreed that a lower limit was preferred, documents show.

"The duty of (the committee) is to recommend health-protective standards to the administrator, and that is what we did," said Henderson, an inhalation toxicologist at the Lovelace Respiratory Research Institute in Albuquerque.

The California Environmental Protection Agency also favored a lower annual standard. In an April letter to Johnson, the state agency said the existing standard clearly does not protect health.

Each microgram above 12 micrograms per cubic meter causes more than 1,000 premature deaths per year, the letter said.

The state has that strict standard, but there are "no real teeth in the state standards," said Jerry Martin, a spokesman for the California Air Resources Board.

The federal government can withhold highway funds if air limits are exceeded, but the state can't do that, Martin said.

Bay Area counties have easily met the federal limits every year. But it has been more difficult to meet the state's annual standard.

In 2000, San Jose exceeded it. In 2002, Concord and even breezy San Francisco exceeded it.

In the Bay Area, the major sources of fine soot are cars, trucks, residential wood-burning and power plants and other industrial processes. Major power plants are located in San Francisco, Pittsburg, Antioch, San Jose and Santa Clara.

The new rule is expected to be published in the Federal Register early next month, and will become effective 60 days later. In 2009, the EPA will officially notify counties whether they're meeting the standard

## **New EPA Rules on Soot, Dust Under Fire**

**Widespread criticism greets the standards for human exposure to particulates. Some say ideas from scientific advisors were ignored.**

By Janet Wilson, Times Staff Writer

L.A. Times, Friday, September 22, 2006

The U.S. Environmental Protection Agency on Thursday announced new rules for controlling soot and dust that plague large areas of California, imposing one tougher safety standard but rejecting the recommendations of scientific advisors to strengthen others.

At a news conference, EPA Administrator Stephen Johnson touted the rules as "the most protective air quality regulations in U.S. history" and said, "All Americans deserve to breathe clean air. That's exactly what we're doing today."

The EPA formulated the rules in response to a looming court deadline for updated standards in the settlement of a lawsuit by the environmental group Earthjustice.

Johnson's announcement of the rules drew harsh criticism from all sides of a long-running debate over how best to control some of the most harmful airborne contaminants. Those critics included industries faced with complying with the regulations, members of Congress and environmental groups.

After hearing some of the criticism, Johnson said that the Clean Air Act authorized him "to do what is requisite to protect public health ... neither more nor less stringent than necessary ... that's exactly what I did."

The EPA strengthened the standard that governed people's daily exposure to fine particles, or soot, but left unchanged one that deals with annual exposure. Also, the EPA scrapped another standard for coarse particles that are found in dust. A scientific panel established by Congress had strongly urged tightening annual soot standards to levels that members said could protect thousands more lives.

The new regulations pertain to fine and coarse particulate matter that is expelled from tailpipes, factory smokestacks, farm equipment and other sources and when inhaled can penetrate deep into the lungs. Exposure has been linked to severe asthma and premature deaths from heart and lung disease.

The Los Angeles Basin, especially the Riverside area, and the Owens Valley in the eastern Sierra Nevada have the worst particulate pollution in the nation. The problem in urban areas is largely attributable to exhaust from trucks and other diesel-powered vehicles. The Owens Valley is prone to major dust storms.

Rogene Henderson, head of the EPA's scientific panel that was in charge of reviewing the agency's proposals, said the panel's recommendations to better protect public health were ignored.

"We are, of course, very disappointed," she said.

Henderson said Johnson's decision to eliminate regulation of annual exposure to coarse particulate, or dust, is a step backward and would hinder attempts by researchers to study the health effects.

In an unprecedented action, the panel had earlier publicly urged Johnson to adopt tougher standards to save more lives and reduce chronic illness.

Johnson said Thursday that Henderson's panel was divided and said "it's a complicated issue. Reasonable minds can agree to disagree."

Henderson retorted that all but two of 22 panel members wanted tougher standards.

Spokesmen for electric utilities and manufacturers said that the rules would cost billions of dollars to implement, and that the agency had shown no clear evidence that the standards were necessary.

"The electric power sector is in the midst of implementing a series of major emissions cuts that will reduce power plant emissions associated with particulate matter," said Dan Reidinger of the Edison Electric Institute, which represents U.S. shareholder-owned power companies that produce nearly 60% of the nation's electricity.

"We think EPA has jumped the gun by adopting a more stringent fine particle standard before the

existing standards have been given a chance to work.... The industry will spend more than \$50 billion to cut emissions. Our hope, obviously, is that these reductions will provide a real health benefit, though EPA hasn't adequately made that case."

Reidinger said "EPA persists in overemphasizing studies that suggest a possible benefit to tightening the air quality standard, while downplaying those suggesting that doing so may not."

U.S. Sen. James M. Inhofe (R-Okla.), chairman of the Environment and Public Works Committee, also expressed concern: "I am disappointed that EPA is tightening the particulate matter standard in today's final rule. Recognizing that Administrator Stephen Johnson is a scientist himself, I respect his judgment and his command of the science, but I respectfully disagree that this new rule meets the threshold burden of proof necessary to impose these costly requirements on our nation's economy."

Sen. Barbara Boxer (D-Calif.) lambasted the decision, saying that "once again, this administration has shown its true colors by choosing polluters over the people and setting new air standards on toxic dust that fail to protect public health. This decision, which flies in the face of science, should not stand. I hope that EPA reconsiders this misguided and dangerous decision. If not, it should be struck down by the courts."

Attorneys David Baron and Paul Cort of Earthjustice, in a statement, said: "Unfortunately for those who are most at risk - young children, those with asthma and the elderly - EPA is listening to the polluters' cries and not doing the job of protecting public health. It's time EPA stopped playing politics and started cleaning up our air."

The American Medical Assn., the American Lung Assn., pediatric and environmental groups, and scores of doctors and academics who specialize in heart and lung disease had implored Johnson to set an annual standard of between 12 to 14 micrograms per cubic meter of air for fine particulates, saying that study after study had shown a correlation between increased exposure to soot and more illness and death.

Johnson instead retained a standard of 15 micrograms, saying that scientists disagreed about long-term exposure amounts. He significantly tightened daily exposure amounts to fine soot, cutting the allowable level from 65 to 35 micrograms.

"The evidence was clear there, and we took clear action," he said.

California air officials had mixed reactions, praising Johnson for significantly strengthening daily soot standards, but saying that the elimination of federal standards for dust would hamper the state's efforts to reduce air pollution. California has tougher exposure levels for both coarse and fine particulate, but those goals lack enforcement power, as opposed to the federal standards, which if unmet can lead to the loss of highway funds and other federal money.

"We don't have that big stick that the federal government does, the ability to withhold funds," California Air Resources Board spokesman Jerry Martin said.

Johnson backed away from an earlier proposal to exempt rural areas and mining and agriculture industries from standards governing larger coarse particles.

William Wehrum, the EPA's acting deputy director of air quality, said that "within days" the agency planned to adopt companion rules requiring extensive additional monitoring of coarse particulate in rural and urban areas to aid research efforts and further regulatory reviews in the future.

## **PUC Clears Way for Liquefied Gas Imports**

By Elizabeth Douglass, Times Staff Writer  
L.A. Times, Friday, September 22, 2006

California utility regulators approved sweeping rules Thursday for the state's natural gas industry, clearing the way for the importation of liquefied natural gas over objections from air quality officials, environmentalists and community groups.

The decision by the California Public Utilities Commission is the culmination of a controversial two-year proceeding that examined the state's future demand for natural gas. Thursday's order, approved by all five commissioners, established benchmarks to ensure the adequacy of storage facilities and pipelines and the quality of imported natural gas, among other things. It also set procedures under which utilities should contract for supplies.

Shortly after the vote, a coalition of environmental, consumer and community groups said it would sue to block the decision. Ratepayers for Affordable Clean Energy, a coalition that opposes liquefied natural gas projects, said it would file suit in California Superior Court on Monday, claiming that the natural gas rules should have been vetted under the California Environmental Quality Act.

The South Coast Air Quality Management District agreed with that assessment and vowed to "aggressively challenge" the commission's decision. District Executive Officer Barry Wallerstein said the rules would worsen air pollution by allowing the importation of foreign liquefied natural gas that burns hotter and produces more harmful emissions than the natural gas formulations in use today.

"I respect the views of the South Coast Air Quality Management District, but I do not share them in their entirety," said Michael R. Peevey, president of the California Public Utilities Commission and a strong supporter of liquefied natural gas projects. He said the commission's decision would help ensure future natural gas supplies for the state by setting the rules for gas importers and others.

Commissioner Rachelle Chong agreed, noting that natural gas is less polluting than other fuels, that demand for natural gas is growing and that liquefied natural gas "is one of the few new sources of natural gas available to California."

In recent months, much of the debate focused on whether to alter natural gas quality standards to allow the hotter-burning formulations. These are expected to come ashore from several proposed liquefied natural gas import projects along the coast of California and Mexico.

Air quality officials complain that the hotter gas increases pollution. Others contend that household appliances aren't built to operate on the hotter gas, which could cause fires.

The companies involved, including San Diego-based Sempra Energy, pushed to allow the hotter gas, arguing that it wasn't harmful and that allowing a wider range of formulations would increase potential supplies for the state.

Sempra, which owns San Diego Gas & Electric Co. and Southern California Gas Co., is building a liquefied natural gas import facility in Baja California, Mexico, that could start sending gas to California by 2008.

The Baja facility is the furthest along of about half a dozen proposals in the region, all of which would receive super-cooled liquefied gas from Russia, Australia and other locales. After receiving the fuel, the facilities would return it to gaseous form and send it to customers through existing pipes.

"I commend them for weighing all of those decisions and trying to provide certainty so industry can prepare to provide for California's future needs," Darcel Hulse, chief executive of Sempra LNG, said of the commission. "At the end of the road, there are customers who need energy, and

we're in the business of meeting those needs."

Still, Commissioner Chong stressed that the group's decision Thursday didn't sanction any liquefied natural gas projects or "determine if LNG will come to California ... but it establishes clear access terms so that LNG developers can plan their projects around it."

## **Ongoing feud over sludge disposal returns to court**

BY SARAH RUBY, Californian staff writer

Bakersfield Californian, Friday, September 22, 2006

A federal judge should throw out the city of Los Angeles' challenge to Kern's sludge ban, according to papers filed by county lawyers Thursday.

Judge Gary A. Feess can pick his reason -- the matter was already decided in state court, the suit should have been filed in Fresno and local governments have the right to regulate treated sewage in their own back yards, according to the county's written arguments.

"This is deja vu all over again," said Bernie Barmann, the county's top attorney.

Los Angeles has been fighting Kern's right to control sludge use for more than a decade. Kern has largely prevailed.

Los Angeles' city attorney's office directed media questions to the city's public works department, which did not return calls seeking comment Thursday.

The city of Los Angeles sends almost all of its treated human and industrial sewage to a farm southwest of Bakersfield, where it's used as fertilizer. The city paid some \$10 million for the 4,700-acre property, and another \$16 million on equipment to meet previous sludge standards set by Kern.

Hauling sludge to farms in Kern is among the cheapest available means of disposal.

Southern California sanitation agencies, sludge farm operators, trucking companies and the California Association of Sanitation Agencies are also plaintiffs in the suit, which was filed in August.

Kern's sludge ban is "arbitrary and irrational" and "based on vague and emotional speculation" about the threat sludge poses to public health and the environment, according to court documents filed by the plaintiffs. Kern's ban is an assault on free trade, they say.

Kern voters banned the use of sewage sludge as fertilizer because of the unknowns -- the drugs and caustic cleaning agents that might someday contaminate underground water supplies, the damage to Kern's agricultural reputation if consumers think local crops are fertilized with treated sewage, among others.

The lawsuit tests a county's right to regulate within its own borders, Barmann said. Kern has reached out to other counties for help defending this right, and so far San Luis Obispo and Tulare counties have responded. They haven't agreed to help in the case, but any help -- be it legal or financial -- would be appreciated, Barmann said.

Unless the judge says otherwise, Kern's sludge ban will go into effect in January. It will bar Southern California sewage districts from trucking some 470,000 wet tons of sludge to Kern.

The feuding parties will meet before Judge Feess at 9:30 a.m. Oct. 16 in Los Angeles.

## **Branson to Invest Billions To Combat Global Warming**

By Kevin Sullivan and Mary Jordan

Washington Post Foreign Service, Friday, September 22, 2006

LONDON, Sept. 21 -- Iconoclastic British billionaire Richard Branson pledged Thursday to invest all profit from his Virgin Group airline and train businesses over the next decade -- an estimated \$3 billion -- to fight global warming and promote alternative energy.

"Our generation has inherited an incredibly beautiful world from our parents and they from their parents," Branson said in New York, wearing jeans as he stood near former president Bill Clinton. "We must not be the generation responsible for irreversibly damaging the environment. We must hand it over to our children in as near pristine a condition as we were lent it from our parents."

At the Clinton Global Initiative, an annual conference, Branson said he hoped to promote renewable energy initiatives through a unit of his company called Virgin Fuels. "We must rapidly wean ourselves off our dependence on coal and fossil fuels," he said. Transportation industry leaders "must be at the forefront of developing environmentally friendly business strategies."

Branson's pledge is the latest bold stroke from an entrepreneur whose colorful career has included promoting punk icons the Sex Pistols, crossing oceans in hot-air balloons and pioneering manicures on commercial airliners.

"With extreme wealth comes extreme responsibility," Branson, 56, told the BBC earlier this year, in a discussion of his donations to anti-AIDS programs in Africa. "And the responsibility for me is to invest in creating new businesses, create jobs, employ people and to put money aside to tackle issues where we can make a difference."

Branson's move further isolates the U.S. government on an issue that polls show is increasingly worrisome to people throughout the world. President Bush has consistently played down the dangers of global climate change, declining to back the Kyoto Protocol despite its widespread global support, including from his close ally British Prime Minister Tony Blair.

Branson's pledge comes three weeks after California enacted the United States' toughest restrictions on emissions of carbon dioxide, which many scientists say creates a "greenhouse" effect that is causing the temperature of the atmosphere to rise. The plan calls for a 25 percent cut by 2020.

The California program put Gov. Arnold Schwarzenegger sharply at odds with his fellow Republican in the White House. Writing in Thursday's Independent newspaper in London, Schwarzenegger said he acted because "Washington has not led on this issue."

Shortly before announcing his plan, Schwarzenegger met in California with political and industry leaders, including Blair and Branson. Schwarzenegger and Blair also recently announced an agreement under which Britain and California pledged to work together on "urgent action to reduce greenhouse gas emissions and promote low carbon technologies."

Blair has not criticized Bush harshly over the issue. But Thursday evening, one of his top aides, Foreign Secretary Margaret Beckett, said she hoped Branson's actions would "lead to other people taking note."

Branson's five-continent business empire of more than 200 companies, including Virgin Atlantic Airways, two smaller airlines and a major British train company, is a major consumer of fossil fuels.

According to Annie Petsonk, international counsel for the advocacy group Environmental Defense, commercial aviation emits roughly as much carbon pollution each year as all of Canada.

In targeting alternative fuels, Branson is entering a field that has already attracted major investment. Economists and ethanol industry executives estimate that a little more than \$4 billion is going into construction of factories capable of producing 3 billion gallons a year of ethanol.

Advocates in the worlds of philanthropy and environmentalism on Thursday called Branson's pledge a critical boost in the growing campaign for more government action against global warming. "It absolutely raises the profile of climate change," said Charlie Kronick, who runs climate change and energy campaigns for the advocacy group Greenpeace UK. Kronick said Branson's declaration "shows just how far behind governments are to the private sector."

Salvatore LaSpada, chief executive of the Institute for Philanthropy, a London group that promotes charity internationally, said Branson's pledge was part of the "broadening definition of philanthropy. . . . There is a shift happening in philanthropy where the tool-kit is expanding well beyond somebody making grants to existing channels."

Tim Profeta, director of Duke University's Nicholas Institute for Environmental Policy Solutions, also offered praise. "If he is going to deliver what he says he is going to, he could put [in] the infrastructure and the seed money to make this a viable market," said Profeta, who attended a news conference with Branson in New York.

Forbes magazine recently estimated Branson's fortune to be \$2.8 billion. He made his first millions in the record industry, and since then his empire has branched out into everything from soft drinks to wedding dresses. Recently, Branson started Virgin Galactic, which he hopes will be the world's first outer-space tourism business.

He was knighted in 1999 and is now known in Britain as Sir Richard.

Branson had earlier been moving toward new fuels. In an interview with Business 2.0 magazine in July, he said he planned to invest more than \$1 billion in the next four years to develop innovations in wind and solar power, as well as a new clean-burning fuel. He declined to describe the fuel in detail but said he hoped it could be used in cars and trucks within a year and in commercial airplane engines within five years.

*Staff writers Juliet Eilperin and Steven Mufson in Washington contributed to this report.*

## **Demand for supply**

Written by John Upton

Tracy Press, Friday, September 22, 2006

Industry officials say a shortage of biomass and an excess of rules hinders renewable energy.

The operator of Tracy's only biomass plant, which turns waste wood into household electricity for Pacific Gas and Electric Co., warned the federal government Wednesday that the industry could face a biomass shortage.

The plant on West Schulte Road turned 160,000 tons of waste wood from the construction and agricultural industries into household electricity last year, reducing air-pollution by more than 95 percent compared with open-air wood burning.

GWF Power Systems, which opened Tracy Biomass in 1990, was one of nearly a dozen local companies invited to share their views on renewable energy with House Resources Committee Chairman Richard Pombo, R-Tracy, and U.S. Secretary of Commerce Carlos Gutierrez on Wednesday.

GWF Business Manager Riley Jones warned Pombo of a "coming train wreck" when there simply isn't enough biofuel to sustain a growing industry.

Jones said Tracy Biomass, which employs 18 people, had to widen its wood-hunting circle whenever nearby supplies ran dry.

Larry Castelanelli, from Lodi-based Castelanelli Dairy, said the dairy industry had plenty of biomass fuel available, but bureaucracy and utility-biased state laws meant much of it was wasted.

Castelanelli said his 1,500-cow dairy is powered by a methane digester that converts cow manure gases into electricity. The dairy has so much fuel that more than half of the methane must be burned off and wasted, he said.

But as much as Castelanelli would like to sell that energy and plug the extra power into the grid through the power companies, he said regulations and utility rules often get in the way.

Eric Larson, from RCM Digesters, said Californian utility agreements only give dairies credit for around one third of their electricity bills.

"Dairies are not going to build digesters until they have power contracts for the utilities to buy their electricity," said Larson, who said digesters reduce greenhouse gas emissions and are a source of renewable energy.

Darryl Conklin, from Renewable Technologies Incorporated, said PG & E's rules and procedures made it hard for his clients to sell renewable energy and transmit it into the power grid.

He said it took one year to hook up one of his agricultural clients to feed PG & E's grid because the utility company kept demanding design changes.

"Is it that they're overwhelmed, or is that they're trying to make it as difficult on us as possible" he asked.

Conklin praised Pombo, who asked the group whether a national solution could overcome some of the renewable energy roadblocks, for holding the roundtable discussion.

"Congressman Pombo should be applauded for stepping up - there's plenty of room to hug that tree," he said. "He's trying to get his arms around it."

After a brief tour of a planned biodiesel plant at the Port of Stockton, Community Fuel's Lisa Mortenson said tax credits from Pombo's 2005 Energy Policy Act helped finance the plant.

"It's a small start, but it is a start," said Pombo of the biodiesel plant. Pombo said he wanted to wean America off of foreign energy.

## **City asked to reconsider recycling-facility decision**

By Judy O'Rourke, Staff Writer

LA Daily News, Friday, September 22, 2006

Santa Clarita - A local environmental group that is fighting a planned industrial park project in Newhall asked the city Thursday to reconsider a recycling facility that would be the first project built there.

The head of the Santa Clarita Organization for Planning the Environment labeled the recycling center a transfer station, and said the group opposes putting the operation there.

"It will be a place where they bring garbage trucks and dump them, operating almost as a landfill but no landfilling," said Lynne Plambeck, SCOPE's president. "It's got a (materials recovery component) but the majority of the square footage is a transfer station."

The Santa Clarita City Council in August approved the Needham Ranch industrial park project at Newhall's southern gateway. The city Planning Commission reapproved the recycling facility Sept. 5.

The 160-acre industrial park is planned on Sierra Highway, south of San Fernando Road, and would include light-industrial and commercial buildings on 580 acres. Undeveloped areas would consist of parkland, trails and open space dedicated to the city.

City officials are counting on the recycling center to meet a state mandate to divert 50 percent of waste from landfills.

The fully enclosed 178,200-square-foot recycling center would apportion about 77,700 square feet of space to recycling and about 81,000 square feet for transfer and recycling. A loading dock and offices would occupy the other areas.

A city official disputed the group's argument that floor space defines the center's goal, noting that trucks and machinery take up a lot of space.

"This is most definitely a materials recycling facility for recycling, and, yes, it has a transfer component to it," said Travis Lange, the city's environmental services manager. "The city would not be pushing for a facility that transfers trash to a landfill, the city is pushing for a facility to recycle (items) and take waste to a landfill."

Sometimes people mistakenly throw trash in with recyclables, and Lange said the center must be prepared to dispose of it. Paper, plastic and glass items are to be separated, and in some cases glass must be separated by color.

The appeal, filed Wednesday, cites grading, the area's visibility from other vantage points, truck trips, oak tree removal, plant surveys, court decisions, air pollution, nearness to a wildlife corridor and water supply safety among the unresolved issues.

Several local projects have been litigated by environmental groups who say water supplies are insufficient, while developers say the underlying issue is often stopping growth.

Jeff Hogan, a senior planner for the city, said the issues raised in the appeal were resolved in the recently certified environmental impact report for the Needham Ranch project approved by the council.

"The (report) analyzed 4.2 million square feet of industrial buildings that assumed vehicle trips, oak tree removals, plant surveys, water, grading, air quality, impacts to the wildlife corridor ...," Hogan said.

Conveyor belts sort and distribute the discarded items to areas where they would be loaded on trucks.

The appeal notes an addendum was required for documents for a Saugus housing development to disclose water safety issues. Hogan said that is not so, that the final environmental report was found to adequately address the matter.

Plambeck said the group's board unanimously approved the appeal, but declined to say how many votes that entailed. SCOPE did not oppose the recycling facility or transfer station at established commercial locations, she said.

Burrtec Waste Industries, the city's exclusive commercial waste hauler, would build the recycling center, but the city has helped scout locations and might someday option to buy the center. Finding a big enough site away from homes, close to a freeway, in an industrial zone and where noise and traffic issues can be managed has been a problem.

"There has been a lot of effort put into this location," Lange said, adding, "there are not a lot of locations in this city to put a place like this."

The Oakland-based California Oak Foundation joined SCOPE in lodging the appeal. Approximately 1,408 oaks would be removed to build the industrial park.

"We have a problem when oaks are wantonly cut down when it's possible to use creative means and sustainable practices over time," said Janet Cobb, the nonprofit group's executive director. "We're going to do one good thing but a very bad thing to get there. It's probably possible to site that in another place, or possibly be more creative in the site plan itself."

Cobb said her group often works with local partners, and SCOPE contacted them. On the appeal, the group's name is denoted alternately as a foundation and a conservancy.

The Santa Clarita City Council is due to hear SCOPE's appeal in November, Hogan said.

## **Whitney Canyon blaze quickly out High weekend winds could fuel Day Fire in forest**

By Patricia Farrell Aidem, Staff Writer  
LA Daily News, Friday, September 22, 2006

Newhall - Firefighters made quick work Thursday of a brush fire that broke out at the mouth of Whitney Canyon in Newhall, but the region was under a blanket of smoke all day from the much larger forest fire burning to the north.

Flames charred about 10 acres at the trailhead into the scenic canyon, preserved as state parkland. The fire started about 10:15 a.m. just south of the dead end of San Fernando Road and was out in about an hour, Los Angeles County Fire Capt. Tom Robertson said.

The fire appeared to have been ignited by a malfunction on an electric power pole. There were no injuries or damage, Robertson said.

Meanwhile, the Day Fire in the Los Padres National Forest in eastern Ventura County continued for a 17th day. So far, it has burned more than 106,000 acres - some 167 square miles - and was about 35 percent contained, according to a report from the U.S. Forest Service.

Smoke from that fire, which until Thursday had largely skirted the Santa Clarita Valley, covered the sky, prompting a smoke advisory because of heavy particulate matter in the air, said Sam Atwood, a spokesman for the South Coast Air Quality Management District.

The warning continues through today, and urges those with chronic respiratory, heart or lung ailments to avoid going outdoors.

Afternoon high school sports events were canceled, including a Saugus High track meet and freshman and junior varsity football home games, said Pat Willett of the William S. Hart Union High School District.

A decision was pending on evening varsity football games.

More than 2,000 firefighters are fighting the Day Fire, which has threatened the towns of Piru, Fillmore, Santa Paula and Ojai to the south and Lockwood Valley, near Frazier Park, to the northeast.

The National Weather Service issued a warning for the region Thursday, and said conditions could worsen with high winds forecast.

A high-wind watch will be in effect tonight through Saturday evening, with gusts up to 50 mph expected. High temperatures will hover around 90.