

Activists sue EPA over poor Valley air

Complaint to be filed today asks that agency impose plan on region.

By Mark Grossi, The Fresno Bee

Clean-air activists plan to sue the U.S. Environmental Protection Agency today over the murky San Joaquin Valley air, claiming federal officials should have taken control of soot and dust cleanup here nine years ago.

The complaint, expected to be filed today in U.S. District Court in San Francisco, asks that the EPA impose a federal dust and soot plan on the Valley, activists said. The move would remove the authority of the San Joaquin Valley Air Pollution Control District to develop a plan.

The lawsuit would be the fourth action in the past 14 months aimed at the Valley's air basin, which is among the six worst in the country for soot and dust.

If the court agrees with the activists, federal officials will write rules to control dust and soot from unpaved roads, farming operations, fuel combustion, waste burning, construction, mining and other activities.

Many controls already exist in rules passed by the Valley air district, which has filed three cleanup plans in the past 11 years. None of the three plans would have resulted in the Valley achieving federal standards. The EPA received the plans but took no action. "EPA should have taken charge years ago," said Sierra Club activist Kevin Hall of Fresno. "Instead, they walked away. How many people have suffered needlessly?"

Fresno County has the highest childhood asthma rate in the state, and dust, soot and other particulate matter can trigger asthma attacks. Researchers are learning that dust, soot and other particulate matter could be more dangerous than smog, which is a warm-weather pollutant.

Earthjustice Legal Defense Fund officials, who will file the lawsuit on behalf of the Sierra Club, medical health and community activists, say the EPA took no action after formally notifying the Valley district in 1991 that a plan needed to be filed.

Just weeks after the formal notification, the Valley district submitted a plan. But it would not have brought the basin to the federal health standard, so it could not be approved. Federal law required the EPA to impose its own plan if the Valley did not have an approved plan within 24 months of the 1991 notification. Instead, activists say EPA virtually ignored the Valley.

"This [1991 plan] is a small chapter in a long history of complete abdication of responsibility by EPA," said Earthjustice lawyer Susan Britton.

EPA officials say the lawsuit is about a "procedural" issue. The issue has been the subject of negotiation between environmentalists and EPA officials for months, said spokesman

Leo Kay.

"We feel the best forum to bring clean air to the San Joaquin Valley is to continue negotiations," Kay said. "But they are talking about a lawsuit."

Environmentalists say it's time to control dust, soot and other particulate matter, which becomes a Valley problem during fall and winter. Dust and soot have increased steadily since 1975, when the Valley had 367 tons a day. In 2000, the area had 465 tons a day, according to the state Air Resources Board. By 2010, the state projects, the Valley will have more than 490 tons of particulates in the air daily.

The Valley air district last fall added a dust rule aimed at controlling particulates from construction, mining, unpaved roads and other sources. Officials are working on a new particulate-matter plan that is expected to be ready next spring.

The district also plans to revise rules this fall so it can call mandatory "no-burn" nights for residents in the Valley when the air is filled with particulates.

"We haven't been sitting on our hands," said district lawyer Phil Jay. "This is a very difficult problem."

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KernCOG to study station sites

By CHRISTINE BEDELL, Bakersfield Californian staff writer

Local transportation officials Thursday pushed forward two rail projects with the potential to spur economic development throughout Kern County.

The Kern Council of Governments agreed to spend \$100,000 to study the pros and cons of three potential high-speed rail terminal sites in metropolitan Bakersfield.

One site is near Meadows Field. The other two are downtown -- by the Amtrak train station and around Golden State Avenue and M Street.

The national engineering firm chosen, Wilbur Smith Associates, is expected to present its findings next April.

It's expected to look at the potential traffic, air quality, environmental and cost impacts of each proposed site.

There's been concern that if local officials don't settle on a location before next March or

April, the California High Speed Rail Authority will decide.

But Thursday, KernCOG's board members heard they probably have until next September to make a decision that will count.

The Bakersfield City Council has said it wants a downtown location; the Kern County Board of Supervisors hasn't stated a preference but has shown interest in a site near Meadows Field.

The station talks are in anticipation of a bullet train system that may one day be built from San Diego to San Francisco.

Groups to sue for Valley dust plan

By Audrey Cooper
Stockton Record Staff Writer

A coalition of environmental groups says it plans to file suit today against the federal government, charging that it has ignored its responsibility to force a cleanup of dust pollution in the San Joaquin Valley.

The proposed lawsuit claims that the U.S. Environmental Protection Agency violated the Clean Air Act when it ignored the San Joaquin Valley Air Pollution Control District's failure to submit a dust-control plan by a 1991 deadline. Although the air district eventually submitted a pollution plan, it was never approved by the EPA.

Instead of ignoring the plan, the EPA should have written its own dust-control plan for the region by 1993, the environmental groups argue in the proposed lawsuit.

"This is just another sad chapter in the book of how the Valley's air problems have been ignored by the EPA and the air district for years," said Susan Britton, an attorney for Earthjustice, the group filing the lawsuit.

The environmental groups want the EPA to write a new dust plan and in the meantime impose sanctions that include the freezing of federal road-building funds and increased costs for businesses to buy permits to pollute the air. Those sanctions would stay in place until the local air district or EPA writes a plan to adequately clean dust from the air.

It is unusual for the federal government to craft a pollution-cleanup plan, and local officials dread such an action. A federal plan could ban driving on some days, limit trips on unpaved roads and impose other hard-hitting sanctions.

Regional EPA officials acknowledged the Valley's terrible air and said they are working on the problem. But having the EPA write an anti-pollution plan is a step in the wrong direction, said Kerry Drake, associate director of the air division.

"This is all just a really small part of a bigger problem and a bigger solution," Drake said.

"We are just months away from getting a plan from the air district that we think we can approve and that goes far beyond what we might have done in 1991," he said.

The Valley ranks as one of the nation's top 10 most polluted air districts, in part because the Valley's bowl-like shape traps pollution. Dust pollution, also called particulate pollution, is made of tiny pieces of dirt, soot and vapor. Those particles easily become lodged in human lungs and cause respiratory problems, including cancer.

Because dust here routinely exceeds federal limits, the district is required to write a pollution-reduction plan. Although the air district has written several plans and implemented rules to cut back on pollution, not one of those dust plans has been approved by the EPA.

The newest dust plan is due in the spring. Philip Jay, the local air district's attorney, said requiring the federal government to write its own plan simply to resolve a 1991 error is not realistic.

"It's not like these plans are thrown together with things off the shelf. It seems unrealistic for the EPA to write one right now, when we've been working on the new one for several, several months," he said.

The environmental groups involved call their coalition the California Clean Air Campaign. The coalition includes Earthjustice, Latino Issues Forum, the Sierra Club, Fresno-based Medical Advocates for Healthy Air, and the Center on Race, Poverty and the Environment. Together, the coalition has filed several legal actions against the EPA and San Joaquin Valley Air Pollution Control District, claiming the agencies have ignored their responsibility to meet deadlines to clean the Valley's air.

To learn more about the Valley's air problems, check out www.valleyair.org or www.calcleanair.org.

Smoke from fire draws complaints

By JOHN COTE
MODESTO BEE STAFF WRITER

Deb Schweizer, a ranger and park service spokeswoman. "It's going to take a little while for these people to see significant reductions (in smoke levels)."

The smoke was invading communities 50 miles from the fire, including Sonora and Groveland, said Bill Sandman, deputy air pollution control officer for Tuolumne County.

The park service moved to contain the fire and reduce the smoke after Tuolumne County Air Pollution Control District officer Gary Caseri sent a request that cited "potential health impacts that are being experienced by residents."

Schweizer said the smoke never exceeded federal limits for particulate matter in the air. The Tuolumne air district does not have independent air monitors.

The fire, dubbed the Gin Flat fire project, was lit Sept. 27 to help reduce the risk of catastrophic wildfires.

As of Monday, about 3,000 acres on the park's west side had been burned, park service officials said. The plan calls for 7,300 total acres to be burned.

The plan now is to cover about 3,400 acres in this fire, which will burn until snow or rain puts it out. The rest of the burn will be completed next year, Schweizer said.

Some Tuolumne County residents have complained that the smoke is causing respiratory problems like sore throats, runny noses and stinging eyes.

"It's horrible," said Alan Haack, 61, who lives east of Sonora in Standard. "It's really impairing a lot of people's health. Breathing isn't an option. I have to breathe all the time."

Others questioned the timing -- with conditions still relatively dry at the end of one of the nation's worst wildfire seasons.

"I'm tired of having smoke in my house," said Jackie Abbott, a resident of Groveland for 20 years. Abbott said the situation was worse for some residents than for her.

"My asthmatic neighbors can't come out hardly," she said. "They haven't opened their doors or windows at all."

But how great a health risk the fire poses is unclear.

Nancy Kirk, a nurse manager at the emergency room in Tuolumne General Hospital, said she had not seen an increase in the number of respiratory ailments since the fire was lit.

"It's nothing compared to what happens in the wintertime, when everyone lights their wood stoves," Kirk said.