

Federal rule lets ag kick up dust

By Jake Henshaw, Sacramento Bureau
Visalia Times-Delta, Thursday, Feb. 16, 2006

SACRAMENTO - A new federal plan to exempt rural areas and the agricultural industry from proposed new air pollution rules for dust was attacked Wednesday as unfair to small communities and impractical to enforce.

State and regional air agency officials told a Senate hearing that the proposed rules don't reflect scientific data and will leave rural residents in danger of increased heart and respiratory health problems.

In the eight-county San Joaquin Valley Air Pollution Control District, which includes Tulare County, the new rules would protect 57 percent of the district's 3.5 million residents and leave 43 percent unprotected, one official said.

The rules generally would apply just to urban areas of 100,000 population, adjusted somewhat for density and other factors.

"There arises [the] practical difficulty about how you go about implementing control strategies and rule-making that would provide different levels of air quality in different parts of the same basin," said Dave Crow, the San Joaquin district executive director. "I am not aware of how we would be able to do that."

Deborah Jordan, director of U.S. Environmental Protection Agency Region Nine, air division, said that the proposed standards were based on the best available evidence but acknowledged it's going to take more work to carry out the proposed rules if they're adopted.

"EPA will need to provide more guidance ... when it comes to implementing it," Jordan said.

Sen. Dean Florez, D-Shafter, who chaired the hearing, questioned whether the proposed new rules are well thought out and said it appears to him that more than science went into the proposal.

"They're making a decision on politics, not policy," charged Florez, chair of the Senate Select Committee on Air Quality.

He has introduced bills to increase state fines and offer incentives for air districts to speed up improvement of air quality, as well as a resolution to put lawmakers on record opposing the proposed federal rules.

The hearing comes in the wake of a U.S. EPA plan to retool the way it categorizes and regulates air particulates. The proposed rules would set standards for particles finer than 2.5 micrograms per cubic meter and for particles 2.5 to 10 micrograms per cubic meter.

A human hair is about 70 micrograms per cubic meter.

The U.S. EPA is taking comment on the proposed regulations until April 17 and is scheduled to finalize the new rules by Sept. 27.

Federal officials are supposed to review these rules every five years.

The Senate hearing focused on the rules for the larger particles that EPA now proposes to call "coarse" particles, which can be produced both from such sources as vehicles and power plants as well as from natural sources like dust and rock crushing.

At the heart of the debate is the adequacy of scientific evidence on the health effects of coarse particles from different sources.

Evidence

EPA has concluded that there is enough evidence that coarse particles in urban areas cause health problems to regulate them, but not in rural areas.

"We don't have the authority to make rules in rural areas because we don't have scientific studies," Matt Haber, deputy director of the EPA Region Nine, air division, said in a telephone interview.

State air expert Melanie Marty acknowledged that most health studies on coarse particles were done in urban areas. But she said there also are some studies in which the predominant particles were natural materials like dust.

She and other witnesses cited a 2000 study that did find a correlation between days of increased levels of particulates and increased deaths from heart attacks.

"We do know some of the components [of natural coarse particulates] are toxics," said Marty, who is the chief of the air toxicology and epidemiology branch in the California EPA.

"I think they are making a mistake not covering rural areas for coarse fractions," Marty added, emphasizing that this was her personal opinion.

She also called for additional monitoring of rural areas, and Jordan said the U.S. EPA is funding some such studies.

How to define what's agricultural, rural

In addition to the debate over the scientific basis of the proposed rules, Florez and others raised questions about EPA's precision in defining agricultural and rural areas, something Jordan wasn't immediately able to answer but offered to respond to questions on such issues later.

She urged critics to provide recent study data supporting their positions. Haber said the data underlying the proposed rules is three years old.

"California won't stand still on this," Florez promised.

EPA Revokes Gasoline-Additive Mandate

States won't have to mix in ethanol or MTBE. California had sought such a ruling and lost.

From Associated Press

Los Angeles Times, February 16, 2006

WASHINGTON - States no longer will have to add corn-based ethanol or MTBE to gasoline to fight pollution - a requirement that costs as much as 8 cents a gallon - under rules announced Wednesday by the Environmental Protection Agency.

The rules eliminate a mandate from the 1990 Clean Air Act that gasoline used in the smoggiest metropolitan areas contain 2% oxygen by weight. That law did not say which oxygenate must be used, but most refiners use either ethanol or methyl tertiary-butyl ether, known as MTBE.

California, New York and Connecticut unsuccessfully had asked the EPA for a waiver of the requirement because the states had banned MTBE after finding it polluted the groundwater. The states were forced to use ethanol, which they contended had worsened pollution problems.

In denying the waiver request, most recently in June, the EPA said the states had not shown that using an oxygenate had prevented or interfered with their ability to meet federal air standards.

The rules announced Wednesday fulfill part of the energy law enacted last summer.

Sen. Dianne Feinstein (D-Calif.) said: "The announcement means that California refiners will finally be allowed to make gasoline that is cleaner-burning than what they are making today."

The rules will take effect nationwide May 6 and in California 60 days after their publication in the Federal Register, which should happen within the next three months, said EPA spokesman John Millett. (California has a different status under clean-air laws than the rest of the country because of the state's pollution problems.)

Parts of more than a dozen states have been under the 2% oxygenate requirement, according to the EPA; others use oxygenates voluntarily. Nationwide, about 30% of gasoline contains oxygenates.

Oxygenate additives on average increase the price of gasoline by 4 cents to 8 cents a gallon, the EPA estimates.

But the agency says the benefits include at least 100,000 tons per year fewer smog pollutants nationally, equivalent to the tailpipe emissions of 16 million vehicles.

Refineries now have other ways to blend cleaner-burning fuel that will allow states to achieve clean-air benefits without using oxygenates, the EPA says, though states still can use oxygenates if they choose.

EPA lifts requirements for states to add ethanol, MTBE to gas

By ERICA WERNER, Associated Press Writer

Published in the Fresno Bee

(Updated Wednesday, February 15, 2006, 4:35 PM)

WASHINGTON (AP) - States no longer will have to add corn-based ethanol or MTBE to gasoline to fight pollution - a requirement that costs as much as 8 cents a gallon - under rules announced Wednesday by the Environmental Protection Agency.

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California, New York and Connecticut unsuccessfully had asked the EPA for a waiver of the requirement because the states had banned MTBE after finding it polluted the groundwater. The states were forced to use ethanol, which they contend worsened pollution problems.

In denying the waiver request, most recently in June, the EPA said the states had not shown that using an oxygenate had prevented or interfered with their ability to meet federal air standards. Some officials in the states contended the denial was political because ethanol production is a boon to corn growers in the Midwest.

The rules announced Wednesday put in place a part of the energy bill the president signed in August that did away with the 2 percent oxygenate requirement.

"The federal requirement has forced California's refiners to use an oxygenate even though they can make cleaner-burning gasoline without MTBE or ethanol," said Sen. Dianne Feinstein, D-Calif. "The announcement means that California refiners will finally be allowed to make gasoline that is cleaner burning than what they are making today."

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Parts of more than a dozen states fall under the 2 percent oxygenate requirement, according to the EPA, while others use oxygenates voluntarily. Nationwide, about 30 percent of gasoline contains oxygenates.

The states required to use oxygenates in certain areas are: California, Connecticut, New York, Delaware, Georgia, Illinois, Indiana, Louisiana, Maryland, New Jersey, Pennsylvania, Texas, Virginia, Wisconsin and the District of Columbia.

Oxygenate additives on average increase the price for gasoline by 4 cents to 8 cents per gallon, the EPA estimates. But the agency says the benefits include at least 100,000 tons per year fewer smog pollutants nationally, equivalent to the tailpipe emissions of 16 million vehicles.

Ethanol mandate removed by feds

By Dale Kasler

Sacramento Bee, Thursday, Feb. 16, 2006

The U.S. government said Wednesday it has formally removed the controversial ethanol mandate, which requires a 5.7 percent ethanol blend in most of the gasoline sold in California. The action by the Environmental Protection Agency implements a portion of the national energy bill signed into law in August by President Bush. It will take effect in 60 days.

California officials welcomed the news, which won't end ethanol use in the state but could mean its consumption will decline.

"It gives our refiners the flexibility we've been looking for," said Jerry Martin of the California Air Resources Board.

For years California and other states have been required to blend ethanol in gas sold in regions with bad air. California sought an end to the mandate, saying refiners could produce clean gas without ethanol and that ethanol drove up prices.

In addition, California said, ethanol actually worsens the air in hot weather.

The new law removes the blending requirement. But it won't mean the end of ethanol; the law requires refiners to double the amount of ethanol used nationwide by 2012.

Because California uses 11 percent of the nation's gas, it will have to use at least 11 percent of its ethanol. The state currently uses 25 percent.

Study Links 700 Deaths Yearly to Md. Plants

Effects on Health Of Burning Coal Felt Widely, Report Says

By Elizabeth Williamson

Washington Post Staff Writer

Thursday, February 16, 2006; B04

Pollution from Maryland's six largest coal-burning power plants contribute to 700 deaths each year, including 100 deaths in Maryland, according to a Harvard University study released yesterday.

The study was sponsored by the Maryland Nurses Association, which supports a bill in the legislature that would require such plants to sharply reduce pollution over the next decade.

Jonathan Levy of the Harvard School of Public Health, the report's author, linked several studies with a model imitating the flow of pollution to show how the power plants contribute to deaths and illnesses.

Most of the deaths occurred in Maryland and the more populous states of Pennsylvania, New Jersey and New York. Maryland power plant emissions, he found, are implicated in more than 30,000 asthma attacks in this wider area each year, about 4,000 of them in Maryland. Additionally, the report says the plants contributed to 800,000 days of restricted activity, with about 100,000 of those in Maryland. The report did not place a dollar value on the losses but estimated them to be in the "hundreds of millions of dollars in Maryland, and billions of dollars" across the mid-Atlantic states.

The six plants in the study are Chalk Point and Morgantown in Southern Maryland, and Dickerson in Montgomery County, all owned by Mirant Corp.; Brandon Shores and H.A. Wagner in Anne Arundel, and C.P. Crane in Baltimore County, all owned by Constellation Energy.

Mirant spokesman Steve Arabia said U.S. Environmental Protection Agency guidelines for emissions, introduced last year, "already addressed what this report discusses. We support that, and we're engaged in an aggressive program right now to spend hundreds of millions of dollars to comply."

But many states say the guidelines don't go far enough and have crafted their own. In Maryland, many environmentalists are pushing for the Healthy Air Act before the General Assembly instead of Gov. Robert L. Ehrlich Jr.'s clean air regulations that would reduce some but not all of the pollutants from the power plants. The rule that Ehrlich (R) has proposed would be a regulation, potentially easier to weaken than state law.

Under either proposal, power companies would no longer be permitted to purchase credits enabling them to bypass federal and state emissions standards. That practice, still allowed under the new EPA guidelines, often delays the introduction of cleaner technology.

Gas additives stopped

Modesto Bee, Thursday, Feb. 15, 2006

WASHINGTON — States no longer will have to add corn-based ethanol or MTBE to gasoline to fight pollution — a requirement that costs as much as 8 cents a gallon — under rules announced Wednesday by the Environmental Protection Agency. They eliminate a mandate from the 1990 Clean Air Act that gasoline used in metropolitan areas with the worst smog contain 2 percent oxygen by weight. California, New York and Connecticut previously had asked the EPA for a waiver of the requirement because the states had banned MTBE after finding it polluted the groundwater. The states were forced to use ethanol, which they contend worsened pollution problems.

[Lodi News Sentinel, Letter to the Editor, Feb. 16, 2006](#)

EPA testing could be dangerous

It's not surprising to read that EPA wants to start testing on human subjects

To think that it could actually be approved and administered legally though, scares the heck out of me. I truly hope that nobody will support or buy into this idea. Even if results indicate that only a small number of those tested complain of side effects, there is absolutely no doubt in my mind that it will still be more than the number of people who die from things like West Nile.

Chemical spraying is not the answer. Humans are not here for experiments or vivisections, and the negative effects of doing so will outweigh the positive by far. Pesticide spraying has put people in the hospital and caused sickness, and there will never be any reason good enough to justify it.

Think about all the animals and plant life that will also be affected. There's no way they can spray something in the air that can pinpoint the intended target and not everything else around it.

We all breathe the same air and we all drink the same water. There will always be biological risks on human life, but let's not add to that list with manmade concoctions. What damage it can do now may be nothing compared to what it may evolve or mutate into over a long period.

Chemical testing was stopped in 1969 (dugway proving ground being the exception) because they realized toxic agents were dangerous to our health. Please don't be fooled by what little good could come of spraying.

If we want to protect ourselves from diseases like West Nile, put some Off on before leaving the house, clean your pools regularly, do what you would normally do. Please don't agree to the pesticide testing, it's bad enough we have to ingest that stuff from our produce. But, we don't need to take it this far, I mean what's next, eliminating our waters or ocean life because the amounts of mercury in the fish population is rising?

Trista Aquino, Lodi