

Air board member says he 'tunes out' activists

The Associated Press

In the S.F. Chronicle, Contra Costa Times, Tri-Valley Herald and other papers, Wednesday, June 17, 2009

MERCED, Calif.—A Merced County supervisor is being criticized by Senate Majority Leader Dean Florez and clean air activists for saying he sometimes "tunes out" environmentalists at air quality meetings.

Florez sent Supervisor Mike Nelson a letter earlier this month saying the remarks created an "unwarranted level of hostility." He also said Nelson should consider stepping down from the San Joaquin Valley Air Pollution Control District governing board.

Nelson told the Merced Sun Star on Monday that he doesn't plan to step down and he doesn't regret the remarks.

The board's executive director said there's no evidence any members fail to pay attention to comments before making decisions.

Clean air activists plan to picket outside the board meeting Thursday in Fresno.

Port of Oakland votes to ban dirty diesel trucks

By Janis Mara, staff writer

Contra Costa Times, Wednesday, June 17, 2009

People living near the Port of Oakland may soon breathe easier after the Port Commission on Tuesday voted to ban trucks that burn dirty diesel fuel.

The ban, part of a \$15.2 million comprehensive truck management program for the port that takes effect Jan. 1, 2010, restricts truck models older than 1994, as well as models from 1994 to 2006 not equipped with soot filters. Later-model trucks have much cleaner emissions technology than those of previous years.

The proposal passed 5-1, with Commissioner Anthony Batarse the lone vote in opposition.

"Now we can tell members of the community that dirty trucks will not be entering the port," said Aditi Vaidya of the Coalition for Clean and Safe Ports, which supported the ban.

"We are really proud of the Port Commission. It (the ban) shows the port has taken concrete action and a solid first step to address air pollution that affects both truckers and the community."

Vaidya and her group of environmental and social justice activists filled the port's meeting room in Jack London Square along with other members of the public. Some 20 residents commented on the proposals.

The California Air Resources Board has ruled that dirty trucks will be illegal at the port starting next year, but it is up to the port to enforce the ruling on the estimated 2,000 trucks passing through it daily. The board had postponed a decision on the ban at its June 2 meeting.

On Tuesday, a procession of truck drivers and trucking company representatives pledged support for clean air standards. "We, as a company, will be 100 percent compliant by Jan. 1," said David Naples, one of the owners of Bay Area-based Progressive Transportation Services.

Citing what they say are compelling reasons for the bans, environmentalists point to a 2008 study by the board that found more than 3 million people have a potential elevated cancer risk because of exposure to diesel emissions at the port.

The Port of Los Angeles adopted a plan involving a registry and progressive truck ban in October and has seen an air quality improvement of 25 percent to 35 percent, according to representatives of that port.

Bay Area air-quality regulators, environmentalists and some neighbors say the Port of Oakland should do more to improve air quality ahead of the regulatory deadlines.

Critics say the Oakland port has lagged behind the Los Angeles and Long Beach ports, which have adopted freight container fees to fund clean-air measures, and adopted their own bans ahead of the state's deadline.

"I'm relieved," said Vaidya, adding that the move demonstrated the leadership of Executive Director Omar Benjamin, Commission President Victor Uno, Commissioner Margaret Gordon, and the entire board.

The Oakland port is spending \$5 million to help finance retrofitting trucks at the port along with a \$5 million grant from the Bay Area Air Quality Management District.

Port of Oakland bans trucks that burn dirty fuel

The Associated Press

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PORT OF OAKLAND, Calif.—A new ban on trucks that burn dirty diesel fuel is expected to help clean the air around the Port of Oakland.

The Port Commission approved the plan Tuesday to restrict truck models older than 1994, as well as models from 1994 to 2006 not equipped with soot filters, at the Port of Oakland.

Environmental activists who filled the port's meeting room in Jack London Square hailed the new regulations, saying they will reduce air pollution that affects both residents and truck drivers. The California Air Resources Board has ruled that dirty trucks will be illegal at the port starting next year, but the Port of Oakland is responsible for enforcing the ruling on the estimated 2,000 trucks that pass through daily.

Environmental report available on Richmond-Martinez pipeline

By Katherine Tam, West County Times

In the S.F. Chronicle, Tri-Valley Herald and other papers, Wednesday, June 17, 2009

The draft environmental impact report on Praxair's proposal to build a 21.3-mile hydrogen pipeline from the Chevron Richmond refinery to the Shell refinery in Martinez is now available.

Praxair's pipeline would require building about 13.5 miles of new pipeline; about 7.8 miles of existing pipeline would be reused. The project also calls for construction of a 1.1-mile lateral to the ConocoPhillips refinery in Rodeo and a 2.2-mile natural gas pipeline in North Richmond.

Air quality, water, hazardous materials, noise and traffic are listed among the potentially significant impacts.

The 45-day comment period ends July 13. A public hearing is scheduled at 10 a.m. July 8 in the McBrien Administration Building, Room 107, 651 Pine St. in Martinez. A second public hearing is scheduled at 7 p.m. July 8 in the Pinole City Council chambers, 2131 Pear St. in Pinole.

Copies of the draft EIR are at the Richmond Main, Rodeo, Pinole and Pleasant Hill Main libraries. It's also available at Supervisor John Gioia's office at 11780 San Pablo Ave., Suite D, in El Cerrito and Supervisor Gayle Uilkema's office in the McBrien Administration Building's Room 108A in Martinez.

The EIR can also be viewed online at www.cocoplans.org.

EPA targets cement industry emissions

The federal agency has proposed regulations that could cut mercury emissions 81% to 93% annually. Industry representatives warn the rules would increase costs and could lead to outsourcing.

By Amy Littlefield, staff writer
L.A. Times, Wednesday, June 17, 2009

Environmentalists and industry representatives pleaded their case with federal regulators Tuesday over rules that would slash toxic emissions from cement kilns, the top source of mercury emissions in California.

The Environmental Protection Agency issued proposed regulations for Portland cement kilns earlier this year, after more than a decade of pressure from environmental groups. The rules aim to reduce the industry's mercury emissions by an estimated 81% to 93% annually, as well as cut emissions of hydrocarbons, particulate matter and hydrochloric acid.

The EPA projects that the changes could save billions of dollars and hundreds of lives a year, but cement industry officials say they will drive up the price of cement, and possibly drive the industry to countries that have lower pollution standards.

The rules would "undermine the stability of the domestic cement industry, endangering thousands of jobs and the supply of a basic construction material for uncertain environmental benefits," Andy O'Hare, a spokesman for the Portland Cement Assn., told EPA officials at the hearing in downtown Los Angeles.

"This regulation will help all Californians breathe easier, particularly the dozens of California communities neighboring cement kilns," Otana Jakpor, a Riverside high school student speaking for the American Lung Assn., told the EPA panel. "It will reduce hundreds of thousands of tons of toxic chemicals that harm young people. And it will do so with technology that already exists. . . . As a young person who lives in an area with some of the worst air pollution in the country, I feel especially passionate about this."

Portland cement kilns, which produce the key ingredient in concrete, account for 90% of the state's airborne mercury, which can affect the nervous system, cognitive function and kidneys, and can cause respiratory failure and death at high exposures, according to the EPA.

Cement kilns emit hazardous chemicals as they burn coal, petroleum coke or industrial waste to heat raw materials including limestone ore, which also can contain mercury and other elements. The process produces "clinker," which is cooled, ground and mixed with gypsum. In 2008, high levels of the toxic carcinogen hexavalent chromium were traced to piles of clinker outside the TXI Riverside cement plant, which has since shut down.

"We think of California as not having coal-fired power plants, but we really do," said Miriam Rotkin-Ellman, a scientist with the Natural Resources Defense Council. "We have these cement kilns that basically operate as small coal-fired power plants, and some of them aren't so small."

California is the nation's largest producer of cement, and houses 11 of the nation's 163 Portland cement plants, including the Lehigh Southwest plant in Tehachapi, which has historically been one of the industry's worst mercury polluters.

The EPA is accepting public comments on the proposed rules through Sept. 4. A second hearing will take place in Dallas today and a third in Washington on Thursday

[Bakersfield Californian commentary, Wednesday, June 17, 2009:](#)

Air regulations about to grill restaurant owners

By Lois Henry, Californian Columnist

Creep, creep, creep. Here they come again -- the government.

Specifically, this time, it's the San Joaquin Valley Air Pollution Control District circling restaurant charbroilers.

On Thursday, the board will consider amending an existing rule to bring more restaurants into its regulatory fold.

Right now, the rule affects only restaurants using "chain-driven" charbroilers, which, essentially, move meat through a tunnel of flame and are used by larger fast-food joints.

The amendment being looked at would include "under-fire" charbroilers.

These are used by smaller restaurants and, according to the San Joaquin air district staff report, make up 72 percent of all commercial cooking emissions in the district.

Wow, that must be a really big problem.

Hard to say, actually. Staff doesn't know how many restaurants are cooking this way and so has no way to form a baseline emission inventory.

Well, these charbroil emissions must be some toxic stuff then, right?

Nah, not really. At least not as far as the district knows as there's never been any toxic studies done on this type of exhaust.

But the emissions do contain particulate matter, tiny bits of dust and soot, and as that's the current boogey man being chased to heck and gone by federal and state agencies, by all means, get out the regulatory noose and find a tree, boys!

Here's my oft-repeated rap on particulate matter: some studies have shown particulate matter, specifically PM 2.5, is associated with premature deaths. The authors of those studies, however, have never allowed their data to be independently examined and their results have never been replicated.

Other studies have found little to no relationship between premature death and exposure to PM 2.5, particularly here in California.

To me, the scientific jury is out on the deadly effects of PM 2.5.

Even if you believe PM 2.5 is knocking us all off in droves, however, this pending charbroiler rule is ludicrous and being pushed with unnecessary haste.

At this point, it would only affect restaurants that cook 800 pounds of meat a week or more. That's a lot of meat. So, the truly small guys are exempt, as long as they register their charbroilers and keep extensive records to prove they're under the limit.

Believe me, though, it's only a matter of time before that limit drops to 600 pounds, then 400 and so on. (Deep fryers, beware, you could be next!) And anyone building a new restaurant with a charbroiler, regardless of how much meat you're planning to cook, will be under the new rule.

Paying attention and having a voice will matter now and in the future so PAY ATTENTION.

In doing its reports, the district estimated it could cost between \$30,000 and \$100,000 for under-fire charbroil operations to retrofit using any number of devices from filters to scrubbers to more sophisticated systems. Over time, the district concluded, that would work out to just a few thousand dollars a year.

Wrong, Skip Slayton, owner of Jake's Tex Mex told me.

First of all, he said the lowest cost option recommended by the district, a HEPA filter that clears out anything down to six microns, can't be used without a front-end system to extract grease otherwise it'd be plugged up and useless within a day.

Any one of the systems would require customization, which adds to the cost, upkeep and cleaning, another cost, repairs, more costs, and potential upgrades, cha ching, cha ching.

Perhaps most importantly, no one knows what the standard is they're supposed to be shooting for, Slayton said. As in, how much PM 2.5 comes out of your chimney now and how much should come out after you retrofit?

"The district says it has a test, but nothing's concrete as to what it is or how it's applied," he said. "They don't have it down anywhere about how you pass or fail."

Yup, that's regulation California style, all right.

The district's report says the rule amendment will remove between .26 and 2.6 tons of particulate matter per day from the air once all affected restaurants come into compliance by the 2014 deadline.

Doesn't sound like a lot to me, especially when you consider the upheaval it will cause small businesses.

It also seems like another rush to regulation when the marketplace is already headed toward lower emissions on its own. The one good thing about Slayton's involvement so far, he said, is he's discovered a lot of really interesting hood/emissions/grease systems being made that weren't even discussed by the air board.

"I don't disagree with the need for clean air," he said. "I just want more empirical studies so we can make intelligent choices."

That's crazy talk.