

Activists sue EPA over Valley air quality standards

By Mark Grossi

Fresno Bee and Merced Sun-Star, Wednesday, March 26, 2008

Air quality activists Tuesday sued the U.S. Environmental Protection Agency, claiming officials illegally declared that the San Joaquin Valley has met the health standard for dust and soot.

Activists, who filed the lawsuit in the 9th U.S. District Court of Appeals in San Francisco, say Valley air monitors in January recorded dangerous levels of the pollution, called PM-10.

There have been several other violations in the last several years, they said.

"It's not just a violation of the law, it is complete and total disregard for our health," said Sierra Club member Kevin Hall of Fresno.

Federal officials said violations in the past few years have been legally excluded because of high winds. They said the Valley's air has not exceeded the PM-10 standard since 2003.

"The Valley continues to move toward cleaner air," said Deborah Jordan, air division director for EPA's Pacific Southwest region. "There is still more work needed to reduce smog and fine-particle pollution."

The nonprofit Earthjustice, a legal watchdog based in Oakland, filed the suit on behalf of the Sierra Club, the Latino Issues Forum and the Fresno-based Medical Advocates for Healthy Air.

The Valley is known for some of the country's worst summer ozone and winter fine-particle pollution, called PM-2.5.

PM-10, a coarse particle prevalent in fall and winter, is about one-sixth the width of a human hair. It can trigger asthma attacks and heart problems, according to medical research.

Since 2002, a number of Valley air rules have reduced such pollution. The rules included watering unpaved roads, reducing tilling on farm fields and cutting back on fireplace wood burning. Regional air officials have credited the rules with clearing much of the PM-10 problem.

But environmentalists and health advocates say monitoring data show that the PM-10 standard was surpassed on six days in 2006 and again on Jan. 4 this year. Earthjustice attorney Erin Tobin said the PM-10 problem has not gone away.

"EPA has just invented a new way to ignore it," Tobin said.

Environmentalists sue EPA over ruling that valley air is clean

Modesto Bee, Sacramento Bee and Tri-Valley Herald, Wednesday, March 26, 2008

FRESNO, Calif. - Environmentalists are suing the U.S. Environmental Protection Agency over the agency's finding that air quality in the San Joaquin Valley has come in line with federal standards for airborne dust, smoke and soot.

The EPA ruled the region's air was free of excessive levels of tiny pollution particles linked to asthma, bronchitis and heart problems earlier this month.

Environmental groups say the EPA's data shows that federal pollution standards were surpassed nine times from 2003 to 2006.

Attorneys for Earthjustice filed suit Tuesday in the 9th U.S. Circuit Court of Appeals claiming the government's decision violates the public health standards of the federal Clean Air Act.

Flags to report air quality at city buildings

By LESLIE ALBRECHT

Merced Sun-Star, Tuesday, March 25, 2008

Following the lead of local schools, the city of Merced will soon start flying air quality flags at city-owned buildings.

The color-coded flags will warn residents when the air becomes dangerously polluted, and people with respiratory problems should stay indoors.

They'll also give residents the all-clear when the air is clean.

Starting in mid-April, the flags will fly at municipal locations, including Civic Center on 18th Street, the South Merced police station on West 11th Street and the city's public works yard on Grogan Avenue.

The City Council approved flying the new flags last week. The Merced/Mariposa Asthma Coalition will provide the banners to the city at no cost.

The flags have been flying at area schools since 2004, when the asthma coalition first came up with the idea of providing a consistent visual update on Merced's air quality. Merced was the first county in the San Joaquin Valley to fly the air quality flags. Now schools in all eight Valley counties fly them, said Asthma Coalition program manager Mary-Michal Rawling.

The flag colors correspond to the Environmental Protection Agency's Air Quality Index, which measures the levels of pollutants, such as ozone, carbon monoxide and sulfur dioxide. Their presence changes day to day, depending on a variety of factors, including temperature and wind speed.

An Air Quality Index of 50 or less rates a green flag for clean air. When the index moves above 101, people who suffer from respiratory ailments are more likely to experience health problems. On those days, an orange flag will warn those people to stay indoors as much as possible.

The American Lung Association's 2007 State of the Air report ranked Merced as the sixth-most ozone-polluted city in the nation.

In Merced County, the flags also fly at Mercy Medical Center Merced and the Golden Valley Health Center clinics, but they're most often found at schools because children are especially susceptible to poor air quality, said Rawling.

But with schools closed during the summer, flying the flags at more locations will help notify more residents about air quality, including seniors and other people who aren't as likely to see the flags at schools, said Rawling.

"It's important enough of an issue in the Valley that people need to know what the Air Quality Index is every day," said Rawling. "I'm hoping that awareness translates into, 'What am I going to do to change this situation so my kids don't have to stay inside?'"

Merced steps up air quality education campaign by flying flags

Modesto Bee, Sacramento Bee and S.F. Chronicle, Wednesday, March 26, 2008

MERCED, Calif. - Beginning next month, Merced residents will gain a new tool to judge the quality of the air they breathe.

In mid-April, the City of Merced will start flying a set of color-coded flags atop several city buildings to alert citizens of the air quality.

The San Joaquin Valley is one of the dirtiest air basins in the country for emissions that create ozone, the main ingredient of smog.

Schools in all eight valley counties currently fly the flags to let parents know where pollutants rank on the Environmental Protection Agency's Air Quality Index.

The city council approved the proposal last week, and plans to use banners donated by the Merced/Mariposa Asthma Coalition.

Health center leads a greener existence

Organization's Green Team looks for ways to prevent waste

By DHYANA LEVEY

Merced Sun-Star, Wednesday, March 26, 2008

UC Merced isn't the only green campus in town.

Golden Valley Health Centers, Merced campus, is putting the "reduce, recycle and reuse" motto to work on its own turf. It was recently awarded a Green Buildings Grant of \$25,000 to conserve resources through its infrastructure and staff habits.

This means more recycling, lighting motion detectors, a new subterranean irrigation system and the formation of the Green Team.

The team, a collaboration of about 20 Golden Valley employees, meets once a month to discuss what more the campus can do to reduce air pollution and unnecessary waste, said member Allyson Holman, a Golden Valley health educator.

It gives presentations encouraging employees to cut down on vehicle use, and got a bike rack installed to put this practice in motion.

Small changes -- such as the paper exchange -- can make a big difference, said member Penny Henry, a health center administrative assistant. Whenever staff members misprint or use extra paper when printing, they simply reuse that paper on the other side for in-office paperwork. When paper has been used on both sides, employees take it home to recycle.

Blue cans for bottle recycling are also placed around the campus. "There's potential for so much waste in any big business," Henry said. "It's good to have a team bring awareness to it."

And Golden Valley has joined schools to address the Valley's pollution by installing the Merced/Mariposa Asthma Coalition's air quality flags. The flag is green when air quality is good, yellow when moderate, orange when unhealthy for sensitive groups and red when the air is unhealthy for everyone.

Adam Gintz, a Golden Valley shipping and receiving clerk, raises the flag each day. Air quality has been good during the past couple of weeks, he said.

Melissa Kelly-Ortega and Mary-Michal Rawling, both of the Asthma Coalition -- which is located on the Golden Valley campus -- are leading the health center's Green Building program.

One part of the program involves walking through each building to measure air flow and monitor for carbon dioxide. The Asthma Coalition has also done this for various local elementary schools.

But part of the project Kelly-Ortega and Rawling are particularly excited about is the new subterranean irrigation system.

The system is installed four inches underground, which can help it conserve water better than an above-ground irrigation system, said Eric Doss, landscape contract designer for the health center and CEO of Incentive New Creation. Because it's underground, less water evaporates in the sun.

And it helps generate healthy roots for the trees it waters, he added.

Roots are drawn to water, and if too much of that water sits above ground, the roots can break through the surface.

The new irrigation system will be installed in the campus quad in a couple of weeks. If it's a success, the system will extend to other parts of the campus, Kelly-Ortega said.

There are plenty of other ways the campus is already conserving resources. It has eliminated its bottled water to cut down on plastic waste, installing a filtration system instead. Employees bring in their own cups for drinking water.

And all the lights now have motion detectors. So if an employee leaves lights on before exiting a room, they automatically turn off after a certain period of time.

Gintz has extended recycling to his work in shipping and receiving. Cardboard boxes sent to the health center are broken down and reused.

Instead of the usual Styrofoam packing peanuts, his department has switched to biodegradable corn-starch packing materials.

All small steps. But, says the Green Team, the rewards of a large campus conserving its waste, energy and air quality will have big rewards in the future.

Supervisors OK ethanol plant despite air quality concerns

BY JAMES BURGER, Californian staff writer
Bakersfield Californian, Wednesday, March 26, 2008

An ethanol plant north of Bakersfield was blessed by Kern County supervisors Tuesday.

But the support wasn't universal.

"I can't support this project," said Supervisor Don Maben. "I can't support a plant that converts food crops to fuel, that uses so much water when we have a shortage of water."

Other supervisors rejected those concerns, and arguments that the plant will pollute the air and contribute to global warming without enough corresponding benefit to the community.

They approved the request from Cilion Inc. to build a corn-powered ethanol plant near Famoso Road and Highway 99.

Ethanol is used as a fuel additive and creates a cleaner-burning fuel for automobiles.

Cilion's proposed Famoso plant could generate a maximum of 55 million gallons a year of ethanol.

But speakers from the Sierra Club and the Center for Race, Poverty and the Environment said the air quality impacts of the project are just too high to be balanced by any benefits from building the plant.

Ingrid Brostrom of the Center for Race, Poverty and the Environment said the county's environmental study failed in a couple major ways.

"The EIR does not adequately mitigate the nitrous oxide impacts," she said. "The county did not adequately analyze the impacts of greenhouse gas emissions."

County planner Lorelei Oviatt indicated that the project, even with all mitigation measures in place, would create significant damage to air quality.

The plant will be producing nitrous oxide and carbon dioxide — "greenhouse" gases that are linked to global warming, said Oviatt.

But she said the value of the project to the community trumps the environmental concerns.

Supervisor Jon McQuiston said he believes the plant is the right thing to do.

"I believe this project could have been approved six or eight months ago," McQuiston said.

Tulare County landfill may enter phase 2 of project

BY HILLARY S. MEEKS
Visalia Times-Delta and Tulare Advance-Register, Tuesday, March 25, 2008

Trash in Tulare County will have a destination for the next 57 years — if everything goes as planned.

In 2005, the county completed Phase 1 of a 60-year landfill project that adds "cells" to the landfill at Road 80 and Avenue 328 north of Visalia. That first cell will fill up in 2010, said Britt Fussell, county assistant director of engineering.

Bids for the second phase of the project — expected to cost between \$8 million and \$10 million — will be reviewed at today's Tulare County Board of Supervisors meeting. A contract will be awarded in April, after the Resource Management Agency examines the bids.

Phase 2 adds three cells to the landfill. A cell is generally about 10 square acres, but its capacity cannot be specifically defined, Fussell said.

"As you build more cells, you create a larger base that allows you to pile [trash] higher," he said. "A single cell in and of itself might have a small capacity, but when you gang more together, you have more capacity."

Fussell said the county owns "a lot of land" near the landfill but that no plans have been made beyond the 60-year mark. He did not know whether the county would keep using the same area or seek a different location.

"You have to start acting when you have about 10 to 15 years of life left," he said.

Construction on the next three cells should start by June 1 and be completed in 2009, Fussell said. Building a cell involves excavation and the installation of two protective liners, which protect groundwater, Fussell said.

"Rainfall on the garbage percolates through, and you don't want it to continue on through the groundwater," he said. "If anything gets past the first liner, it's caught by the second liner and drained and disposed of."

Because of environmental concerns, a close eye is kept on the Visalia landfill by the California Integrated Waste Management Board, the Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District. When this project was first proposed, Fussell said, the county had to undergo an extensive permitting process before it could begin construction.

"Years ago you could take your trash outside and burn it," Fussell said. "But you can't do that anymore."

Report says Crows Landing rail plan worth a look County-sponsored review says West Park proposal could be economic plus

By TIM MORAN

Modesto Bee, Wednesday, March 26, 2008

PCCP West Park LLC's short-haul rail proposal still lacks some detail, but it is a creative plan that "is certainly worth a careful look," according to a study commissioned by Stanislaus County.

West Park, headed by Sacramento developer Gerry Kamilos, is proposing a short-haul rail link between the Port of Oakland and a 4,800-acre business and industrial park Kamilos wants to build in and around the former Crows Landing Naval Air Station.

The rail link would serve distribution companies Kamilos hopes to attract to the business park, and valley ag exporters, according to West Park consultants.

The county hired Global Insight to do an impartial review of Kamilos' numbers for the system. County Deputy Executive Officer Keith Boggs said the firm was hired because of the county's lack of expertise on rail issues.

Supervisor Jim DeMartini, a consistent critic of the proposal, contends that the proposal will lose money. He's referred to the rail connection as a "Trojan horse" to bring housing development into the area.

Kamilos acknowledges that the project will lose money in its infancy and proposes to subsidize it with assessments on business park tenants. He has pledged that no houses will be built in West Park.

Kamilos touts the environmental benefits of the service, contending that it will take thousands of trucks off Altamont Pass, easing the valley's air pollution. The development will create 37,000 jobs over the course of 30 years, he said.

A preliminary draft of the plan by Global Insight, released in December, questioned whether there is enough freight demand to support the concept. The analysis called for a more comprehensive survey of potential customers, and questioned whether West Park can attract large distribution centers as tenants and clients for the rail link.

West Park officials have contended that details such as customer surveys are premature because the first trains wouldn't run for an additional four years.

The final Global Insight review says West Park's customer surveys aren't conclusive, and more study will be needed to measure how much truck traffic would switch to train service.

Union Pacific talks ongoing

The West Park cost analysis of the train service is difficult because negotiations for track rights with Union Pacific haven't been completed. West Park should use best- and worst-case scenarios to inform the county of projected minimum and maximum subsidy levels, the Global Insight review says.

While calling for more information as the project progresses, the Global Insight review notes that short-haul rail and industrial park developments have been successful elsewhere, including the redevelopment of an arsenal in Joliet, Ill.

The economic development and job growth at the Illinois site have been "unusually strong," the review says.

"It is possible that the Crows Landing site -- connected by rail to the Port of Oakland -- could become just such an engine of economic development for the region," the review states. "As port volumes and local road congestion both continue to increase, the demand for inland port capacity is likely to accelerate.

"With a number of strategic options available to Stanislaus County for the Crows Landing redevelopment, the West Park Inland Port/Short Haul Rail Master Plan is certainly worth a careful look."

Supervisor Dick Monteith said Boston-based Global Insight is an impartial firm.

"I like the fact that the company is not on the West Coast and not involved in all the politics," Monteith said. "It helps give some credibility to what they are saying."

Monteith is a member, along with DeMartini, of an ad hoc committee negotiating with Kamilos on a master developer agreement for West Park.

Location a plus

The study notes that the biggest difficulty in launching inland port projects is finding a site with rail and port access, Monteith said. "It points out the uniqueness we have, of having all the pieces close together," he said.

Monteith said he liked the conclusion that more study is needed. "I don't like people who come in and think they have all the answers," he said.

The study's conclusion isn't likely to please West Side opponents of the project. Most West Side governmental agencies oppose the plan, citing its size, the traffic congestion it would cause and the disruption of up to six new round-trip trains running daily through Patterson.

Ron Swift, president of WS-PACE, a group formed to oppose the project, presented the supervisors with 1,200 petition signatures Tuesday opposing the railroad and container use of the air station property.

Swift had not read the Global Insight review Tuesday afternoon but said an inland port would make more sense in San Joaquin County. That would be closer to existing warehouse development, and would require less road construction to serve the port, he said.

Patterson Mayor Becky Campo declined to comment because she had not read the Global Insight report.

Air board to revisit rules on zero-emissions

Matthew Yi, Chronicle Sacramento Bureau
San Francisco Chronicle, Wednesday, March 26, 2008

Sacramento -- The California Air Resources Board, under pressure to meet the state's ambitious goals to fight smog and global warming, on Thursday will consider relaxing rules on automakers to produce vehicles that release no air pollution and instead encourage them to make more low-emissions vehicles.

The proposal comes from the air board's staff, which was charged with taking another look at the state's program for electric or hydrogen-fueled vehicles, which began in 1990 but so far has resulted in only a few such cars on the road.

The program, formed nearly two decades ago to get such zero-emissions vehicles on the road, will play an important role in meeting the state's goal under landmark legislation to reduce greenhouse gas

emissions by one-third by 2020, as well as Gov. Arnold Schwarzenegger's executive order to further reduce emissions by 80 percent by 2050.

A key motivation for changing the regulation now is to adjust the rules according to what is technologically feasible, said Tom Cackette, the air board's deputy director.

"The regulation has always been technology forcing and ... inherent in that is that you have to predict the future, and the future sometimes turns out to be a little bit different than what you had in mind," he said Tuesday.

When the air board last reviewed the zero-emissions vehicle program in 2003, many automakers had predicted hydrogen fuel cell vehicles could be available for commercial use by the end of the decade. But those promises remain unfulfilled as manufacturers continue developing various different technologies surrounding those types of automobiles.

Now the air board must either leave alone the mandate on the seven largest automakers - Chrysler, Ford, General Motors, Honda, Nissan, Toyota and Volkswagen - or change the program to make it more feasible for them to meet the goals.

The regulation in question requires the automakers to produce and sell 25,000 vehicles that emit no tailpipe emissions between 2012 and 2014, followed by 50,000 such vehicles between 2015 and 2017.

The air board's staff is proposing to change the rules to allow car manufacturers to make two other types of low-emissions vehicles to account for 90 percent of the required first 25,000 vehicles and half of the following 50,000 vehicles.

One is the so-called "plug-in hybrid" vehicle, with electric and gasoline engines. The second is called the "hydrogen internal combustion engine vehicle," which burns hydrogen in its engine and emits low amounts of nitrogen oxide, which turns into smog.

Cackette said the staff proposal would result in more low-polluting automobiles on the road because manufacturers would have to produce more than one low-emissions vehicle to replace a zero-emissions vehicle.

He estimated that the rule change could result in a total of more than 210,000 low-emission and zero-emission vehicles, compared with 75,000 automobiles that emit no pollution under the current regulation.

Cackette said he is unsure how the 11-member air board will vote on Thursday.

But outside the agency, no one seemed to be very happy with the proposed changes.

Environmental groups argue that the changes would water down the regulation by letting automakers off the hook to produce cars that emit no pollution, while automakers say the air board shouldn't be focusing on two specific types of vehicle technologies.

Manufacturers also argue the proposed change would discourage companies developing hydrogen fuel-cell vehicles.

"We need many more zero-emission vehicles," said Bill Magavern, a lobbyist for the Sierra Club. "Having incrementally cleaner vehicles in itself is progress, but it needs to be combined with a program that will push the technology so that we get the breakthrough clean vehicles that we ultimately need to bring our emissions down."

Dave Barthmuss, a spokesman for General Motors, said the proposed changes are a step in the right direction but state officials should put more emphasis on infrastructure such as fueling stations for hydrogen fuel-cell vehicles in the state.

"We have to see the same level of commitment to put infrastructure out there," he said. "I think it's important to recognize a significant investment that the auto industry is making to make hydrogen fuel-cell vehicles viable for the market."

To get involved

The California Air Resources Board is scheduled to meet at 9 a.m. Thursday in Sacramento. The meeting will be Webcast live. To watch the Webcast and read the meeting agenda, go to www.arb.ca.gov/board/ma/2008/ma032708.htm.

EPA appeals ruling on mercury regulations

USA Today, Wednesday, March 26, 2008

WASHINGTON (AP) — The Bush administration has appealed a court ruling that the Environmental Protection Agency violated the federal Clean Air Act when it issued less stringent requirements to reduce mercury releases from power plants.

The Justice Department, on behalf of the EPA, asked that the full Court of Appeals for the District of Columbia Circuit reconsider the ruling in a lawsuit brought by New Jersey and 16 other states.

A three-judge appeals court panel in February struck down the EPA regulation which allowed for a pollution trading system to reduce mercury emissions from power plants, instead of requiring each plant to install the best available mercury controls.

The Justice Department, in seeking a review of the decision, argued in a filing late Monday that the three-judge panel misinterpreted the federal clean air law and required "inappropriate and unnecessary emissions standards for power plants."

It maintained the ruling would needlessly delay mercury emission reductions by forcing the EPA to abandon its 2005 regulation that calls for a 70% cut in mercury releases over the next decade.

The states' lawsuit maintained that the EPA plan, allowing power plants to purchase emissions credits instead of making pollution reductions, creates mercury "hot spots" near some plants. Instead the states want all plants to be required to install the best available pollution controls, which could lead to mercury emission reductions of 90% or more.

Separately, a group of electric utilities also filed a petition with the full appeals court, asking for a review. The Utility Air Regulatory Group, argued that the EPA has the discretion to regulate emissions in a way it considers necessary and appropriate.

The group includes electric generating companies and trade associations representing power companies and coal interests.

[Modesto Bee, Letter to the Editor, Wednesday, March 26, 2008:](#)

Dissent from the West Side

Supervisor Dick Monteith was quoted as saying he has heard little dissent from the West Side about the proposed West Park industrial project.

If that is so, then he hasn't been listening. The 960-plus members of WS-PACE.org, many of whom reside on the West Side, are strongly opposed to the project being touted by Gerry Kamilos.

Our organization favors development of the 1,527-acre former air facility, but not as a gigantic rail yard with trains running down the West Side, a thousand or more trucks a day hauling away imported merchandise, a projected 141,000 vehicle trips a day on and off the property, no small amount of pollution, millions of public dollars spent on road construction, and loss of prime farmland.

Two-and-a-half square miles of industry ought to be enough at Crows Landing, especially with some 5,000 acres presently available in Stanislaus County cities, where jobs ought to be located.

RON SWIFT, Patterson

[San Diego Union-Tribune, Letters to the Editor, Wednesday, March 26, 2008:](#)

Electric vehicles and zero emissions

"Air board may trim electric car mandate" (A1, March 24) perpetuates the myth that an electric car is a zero emissions vehicle, or ZEV. Until the time that all electric power plants produce zero emissions, no electric appliance or vehicle has "zero emissions." This is tantamount to claiming that home air conditioning doesn't produce emissions.

The only thing that “killed the electric car” was the need to develop better technology. When batteries are perfected that are reliable and have enough capacity for an average commute (hopefully soon), electric cars will contribute to lowering carbon dioxide emissions but they are unlikely to be ZEVs in our lifetime. Fifty percent of U.S. electrical power is produced by coal-fired plants.

EUGENE R. HAGER, *La Jolla*

[San Diego Union-Tribune, Letters to the Editor, Wednesday, March 26, 2008:](#)

Making a case for nuclear power

Regarding “Stuck in 1979/Foes keep distorting nuclear power's record” (Editorial, March 21):

People are afraid of what they don't understand. The generation of nuclear power could prove to be one of mankind's greatest hopes for solving the global warming crisis. Critics and politicians like Assemblyman Lloyd Levine cite Chernobyl and Three Mile Island as cases against nuclear power, but no one can argue that fossil fuels are the real threat: pollution and carbon emissions kill about 4.5 million people a year, 20,000 of those in the United States, while nuclear power mishaps have claimed less than 5,000 lives in the last 50 years.

The problem isn't so much the safety of nuclear power plants – although politics and bureaucracy have made it too much trouble to build any new ones – but what to do with the spent fuel. Sites such as Yucca Mountain are so mired in political bureaucracy and misunderstanding that they may never serve their intended purpose: to store waste from the world's 441 nuclear power plants, and do it as safely and permanently as humans can manage at this point in history. (European nations have an even better idea: reprocess the waste.)

Compared with the loss of life resulting from global warming, nuclear energy may be the answer we've been looking for all along. But how can we expect people to understand it when our own president can't even pronounce it?

JASON WATKINS, *San Diego*