

Tire crumb processing plant's permit yanked

By Eiji Yamashita, Sentinel Reporter

Nov. 17, 2006

The Hanford Sentinel

Hanford city officials have brought plans to build a tire crumb recycling plant to a halt after learning that nearby residents and businesses had not been properly notified of the project.

The rubber processing plant, proposed next to a yogurt manufacturer in Kings Industrial Park in south Hanford, has been drawing an increasing amount of concerns since its approval nearly a month ago.

Modular Rubber Drains, Inc. of Goshen wants to start a new business that would turn scrap tires and farm plastic waste into rubber sidewalks and drains using a type of melting technique.

Tuesday's city planning department decision rescinded the firm's conditional use permit approved Oct. 24 by the city planning commission. The permit was issued despite concerns by nearby Crown Natural Foods, the yogurt manufacturer.

Other nearby businesses and residents were not properly notified about the proposed plant.

Hanford's Economic Development Manager Barbara Marty said the city is correcting its procedural mistake.

The matter will again be taken up by the planning commission in the near future, she said.

Marty said the city's intent is not to second-guess Valley air officials' conclusion that the project has zero emissions, a finding some people call unrealistic.

Still, an environmental justice group which keeps a close eye on the project hailed the city's move as a "victory" for the community.

"We think this is a wonderful news," said Bradley Angel, executive director of Green Action, a San Francisco-based environmental justice group which has once stopped a controversial plastic-to-diesel recycle plant from coming into Hanford.

"It's a victory for Hanford residents."

Angel said he has been contacted by Hanford residents regarding the project. Now the group has been calling for a full scrutiny of the project's potential environmental impact.

"We're not for or against the project," Angel said. "We are opposed to proceeding with limited review because of the existing concerns. We don't think it should be so close to a food industry."

Modular Rubber Drains wants to move into the Kings Industrial Park at the northwest corner of Industrial Way and Crown Avenue. But Crown Natural Foods, a cheese and whey product manufacturer located just 40 feet to the east, has been opposing the project, citing emission and odor concerns.

The conditional use permit process is back to square one.

But while awaiting on the conditional use permit hearing, the firm is also undergoing an administrative approval process called site plan review, which requires little public scrutiny.

The site plan review is nearing completion, but the city will not sign off on the site plan review until the conditional use permit is cleared by the planning commission, Marty said.

Meanwhile, Angel said he will formally request the city put the project approval on halt until the outcome of the public hearing for the conditional use permit.

Modular Rubber Drains would produce rubber products using a process called "thermokinetic mixing," which melts tire crumbs simply by spinning them at high speed and uses shredded agricultural plastic films as a key binding ingredient, according to Larry Grimes, president of the company.

A hot blob of rubber is then mold-pressed, and rubber drains, pallets and rubber sidewalks are produced, Grimes said.

According to National Public Radio, the sidewalks are being tested in 60 cities in 15 states as a way to avoid costly repairs of concrete walks broken up by tree roots.

With the company assuring no hazardous emission out of the operation, the San Joaquin Valley Air Pollution District gave the project a permit exemption.

Permit exemption does not mean a free ticket for polluters, said Kelly Morphy, spokeswoman for the air district.

It means that "the emission would be so small, it would come under the threshold for requiring our permit," Morphy said. "Our health risk assessment also found that the technology would produce no hazardous air pollutants."

The district regulates industries that emit more than two pounds a day of any of the following six air pollutants: lead, carbon monoxide, particulate matter, ozone, nitrogen oxide and sulfur oxide.

Based on information provided by the company in its application, the air district concluded that none of those criteria pollutants would be produced by Modular Rubber Drain, Morphy said.

Angel calls the district's work "sloppy" and said the air district should have scrutinized the project more deeply.

The air district has no plan to rescind its permit exemption for the company, Morphy said.

Air group sues Foster Farms

Association claims plant's expansion violates quality act.

By John Ellis and Mark Grossi / The Fresno Bee
Thursday, November 16, 2006

An air advocacy group filed suit Wednesday against Foster Farms, alleging the major poultry producer expanded Fresno County operations to handle 3.1 million birds without using the best pollution controls available.

The lawsuit, filed in U.S. District Court in Fresno by the Association of Irrigated Residents, a San Joaquin Valley-based advocacy group, alleges Foster Farms also should have purchased "offset credits."

Such credits amount to extra pollution reductions that other businesses have achieved. Those businesses that achieved such reductions can sell their credits to other businesses. The suit claims the expansion violates the federal Clean Air Act and it wants the court to force the company to abide by the law.

"Our lungs are not subsidies for Foster Farms," said Tom Frantz, president of the association, which claims to have members in Kern, Tulare, Fresno and Stanislaus counties.

In a written statement, Foster Farms said it is "reviewing the brief in its entirety and intends to respond to these claims. In related actions filed by the plaintiff at the local level, all charges against Foster Farms were found to be without merit and dismissed."

Foster Farms' expanded operations are in Tranquillity and Laton.

The lawsuit was filed by the Center on Race, Poverty and the Environment on behalf of the association. The San Joaquin Valley Air Pollution Control District also was named as a defendant.

Air district officials said they required the best pollution controls available within cost guidelines, though air advocates allege the district's cost guidelines should be higher and more comparable to other air districts in the state.

District counsel Phil Jay said the advocates are asking for a control system that is not widely used and is more expensive than other air districts would allow.

"They essentially want an air-conditioned chicken house that is vented to an incinerator to burn up the emissions," he said.

Foster Farms' statement added that its environmental systems and procedures are "widely recognized to comply with local, federal and state regulations. During the review of the proposed modification of the two facilities mentioned in the suit, the air district staff conducted an extensive and thorough evaluation and determined that the changes incorporated the best available environmental requirements."

The company added that its actions at the two facilities "will update existing company facilities to better accommodate new environmental control technologies that will reduce air pollution. Throughout this process, Foster Farms applied for and was granted all necessary permits and approvals."

The feed and decomposing chicken manure emit smog-forming gases, called volatile organic compounds. The chicken facilities also create tiny particle pollution, known as particulate matter.

Advocates said the air district needs to protect the public from the pollution, which is known to trigger asthma and other medical problems.

"Foster Farms claims to treat neighbors with fairness and respect," Frantz said. "Yet they harm and insult us by making our air worse."

Air district officials said they require pollution controls on the animal operations as a result of state law passed three years ago. But the emissions are not considered significant compared to major sources of pollution, they said.

The same law, officials said, does not permit the district to force the animal operations to buy offset credits until the industry can also generate such excess pollution reductions. The ground rules for such reductions have not yet been established, they said.

Lawyer Avinash Karr of the Center on Race, Poverty and the Environment said the district's own rules require such credits.

"They should have purchased the offsets," Karr said.

**Calif. lawmakers have ambitious air plan
For starters, they hope to get \$100m a year for Valley.**

By Michael Doyle / Bee Washington Bureau
The Fresno Bee
Thursday, November 16, 2006

WASHINGTON — California lawmakers hope to secure \$100 million a year in federal funds to help clean up San Joaquin Valley air pollution starting as early as fall 2007.

Their goal is ambitious. It's also just the start.

In a Capitol Hill strategy session Wednesday, lawmakers agreed they will seek \$100 million every year through 2020. That adds up to some \$1.3 billion or more for attacking the region's ozone and particulate matter mess. Equal levels of state funding also will be sought.

"The Valley has a very serious issue," Democratic Sen. Dianne Feinstein said following the meeting in her office.

The 25,000-square-mile San Joaquin Valley is the nation's largest designated air basin, and also one of the dirtiest. Last summer, the Valley violated the federal ozone standard 85 times.

"This is turning into an air-quality Katrina," said Fresno Mayor Alan Autry, who traveled to Washington for the Capitol Hill gathering and a follow-up meeting at the White House. "It's a tsunami that doesn't recede."

A senior member of the Senate Appropriations Committee, Feinstein will take a lead role in the funding search. She convened the meeting in her office with San Joaquin Valley congressional representatives along with staffers, state and federal regulators and Autry.

Their goal was to help flesh out federal support for a San Joaquin Valley air basin cleanup plan that's due next year. They recognize the enormity of the task; in particular, the odds against Congress signing such a big check in a time of war and red ink. Legislators chose the \$100 million level of funding because they thought it was doable, although that amount of money is significantly more than the federal government now spends on San Joaquin Valley air programs every year.

"It's going to be very difficult," Feinstein acknowledged, "but all I can do is the best I can do."

The money could be applied many ways, including toward replacing heavily polluting engines.

Ideally, the Californians want the Bush administration to request the funding as part of the White House's fiscal 2008 budget, which will be presented in February. That way, the money will have some momentum and can be cast as a national priority. The problem is that Bush may have little incentive to funnel so much money to California, which favored his 2004 Democratic opponent by a 54% to 44% margin.

"I'm going to be doing everything I can to get the president to put this in his budget," Autry said.

The alternative is for California members of Congress to slide the funding into next year's individual appropriations bills. That presents a different political problem, as lawmakers from other states raise hurdles and reformers raise questions about so-called earmarks.

"Obviously, it's a big dollar amount," said Rep. Devin Nunes, R-Visalia. "I'm not sure we can get those kinds of dollars, but I don't want to sound at all pessimistic."

A separate but complementary track discussed Wednesday has been presented to Democratic Sen. Barbara Boxer, who next January takes over as chairwoman of the Senate Environment and Public Works Committee.

Boxer and others are exploring an innovative proposal for an "air-quality empowerment zone." Existing federal empowerment zones already established for blighted urban and rural areas provide tax incentives to encourage job-creating businesses. Fresno, for instance, is an empowerment zone. In a related program, the towns of Parlier and Orange Cove are considered "rural renewal communities."

San Joaquin Valley clean-air advocates have discussed expanding the empowerment zone concept into the air pollution field for several years. The basic idea would be to encourage investment in clean-air alternatives through tax breaks and low-interest loans.

"I am open to considering any and all ways to clean up the air in these severe non-attainment areas in our state, which include the Central Valley and Los Angeles areas," Boxer said.

Other lawmakers have seized on the same concept, and have offered bills to create "health" empowerment zones and "educational" empowerment zones. Those bills did not go far in the current Congress.

Foul state of affairs found in feedlots

Factory farms are harmful to the public and the environment, researchers report.

By Marla Cone, Times Staff Writer

L.A. Times, Friday, November 17, 2006

Growing so large that they are now called factory farms, livestock feedlots are poorly regulated, pose health and ecological dangers and are responsible for deteriorating quality of life in America's and Europe's farm regions, according to a series of scientific studies published this week.

Feedlots are contaminating water supplies with pathogens and chemicals, and polluting the air with foul-smelling compounds that can cause respiratory problems, but the health of their neighbors goes largely unmonitored, the reports concluded.

The international teams of environmental scientists also warned that the livestock operations were contributing to the rise of antibiotic-resistant germs, and that the proximity of poultry to hogs could hasten the spread of avian flu to humans.

Feedlots are operations in which hundreds — often thousands — of cattle, hogs or poultry are confined, often in very close quarters. About 15,500 medium to large livestock feedlots operate in the United States in what is an approximately \$80-billion-a-year industry.

Although the reports focused largely on Iowa and North Carolina hog and poultry operations, California has more than 2,000 facilities with at least 300 livestock animals each, half of them with more than 1,000, according to a 2002 estimate by the U.S. Environmental Protection Agency. Dairies, most of them in the San Joaquin Valley, dominate the industry in California.

Led by Peter Thorne, director of the University of Iowa's Environmental Health Sciences Research Center, the researchers outlined the need for more stringent regulations and surveillance of water and air near feedlots.

"There was general agreement among all [the scientists] that the industrialization of livestock production over the past three decades has not been accompanied by commensurate modernization of regulations to protect the health of the public or natural, public-trust resources, particularly in the U.S.," wrote Thorne, a professor of toxicology and environmental engineering.

The findings were from a consensus of experts from the United States, Canada and northern Europe who convened in Iowa two years ago for a workshop funded by the federal government to

address environmental and health issues related to large livestock operations. Six reports, written by three dozen scientists mostly from the American Midwest and Scandinavia, were published this week in the online version of the scientific journal *Environmental Health Perspectives*.

Among their recommendations are limits on the population density of animals and mandatory extensive environmental reviews for new feedlots. They also recommended a ban on the use of antibiotics to promote animal growth, and that the drugs be available to farmers only through prescriptions.

In a new area of concern, the scientists said they were worried about the danger of a flu pandemic spread by feedlots with both hogs and poultry, and recommended new regulations to set minimum distances between the two.

Farm industry representatives said they were not familiar with the new reports and could not address specific findings or recommendations. But they said that many environmental improvements had already been made, and that some experts at universities had said the health risks were minor.

"The livestock industry has been under very intense scrutiny over the past 10 years, and as a result, has gone to great lengths and very high expense to try to improve their environmental record, across the board," said Don Parrish, the American Farm Bureau Federation's senior director of regulatory relations.

"We've definitely improved our game over the past 10 years," Parrish said, and most livestock owners "are being very sensitive to their neighbors and doing the best job they can."

Many of the risks come from the sheer volume of manure. Livestock excrete 13 times more waste than humans — 133 million tons per year in the United States — and some individual feedlots produce as much waste as entire cities.

The American Farm Bureau Federation maintains that almost every state regulates the amount of manure applied to the land to protect water supplies.

But the new reports criticized the current techniques.

"Generally accepted livestock waste management practices do not adequately or effectively protect water resources from contamination with excessive nutrients, microbial pathogens and pharmaceuticals present in the waste," the scientists reported.

The number of large livestock operations has surged in the last two decades, and farms with more than 500 hogs now account for three-quarters of the U.S. inventory. In Iowa, the average number of hogs per farm increased from 250 to 1,430 between 1980 and 2000.

California has more than 2,000 dairies, mostly in Tulare and Merced counties, and many have thousands of cows each. But the health risks to the dairy workers and their neighbors have gone unstudied, said Frank Mitloehner, director of the UC Davis Agricultural Air Emissions Center, who was not involved in the new reports.

UC Davis is launching a five-year study, led by Mitloehner, at dairies in Tulare and Merced counties, to examine the threat from air pollutants. Among the air pollutants from feedlots are ammonia; fine particles of manure, feed, soil and bacteria that can lodge in lungs; and endotoxin, which can inflame respiratory tissues and trigger asthma, bronchitis and allergies.

"There is potential for health effects, but in order to find out the intensity of them, we need to conduct these studies," Mitloehner said.

One of the new reports says a serious impact of feedlots "is their disruption of quality of life for neighboring residents," mostly in low-income and nonwhite communities.

"More than an unpleasant odor, the smell can have dramatic consequences for rural communities whose lives are rooted in enjoying the outdoors," says the report, compiled by researchers in Iowa, Illinois and North Carolina. "The highly cherished values of freedom and independence associated with life oriented toward the outdoors gives way to feelings of violation and infringement.... Homes become a barrier against the outdoors that must be escaped."

In water supplies, the biggest problems are nitrates and fecal bacteria, although experts have also recently discovered animal antibiotics and other drugs in waterways. The scientists recommended that private wells, which largely are unregulated, be monitored carefully near the factory farms.

The EPA was sued in 1989 by an environmental group, the Natural Resources Defense Council, for failing to regulate feedlots under the Clean Water Act. Fewer than 40% have permits for discharging pollutants because of EPA exemptions and lax federal and state enforcement, according to a 2003 report by what was then the General Accounting Office.

In June, the Bush administration proposed new regulations that would require feedlots to develop plans for controlling manure and obtain Clean Water Act permits.

**Pesticide use rises in California, but farms shift to less harmful varieties
Growers statewide applied 194million pounds last year, up 14million from 2004. Reliance
on the most toxic compounds falls.**

By Marla Cone, Times Staff Writer
L.A. Times, Friday, November 17, 2006

More pesticide was used on California farms last year than in previous years, but growers reduced their reliance on many of the most toxic compounds, according to state data released Wednesday.

State Department of Pesticide Regulation Director Mary-Ann Warmerdam said the increased use of less-toxic compounds "shows that we are moving in the right direction."

In recent years, California growers have lost some of their chemical arsenal because of newly adopted state and federal rules. As a result, many have sought alternatives.

Many insecticides, herbicides and other pest-killing chemicals have been linked to cancer, neurological damage, birth defects or other reproductive effects. The greatest risk is for farmworkers, but some chemicals drift off fields, exposing neighbors.

Most commercial pesticides are applied in the San Joaquin Valley, the nation's leading agricultural area, led by Fresno, Kern and Tulare counties. Ventura County — which has more than 1 million acres of strawberry fields, lemon groves and other crops — ranks eighth in pesticide use.

For California's top dozen crops, which account for more than 80% of the pesticides used, 11.7 pounds were applied per acre in 2005, compared with 10 pounds the year before, according to the pesticide agency's data. A total of 194 million pounds of all pesticides, an increase of 14 million from 2004, were used last year — on average, 5 pounds for every resident of the state.

But use of many soil fumigants, carbamates and organophosphates — considered the riskiest pesticides for farmworkers and neighbors — declined. Volumes of reproductive toxins dropped 8.8% last year, while carcinogens dipped slightly, by 2.6%.

At the same time, use of compounds classified as "reduced risk" increased 60%, reaching about 630,000 pounds.

"It's not the pounds per se, it's pounds of what, and in most cases, there was increased use of less-toxic chemicals, and decreased use of chemicals such as fumigants," said Glenn Brank, spokesman for the pesticide department.

Nevertheless, environmentalists are concerned that some dangerous chemicals are increasing and state restrictions are coming too slowly.

Susan Kegley, senior scientist of the San Francisco-based Pesticide Action Network of North America, said she gives California growers and the state pesticide department a C grade for progress made in 2005.

While the growth in less-toxic pesticides is "an important move into the future," she said some "very toxic, very drift-prone chemicals" are used in California in large, increasing volumes.

Environmentalists are most concerned about fumigants, which are gases injected into the field before planting to sterilize the soil and destroy insects, weeds and diseases.

Total fumigants dropped slightly in volumes and acres treated last year, as they have for several years.

But one — manufactured by Dow Chemical Co. and named Telone, or 1,3-dichloropropene — is increasing "at a fairly alarming rate" and has been for 10 years, Kegley said. More than 9 million pounds were used in California in 2005, much of it on almonds, grapes, strawberries and carrots.

"Growers are not making progress toward using less-toxic alternatives for soil pests, and that's a problem that needs to be addressed," Kegley said.

Strawberry growers have been gradually weaning themselves off methyl bromide, a fumigant that is a potent neurotoxin and has been phased out under an international treaty because it depletes the ozone layer.

But many have switched to Telone, which has been linked to various cancers in animals and leukemia and lymphoma in highly exposed humans. It was banned statewide in 1990 because of high concentrations in Merced County air, then returned to use with new restrictions in 1995, after Dow conducted research on lowering air emissions.

Brank said California growers are "trying their best" to use the least toxic materials, but they are still struggling to find viable alternatives for fumigants.

"We saw that growers are switching from one to another, and that's why we are taking some additional steps against fumigants," he said. "We're not standing still on fumigants, not anywhere close to that."

California is about to impose the nation's most stringent fumigant restrictions. The department's proposal, expected to be unveiled before the end of the year, will probably focus on reducing pounds of fumigants used per acre by requiring larger buffer zones around fields, use of better tarps and lower application rates per acre.

The U.S. Environmental Protection Agency also is in the process of reviewing all fumigants as a step toward possible national restrictions.

Of the extra 14 million pounds of pesticides used in the state last year, much of it was sulfur, a

natural fungicide applied as a dust on vineyards and orchards.

Because of a wet spring in 2005, growers of wine and table grapes and almonds needed more sulfur to kill mold and mildew. Used by organic as well as traditional growers, sulfur is California's most abundant pesticide, accounting for one-third of all tons in the state.

Growers of other major crops — including strawberries, rice and tomatoes — reduced their total tons of pesticides last year.

Ventura County's preliminary numbers showed that pesticide use dropped to 6.35 million pounds last year from 7.28 million in 2004.

By the numbers

Last year, California used fewer pounds of pesticides containing toxic chemicals than in 2004, while increasing the use of less-dangerous compounds.

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8.8%...Decrease in chemicals classified as reproductive toxins

2.6%...Decrease in chemicals classified as carcinogens

60%...Increase in "reduced-risk" pesticides

Source: California Department of Pesticide Regulation

Deal reached on Owens Lake dust battle

By Louis Sahagun and J. Michael Kennedy, Times Staff Writers
L.A. Times, Thursday, November 16, 2006

LONE PINE, Calif. -- In an effort to end decades of bitter conflict, Los Angeles water officials Wednesday announced a proposed agreement to expand its dust control effort on dry Owens Lake at a cost of \$105 million.

The project, already dogged by huge cost overruns, would construct dust control berms on an additional 12.7 square miles of lake bed by 2010, and result in an overall price tag of about \$520 million.

The agreement was a source of elation for the environmental activist community because of the dust problem that has plagued the Owens Valley for decades.

"It's extremely important because it's a commitment by the city to fix a massive regional health problem," said Mike Prather, a longtime Owens Valley environmental activist. City officials are "complicit" in the problem, he said, "and they have made a conscious decision to do what is necessary to fix it. They should be commended for that."

The announcement is only the latest chapter in a dispute between the city and rural Owens Valley residents who have had to suffer through epochal dust storms since Los Angeles began diverting water from the valley in 1913, drying up the lake and turning much of the region into a desert. Owens Valley residents called the worst of the storms "blow ups."

In the past, the Los Angeles Department of Water and Power has used flooding, plants and gravel to tamp down the dust.

Under the proposed process, called "moat and row," airborne dust particles would be captured in a specially configured ridged landscape. It has not been tried at the lake before, though it has elsewhere, and a test project will precede full implementation.

The original estimate for reducing dust in a 30-square-mile area of the Owens Valley was \$120 million.

The negotiated settlement calls for the DWP and the local Great Basin Air Pollution Control District to work cooperatively to bring Owens Lake into compliance with the federal Clean Air Act's standard for fine dust particles at one of the most significant sources of air pollution in the Southwestern U.S.

The DWP also will dismiss its lawsuit against the air district. The pact could signal a retreat by the DWP from its long history of delays in correcting environmental damage in the valley.

DWP officials said Los Angeles will see significant savings because the agreement will avoid further costly litigation against the Great Basin district.

"When this last project is done, we'll be as close to fixing the lake as possible," said Ted Schade, air pollution control officer for the district. "There will be no more major projects on Owens Lake."

H. David Nahai, president of the DWP Board of Water and Power Commissioners, described the negotiations as an "intensive but amicable mediation process."

Schade characterized the talks differently: "We battled over every single word."

Asked what would happen if the new process didn't work, Nahai replied: "We're all hopeful it will work. But if it doesn't work, we'll resort to a different method."

On Wednesday, an Inyo County supervisor recalled how the dust colored life in the region. "At their worst they were nasty, acrid dust storms with the ability to etch the paint off your car," Richard Cervantes said. "It burns your eyes and your nose."

Standing on a gravel berm at the edge of the dry lake that a century ago was filled with water 50 feet deep in places, he surveyed what he called "a mind-boggling, desolate landscape: 110 miles of lake bed altered by human hands."

As a C-130 cargo plane roared overhead as part of a military exercise, he said, "But you've got to give credit to the Los Angeles engineers. They are the best in the world. And what they're doing here now definitely works."

The proposed settlement is the latest in a series of events that have pitted the DWP against Owens Valley residents, environmental groups and state officials fed up with the city agency's failure to comply with a legal agreement to restore the once-vibrant Inyo County river.

The legal dispute underlines acrimony that has boiled in the Owens Valley since the early 1900s, when the city had agents pose as farmers and ranchers to buy land and water rights in the valley, then began building an aqueduct to slake the thirst of the growing metropolis more than 200 miles to the south.

The river was reduced to a trickle in 1913 when the Owens River Aqueduct began delivering water to Los Angeles.

The Second Los Angeles Aqueduct, which begins south of the Owens dry lake bed and ends in the San Fernando Valley, added 50% more capacity to the water system when it was opened 36 years ago.

The two Los Angeles aqueducts deliver about 430 million gallons a day to the city.

In previous long legal battles in the eastern Sierra, the DWP has been forced to give up

significant amounts of water to steady water levels in Mono Lake, and to re-water parts of the dry Owens Lake to prevent dust storms.

L.A. expanding dust control at dry Owens Lake

The Associated Press

The Bakersfield Californian, Thursday, November 16, 2006

Owens Valley air pollution officials and Los Angeles water managers have reached a deal to help put down the dust that has plagued the eastern Sierra area since Los Angeles sucked Owens Lake dry nearly 100 years ago.

The Los Angeles Department of Water and Power will spend \$105 million to construct pollution-controlling berms on an additional 12.7 square miles of lake bed under the proposed agreement.

The DWP announced the deal Wednesday with the Great Basin Unified Air Pollution Control District. The DWP's commission president, H. David Hahai, said it "signals a new era of cooperation" after decades of acrimony.

The dust control berms will be completed by 2010.

Dust storms have plagued the 30-square-mile Owens Valley since 1913 when Los Angeles began shipping water 175 miles south to rapidly growing Southern California. Owens Lake dried up, turning much of the region into a desert.

"It's extremely important because it's a commitment by the city to fix a massive regional health problem," environmental activist Mike Prather said of the deal announced this week.

Water, plants and gravel have been used in the past to control Owens Valley dust. The Los Angeles Department of Water and Power's new plan, called "moat and row," captures dust particles in a specially configured ridged landscape.

The mediated settlement calls for the DWP and the Great Basin Air Pollution Control District to work cooperatively to bring Owens Lake into compliance with the federal Clean Air Act's standard for fine dust particles.

The deal also calls for the DWP to dismiss its lawsuit against the air district, which had pressed for expanded dust controls.

"When this last project is done, we'll be as close to fixing the lake as possible," said Ted Schade, control officer for the district. "There will be no more major projects on Owens Lake."

The proposed settlement is expected to be approved by DWP commissioners on Nov. 27.

State moves to cut mercury emissions

From Times Wire Reports

L.A. Times, Friday, November 17, 2006

A state regulatory board approved Gov. Ed Rendell's proposal to make deeper cuts in mercury emissions from Pennsylvania's coal-fired power plants, despite opposition from the plants and mining companies. If the rule becomes final, Pennsylvania will be the first major coal-producing state to require a tougher-than-federal limit on mercury emissions from power plants.

British envoys: You can tax for carbon, y'know

Representatives of five-year-old effort overseas offer advice to state industry to reduce emissions

By Douglas Fischer and Ian Hoffman, STAFF WRITERS
Tri-Valley Herald, Friday, November 17, 2006

SAN FRANCISCO — Representatives of the British government gave Bay Area business leaders a preview Thursday of what to expect as California gets serious about capping industry's carbon emissions.

Their message: Don't be nervous, but don't expect a government hand-out, either.

Businesses have some reason to be nervous, even though many backed California's first-in-the-nation effort to curb greenhouse gas emissions: Companies and utilities pay nothing today to dump into the atmosphere waste carbon dioxide and other gases contributing to global warming.

Under the "cap-and-trade" scheme practiced by the United Kingdom and being contemplated in California, every ton of released carbon would carry a cost.

"It's great you're prepared to put your money where your mouth is," Martin Uden, Britain's San Francisco-based Consulate General, quipped to a room full of not-quite smiling members of the Bay Area Council, which represents the region's major industries.

California air regulators are mulling what a state carbon-trading market would look like — how many emitters to regulate, how tightly to begin cutting back on the carbon pollution being traded and whether to give or sell those pollution rights away in the beginning.

The Democratic takeover of Congress puts proponents of action of global warming in charge of key committees and makes it likelier that the rest of the nation is headed for carbon trading. Sen. Barbara Boxer, incoming chair of the Senate Environment and Public Works Committee, has said she will introduce a bill creating a system like California's, so what the state does could serve as a template for a larger U.S. carbon market.

Britain for the past five years has run a voluntary emissions trading program, part of a larger effort by the European Union to comply with emissions reductions outlined in the 1997 Kyoto Protocol, which the United States never ratified.

British carbon-polluting companies — power utilities, foundries, glass and cement kilns, for example — get an allowance for each ton of carbon dioxide sent up the smokestack. Use less, and excess allowance can be sold on an open market. Use more, and it must be purchased.

Such a market-based approach to curbing pollution was pioneered in the United States years ago to limit acid rain and smog on the East Coast. Europe adapted it for the much larger carbon emissions market, and now Americans are trying to catch up.

"The whole point of emissions trading is that we're not the experts," said Martin Nesbit, head of National Climate Change Policy for Britain's Department of Environment, Food and Rural Affairs. "You take action so reduction of greenhouse gas becomes an economic opportunity for your company."

The big question confronting Europe and California alike is how to issue allowances. The answer is worth a lot of money. In Europe, the carbon market in 2005 was worth about \$10 billion. Economists say a similar market in the United States could be worth \$60 billion.

To start this market, does government give allowances to industry based on past emissions estimates, giving a taxpayer subsidy for cutting costs and temptation to cheat in emissions reporting? Or do regulators auction allowances to the highest bidder and let companies buy what they need?

Some business leaders prefer an "incentive." But experience in Britain over the past five years, said Nesbit and his group, has made clear an auction offers the most straightforward and efficient approach.

So far, Britain has given away its allowances, and Ireland is the only European nation to hold an auction. The Brits say they'll soon start selling allowances, as long as they are not alone.

Most economists agree that putting a price on carbon makes energy more expensive, and since energy is an element in the price of virtually every good and service then those prices also would rise. And that's the point of a carbon market — to drive a search for efficiencies and new technologies to lower the amount of fossil energy consumed in producing a good or service.

In a global market where only a few governments are capping emissions, there is a risk of impairing a national or state economy as business and jobs go elsewhere. On the other hand, several economists say technology economies such as those in Ireland and California could experience a net benefit of more new jobs and new business.

"We would like to ultimately move to a full auction," said Jill Duggan, who lead the team that developed Britain's trading scheme. "UK industry used to look a bit scared when I said that, but they're getting used to it."

"We're not in favor of incentives," she added. "The incentive is that emissions trading is the least costly compared to the alternatives."

Businesses already have enough incentive anyway, according to Hunter Lovins, an efficiency and sustainable development guru and president of Natural Capitalism Inc. Every industry that looks for energy savings finds it and ends up making money as well as improving shareholder value, she said.

"It's better for jobs, it's better for security and it gives you more vibrant communities," Lovins said.

[S.F. Chronicle commentary, Friday, November 17, 2006:](#)

OPEN FORUM

FIZZY SCIENCE

Big Hydro's role in global warming

By Patrick McCully

It comes as a surprise to most people, but the reservoirs behind the world's dams are likely a major source of global warming pollution. In the case of big reservoirs in the tropics -- where most new dams are proposed -- hydropower can actually emit more greenhouse gases per kilowatt-hour than fossil fuels, including dirty coal.

Climate change scientist Philip Fearnside estimates that hydro projects in the Brazilian Amazon emit at least twice as much greenhouse gas as coal plants. The worst example studied, Balbina Dam, had a climate impact in 1990 equal to an astonishing 54 natural gas plants generating the same amount of power, according to Fearnside.

How is this possible? When a big dam is built, its reservoir floods vast amounts of carbon in vegetation and soils. This organic matter rots underwater, creating carbon dioxide, methane and, in at least some cases, the extremely potent warming gas, nitrous oxide. While emissions are particularly high in the first few years after a reservoir is filled, they can remain significant for many decades. This is because the river that feeds the reservoir, and the plants and plankton that grow in it, will continue to provide more organic matter to fuel greenhouse gas production.

Some of the emissions bubble up from the reservoir's surface. The rest occur at the dam: When methane-rich water jets out from turbines and spillways, it suddenly releases most of its methane, just like the fizz from a newly opened bottle of Coke. While the scientists working in the field agree on the emissions from reservoir surfaces, there is a heated dispute between industry-backed and independent researchers on the amount of gases released at dams. Accounting for these "fizz" emissions greatly increases estimates of the global-warming impact of hydropower.

It is not surprising that the hydropower industry is alarmed that it would be considered another global-warming culprit. In the coming green economy, energy technologies with the lowest greenhouse-gas emissions will dominate. There's a lot of money to be made in this energy transformation, and the Big Hydro lobby is pushing hard to be seen as climate-friendly.

Canadian and Brazilian hydro interests dominate funding for reservoir emission science, and have tried hard to control the interpretation of the results. In Canada, industry giant Hydro-Quebec has cut funding to scientists whose work was leading to conclusions the utility considered inconvenient. Hydro-Quebec also tried, unsuccessfully, to pressure a scientific journal (Lakes and Reservoirs Management) into not publishing an article by these scientists.

In hydropower-dependent Brazil, the hydro utilities and government have backed a group of scientists who Fearnside charges have "made a career out of trying to prove me wrong." The industry-backed scientists accuse Fearnside, a rigorously independent researcher, of being seduced by the "lures" of the fossil fuel and nuclear lobbies.

Fearnside's findings were supported in a recent editorial in the scientific journal Climatic Change written by Danny Cullenward and David Victor from Stanford University. Cullenward and Victor criticize the hydro industry's control of the reservoir emissions research agenda and call for an independent analysis of the data and their interpretation by the U.N.'s Intergovernmental Panel on Climate Change (IPCC). This is an eminently sensible suggestion.

Given the high stakes -- the billions of dollars that will be directed to reducing climate change and the importance that these investments be as effective as possible -- it is vital that decisions on climate policy are not made based on evidence produced by self-interested industry lobby groups. This is why an independent review of reservoir emission science is essential. Only the IPCC has the resources and reputation needed to clear the fog of confusion created by the hydro industry and its control of the reservoir emissions research agenda.

Patrick McCully is the executive director of the International Rivers Network, a Berkeley-based nonprofit organization that protects rivers and defends the rights of communities that depend on them. IRN opposes destructive dams and the development model they advance.

Note: The following clip in Spanish discusses a study done by Pacific Institute. The study shows that cleaning up California's seaports, airports, truck routes, railways, and distribution centers would cost polluting companies pennies, but can save California billions, and have a major impact on the health of millions of affected residents. For more information, contact Maricela (559) 230-5849.

Instan a industriales a pagar por descontaminación

Un estudio del Instituto del Pacífico dice que las empresas en su conjunto tienen ganancias de 231 mil millones de dólares anuales por uso de los puertos de California, pero la contaminación que ocasionan obligaría al público a gastar unos 200 mil millones de dólares en 15 años para solucionar problemas de salud derivados de esa contaminación

Noticiero Latino, Aire Libre, California

Radio Bilingüe, Wednesday, November 15, 2006

Por lo menos diez organizaciones ambientalistas de California recomendaron en un estudio que los industriales paguen por descontaminar el aire que enrarecen en el estado.

El estudio que presentó el Instituto del Pacífico dice que las empresas en su conjunto tienen ganancias de 231 mil millones de dólares anuales por uso de los puertos de California, pero la contaminación que ocasionan obligaría al público a gastar unos 200 mil millones de dólares en 15 años para solucionar problemas de salud derivados de esa contaminación.

El estudio menciona desde barcos y trailers que transportan mercancías hasta corporaciones de tiendas al menudeo.