

## **Smog: How about \$141 million in fines?**

By Mark Grossi, fresnobee.com., Wednesday, Feb. 11, 2009

I thought all the big air-quality fines were in California. Two petroleum refiners this week agreed to pay a combined \$141 million into a fund to underwrite new air pollution controls at three refineries in Kansas and Wyoming.

The settlements with the U.S. Environmental Protection Agency are supposed to reduce pollution by 7,000 tons per year.

In addition, there were civil penalties. Frontier Refining and Frontier El Dorado Refining paid \$1.23 million for violations in Cheyenne, Wyo., and in El Dorado, Kan. Another firm, Wyoming Refining Co., paid a civil penalty of \$150,000 for violations in Newcastle, Wyo.

They must have done something pretty bad.

EPA's press releases rarely tell you much about the violations. I thumbed through the 203-page consent decree on the federal Web. It mentions monitoring, leaks, missing reports.

Frontier was not following a number of rules over many years. The fines and other settlement costs in such cases are generally far lower than the company could have been forced to pay in a court case.

EPA has been making a push around the country to make sure petroleum refineries follow the rules. Does all this scrutiny pay off with better air quality? What do you think?

## **EPA reconsiders Bush rule on air pollution permits**

By Dina Cappiello, Associated Press Writer

In the SF Chronicle, NY Times, Contra Costa Times and other papers, Wednesday, Feb. 11, 2009

WASHINGTON—The Obama administration is delaying a rule issued in the final days of President George W. Bush's presidency that would have let some industrial facilities avoid having to install pollution controls when they expand.

The Environmental Protection Agency announced Tuesday that the rule would be delayed 90 days so it could be re-evaluated.

Environmentalists had complained that the rule would have let power plants, factories and other industrial facilities increase emissions that cause soot and smog.

Industry groups said the rule would have enabled facilities to upgrade power plants without worrying about violating anti-pollution laws.

Existing facilities typically must apply for a permit when modifications will emit an additional 40 tons a year of a major pollutant.

The regulation the Bush administration adopted on Jan. 15 would have changed how facilities calculate how much pollution would result from their upgrades.

The delay, which pushes back the rule until May, is another sign that President Barack Obama is diverging from the ways of the Bush administration on air pollution.

Last week, the Justice Department announced it would no longer fight to uphold a Bush administration plan—favored by industry—for controlling mercury emissions from power plants.

Courts had found that the Bush plan violated the Clean Air Act. Obama's EPA has begun crafting a new regulation to limit mercury emissions from power plants.

## **The link between air pollution and your allergies**

By Emma Gallegos, Staff Writer

L.A. Daily News, Wednesday, Feb. 11, 2009

When allergies strike, there are all the usual suspects: something you ate, something you touched or something in bloom. Now there's something else to consider: air pollution.

You can't actually be allergic to pollution, but researchers are finding that exposure -- and here in Southern California the worst comes from diesel exhaust and wildfires -- can make any allergies you have worse. It may even make you more likely to experience them in the first place.

"Air pollution contains chemicals (that get) into the airway -- either the nose or lungs -- (and cause) what we call 'oxidative stress' in the cells," said Dr. Marc Riedl, who conducts research in UCLA's in the Clinical Immunology and Allergy section. "This stress placed on the cells by chemicals in the air pollutant seems to push the immune system toward an allergic response."

How exactly this happens is an area Riedl and others are studying. They are paying attention to how people react differently to air pollution.

Air pollution is harmful for everyone, but some are more susceptible than others.

"We all have a certain genetic predisposition towards developing allergies," Riedl said. "It may be that (air pollution) provides an extra boost or trigger that will cause a person to develop allergies over the course of their lives."

Researchers like Riedl want to understand how some people's immune systems are better able to cope with the stresses of air pollution.

They are also hoping to be able to identify those who are more susceptible to the effects of air pollution and come up with therapies to treat them.

Right now, Riedl is in the early stages of researching a substance in broccoli sprouts called sulforaphane. This substance may boost antioxidant protection. Riedl is hoping that it could be used as a therapy to help those who are particularly prone to severe allergic reactions.

Riedl recommends that those who experience severe allergies should avoid exposure to air pollution as much as possible, and stick to a medicine regimen that prevents inflammation, but for right now, there is little from his research that can be applied in a clinical setting.

However, the effects that air pollution have on our immune system may help explain a widely acknowledged rise in allergies over the past few decades, Riedl said.

Hay fever and food allergies have been spiking. Asthma, which is typically set off by an allergic reaction, has also become more common, especially in urban areas.

There are likely many reasons that researchers have seen a spike in allergies, but Riedl said that the hallmarks of industrialized life have come under scrutiny. Riedl noted in his research that asthma rates increased by 40 percent in China between 2001 and 2006, as the country industrialized.

Researchers are examining how society has changed in the way we eat, work and medicate -- here the effects of air pollution have come under particular scrutiny.

Riedl said he expects research in this field to become more relevant as cities develop and pollution becomes more prevalent.

## **Global warming endangers California birds, study says**

**Research by Audubon California finds that more than a third of the state's species could disappear from the majority of their current habitats.**

By Margot Roosevelt

L.A. Times, Wednesday, Feb. 11, 2009

More than a third of native California bird species could vanish from a wide swath of their current range by the end of the 21st century because of global warming, according to a new study by Audubon California.

From the puffy-chested California gnatcatcher, which could lose more than half of its Southern California range, to the Central Valley's yellow-billed magpie, which could disappear across 70% of its current habitat, about 110 species are likely to be pushed into new territory, according to Audubon scientists.

"Future climate change threatens California's birds with massive range reductions and, in extreme cases, statewide extirpations and global extinctions," asserted William B. Monahan and Gary Langham, authors of the paper.

The California projections came as the National Audubon Society released the most comprehensive study ever done on dramatic shifts in the range of birds nationwide, based on 40 years of data from its annual Christmas bird count. The count is a massive effort in which 50,000 volunteers nationwide record the numbers of birds at 2,000 locations.

Now computerized, the data show that 58% of the 305 most common North American species have shifted their ranges northward and inland by an average of 35 miles in the last 40 years. Some of the shifts have been extreme: the purple finch, once most common in Missouri, moved more than 300 miles north, toward Canada.

In California, more than 100 species have moved significantly north. The red-breasted nuthatch, the house finch, the pine siskin and the varied thrush all shifted their range more than 200 miles. The golden-crowned sparrow and the California quail have moved more than 100 miles.

"Too many people hear about melting glaciers and polar bears and conclude that the impacts of global warming are far into the future and far from home," said John Flicker, president of the National Audubon Society. "But the impact of climate change can be seen right now in the birds that are right outside our door -- or not."

In the last century, average global temperatures have increased by 1.4 degrees Fahrenheit, but depending on how successful governments are at lowering greenhouse gas emissions, scientists expect an increase between 4 and 11 degrees Fahrenheit by 2100.

The Audubon studies have yet to be published in peer-review journals, but the authors said they would be in the future. Audubon officials said the early release was an effort to build support in Congress for legislation to control greenhouse gases, the planet-heating emissions that come from automobiles, power plants and other industries.

The studies also come as states are struggling with how to help wildlife adapt to climate change, for example by establishing corridors to shifted habitats or setting aside refuges in new areas. A California government task force is expected to issue a far-reaching report next month on how the state should adapt to water shortages, rising sea levels and droughts that could result from climate change.

Although Audubon's national study found that a majority of birds had shifted their ranges north over the last four decades, about a quarter of the species studied moved south. Birds can shift ranges because of sprawl, agriculture or interaction with other species, the scientists pointed out.

A majority of grassland species, such as the western meadowlark, prairie falcon, burrowing owl, and savannah sparrow, have failed to move because their native grasses have disappeared leaving them no refuge, the report said.

Several tundra species are endangered by their shifts: The snowy owl and the American golden-plover have moved about as far north as they can. And coastal seabirds such as Kittlitz's murrelet and the ashly storm petrel would be severely threatened by rising sea levels.

However, of the 177 species that moved significantly north, 76 increased in population, including such Western birds as the golden-crowned sparrow, the chestnut-backed chickadee and Steller's jay, the researchers said.

The California study, which projected future ranges, showed large variations in the possible shifts, based on the levels of greenhouse gas emissions in the future and how species might adapt to change. The California gnatcatcher, for example, could lose from 7% to 56% of its current range, and the chestnut-backed chickadee between 16% and 49%.

The researchers produced detailed maps of the ranges for 310 native California species based not only on 40 years of Audubon data and U.S. Geological Survey data, but also on 19 climate-related variables, including temperature and rainfall, assembled by Oregon State University researchers.

Terry L. Root, a Stanford biologist who studies the effect of climate change on wildlife, said there have been similar studies but that the Audubon study is "unique in looking at all the wintering birds on an entire continent."

She said a critical effort must go forward to protect the boreal forests of Alaska and Canada, where many of the birds that move north will take refuge. "We want to make sure they have some place to live," she said. "We are going to be losing species."

## **Wyoming and Kansas refineries settle with feds**

By Bob Moen, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Wednesday, Feb. 11, 2009

CHEYENNE, Wyo.—Two petroleum refineries in Wyoming and one in Kansas will install new air pollution controls to bring them into compliance with federal clean air laws, federal officials announced Tuesday.

Carol Rushin, acting regional administrator with the Environmental Protection Agency, said the upgrades will cut a total of 7,000 tons per year of pollutant emissions from Wyoming refineries in Cheyenne and Newcastle and from a Kansas refinery in El Dorado.

Houston-based Frontier Oil Corp. and Denver-based Wyoming Refining Co. both reached settlements with the EPA and the Justice Department that include fines against the companies.

Both companies say they are already undertaking the improvements, which include minimizing burn-offs of byproduct gases produced by the plants.

The settlement requires Frontier to install about \$127 million worth of pollution control improvements at its refineries in Cheyenne and El Dorado. It also will pay a \$1.23 million civil penalty.

Frontier spokeswoman Kristine Boyd said some improvements have already been completed.

"Frontier is pleased at the steady progress we have made in improving the safety, reliability and environmental integrity of our refineries," Boyd said.

She said the company has until 2017 to make the improvements, some of which require shutting down operations at the plants.

The El Dorado plant processes about 130,000 barrels of crude oil a day, and the Cheyenne facility about 52,000 barrels a day.

Wyoming Refining will have to make about \$14 million worth of improvements to its Newcastle plant and pay a \$150,000 civil penalty. The refinery processes about 14,000 barrels of crude oil a day.

Pat Havener, president of Wyoming Refining, said in a statement that the company is committed to a refinery "that is safe for the environment, our workers and, most of all, the Newcastle community."

The states of Wyoming and Kansas joined in the settlements, which are subject to a 30-day public comment period and must be approved by a federal judge.

[Fresno Bee editorial, Wednesday, Feb. 11, 2009:](#)

## **County's development threat**

### **Tax sharing issue exposes danger of sprawl, congestion and poor air quality.**

An ancient specter raised its head the other day, when Fresno County's Board of Supervisors suggested they may need to change their long-standing policy of directing urban development to existing cities and their spheres of influence.

The context was the message that the county isn't satisfied with its cut of sales tax revenues generated in the cities. The implied threat is that the county could get into the development business, which is a bad idea from every angle.

The county's budget plight is real, and that's what drives this debate, as it has for years. The state keeps most sales tax revenues, regardless of their source. A small fraction is sent to the areas where the taxes were generated. Cities keep most of the share of the revenue generated by commercial and industrial

development within their boundaries, including their spheres of influence, the area adjacent to and just outside city limits.

In return, the county accepts a small share of those tax revenues, and limits such development in rural, unincorporated areas.

It's a good system, for a couple of reasons.

Most counties are not equipped with the staff to approve, monitor and maintain urban public services in developed areas. For evidence of that look no further than the many county islands landlocked within the limits of the city of Fresno -- no curbs, gutters, sidewalks and the like.

Nor is it likely that Fresno County-- which is contemplating large budget cuts and layoffs to meet the current economic crisis -- could assemble those resources anytime soon.

The other reason for the county to stay out of the business of development is that we don't need anything that promotes sprawl. Cities up and down the Valley are slowly coming to the realization that we need denser urban development to minimize the impact on air quality, water supplies, traffic congestion and the loss of valuable farmland. Such development belongs in cities, not scattered across the countryside.

That prospect is unlikely under current conditions, but we will be out of this awful recession one day, and we don't need that recovery to become a signal to return to the bad land-use practices of the past.

It may be reasonable for the county to seek a larger share of the city's sales tax revenue. City residents are also residents of the county, and share in the services the county provides. Counties are in even worse shape than cities right now, and the pain is deepening by the day.

But that shouldn't be the rationale for bad land-use decisions. In any case, it would be years before the county saw much increased revenue from getting into development -- no one is developing anything just now.

The county would be much better off looking elsewhere for savings in its budget. We've long suggested a good place to start: a serious effort to consolidate public safety services with cities. The possibility exists for better safety at a savings for both cities and the county, but in the past, turf battles and egos have blocked that rational path.

We can't afford the luxury of that nonsense any longer -- any more than we can afford the damage that would follow a county decision to get into the urban development business.