

Residents decry mine proposal

Opponents worry about tainted air, habitat, but defender of project denies any harmful effects

By SARAH RUBY, Californian staff writer

Friday, March 25, Bakersfield Californian

Many Tehachapi-area residents don't want another mine in their back yard.

The H. Lima Co.'s proposed limestone mine is miles from homes and invisible from the freeway, but hundreds of residents have signed petitions, written letters and carried signs protesting it to the county.

They worry the mine will pollute the air, ruin habitat, threaten water, kick up dust, increase traffic, uproot oak trees and spoil views.

"We haven't seen new-age mining here in Tehachapi," said Mary Lewis, whose house faces the proposed mine from the other side of the canyon surrounding Highway 58. "We're scared this mountain is just going to disappear."

The mine might end up abandoned, they say, like a nearby mercury mine, or it could slice off mountain faces like the Lehigh Southwest cement quarry up the highway.

County planner Ted James said state and county regulations require mining operations to restore an area once they're done with it. Lehigh Southwest, formerly known as the Monolith cement plant, predates those laws.

He and his staff haven't decided whether to recommend it to the planning commission. James is still culling through a thick pile of letters to see if they raise new environmental questions about the project.

Company representatives could not be reached for comment, but their potential landlord at Loop Ranch, Jack Broome, said there's nothing wrong with the mine.

"If it were to have an adverse effect on the rest of the ranch we certainly wouldn't do it," said Broome, who owns about 30,000 acres in the area, 1,258 of which he wants to lease to H. Lima. The mine would disturb 155 acres over its life span, which is about 20 years, according to planning documents. The county requires mines to restore land as they go, and planners say the H. Lima mine must leave behind land suitable for grazing.

In its lifetime, the mine would produce 4.9 million tons of limestone. The excavated mineral can be used as fertilizer or building material.

"I certainly don't want to impinge upon people's comfort and livelihood, but (the damage) just doesn't exist," Broome said.

Broome said he's hosted three quarries on property in Ventura County.

"We never had one complaint," he said.

A few neighbors have written in support of the project, but they're far outnumbered by those who don't want to risk it.

County documents show the project would produce more than 22 tons of nitrogen oxides per year, three tons shy of the area's 25-ton per-project limit.

Nitrogen oxides form ozone, which can cause lung damage.

"We don't need these contaminants in this area blowing directly towards our home," Suzanne Walters wrote to the county. "My granddaughter also suffers from severe asthma."

They fear the mine will need more than its stated 5,000 gallons of water per day, 4,000 of which will water down roads so trucks don't kick up dust.

The mine would use the same access roads as a defunct mercury mine, and the water is meant to keep mercury residue out of the air.

Residents tell stories of neighbors having to drill deeper wells as theirs dry up. They're also concerned about water quality, and whether blasts from the mine could disturb water flow in the valley.

The planning commission was scheduled to decide whether to approve the mine April 15, but that will likely be delayed until May.

In the meantime, James is trying to schedule a public workshop in Tehachapi where residents, the applicant and planning commissioners can discuss their concerns.

U.S. to Start Tracking 'Greenhouse' Gases

By JOHN HEILPRIN, Associated Press Writer

Thursday, March 24, in the Los Angeles Times

The government will start keeping track of all the "greenhouse" gases that farmers and foresters voluntarily reduce to help combat global warming.

Officials in the Energy and Agriculture departments issued guidelines Wednesday for counting those efforts. They said the action indicates how seriously the Bush administration views the problem of gases that trap heat in the atmosphere like a greenhouse.

Agriculture Secretary Mike Johanns said farm and forest landowners now have "a unique opportunity to be part of the solution to greenhouse gas emissions" such as carbon dioxide, methane, nitrous oxides, refrigerants and other compounds.

For example, they can report using no-till agriculture, installing a waste digester, improving nutrient management or managing forest land in ways that cut those gases.

The Forest Service and Natural Resources Conservation Service also have prepared an online method for farmers and ranchers to estimate soil carbon sequestration — the natural process by which carbon dioxide in the air is turned into carbon stored in soil and plants.

Since 1992, the United States has kept a registry of voluntary efforts by businesses, groups and individuals to reduce greenhouse gases. Doing so helps build a public record for policymaking and negotiations with other countries.

David Hawkins, director of Natural Resources Defense Council's climate center, called the reporting registry a "charade that is intended to allow the government and the participants to portray that they are doing something about global warming, when they are not."

For example, companies running nuclear reactors can claim greenhouse gas reductions by saying they would have otherwise operated coal-fired power plants, Hawkins said.

In another case, Hawkins said, one coal-fired power plant in Maryland claims reductions for selling some of its carbon dioxide to the food and beverage industry, even though the carbon dioxide is eventually released anyway once a drink is opened and consumed.

"To call it a reduction is absurd, but the Department of Energy allows them to file it as a report and call it a reduction," Hawkins said.

In 2003, the Agriculture Department said it would start rewarding farmers and ranchers whose tilling and planting practices help reduce greenhouse gases by increasing carbon sequestration. It was not clear whether those rewards are linked in any way to the voluntary reporting.

Carbon sequestration is regarded as a way of slowing the growth in greenhouse gases but not by itself a solution to global warming.

[S.F. Chronicle commentary, Friday, March 25, 2005:](#)

OPEN FORUM

Ensuring equal protection from refinery flares

by Denny Larson

After 20 years of demanding action to reduce flares from oil refineries, Bay Area environmental-justice groups are poised to win a regulation from our regional air-quality control board. While this appears to be reason to celebrate, as usual when dealing with the oil industry, the devil is in the details.

State agencies and industry are quick to point out how insignificant the refinery contribution is to the region's total pollution. But it is important to recognize that because this harm is concentrated in communities whose residents are low income and/or people of color, refinery-flare pollution is a serious civil-rights issue. Furthermore, agencies like the Bay Area Air Quality Management District must meet a high standard due to additional requirements of the Civil Rights Act and the agency's own environmental justice policy.

So when it comes to determining how to find a balance between oil- industry complaints about overreaching rules and community demands for justice, policy and law are clear. Equal protection under the law is required, even for people without political and monetary clout.

Does anyone doubt there would be more dramatic action if a neighbor in affluent Nob Hill or exclusive Belvedere were burning and dumping garbage in those communities? While our region enjoys a progressive reputation, with more active government than the rest of the nation, we must come to terms with some serious problems, such as our refinery neighborhoods.

Most Bay Area residents enjoy the benefits of gasoline and essential chemicals without having to deal with the toxic mess associated with their production. But such pollution is not an abstract notion for industry neighbors in places like Richmond. It is something they experience every time they take a breath.

Refinery flares -- the practice of burning off excess gas to avoid explosions -- were designed to be used in extreme emergencies only, after every other safety and prevention measure has failed. Even in those rare cases, flare systems only protect the equipment at the refinery, not the people who live downwind of the facility. That is because by design, flares blow their dangerous cargo out into the open winds, to be carried outside the refinery's fence line -- and beyond everyone's control.

Industry and agency leaders are prone to focus on the "safety" function of this last-resort activity, which misses the big picture: i.e., when a refinery uses a flare even in a legitimate emergency, many safety measures have failed. Why do refinery safety measures and oversight from agencies fail? And how can we make sure that the same failures don't happen again?

The answer is simple: The system needs more transparency, with a public ability to verify industry compliance and regulations that penalize refineries for overusing their last-resort mechanism.

Flaring is never a good thing, unfortunately. But until now we have been sold a flare-monitoring rule that supposedly has reduced flaring dramatically, all of a sudden. That rule was supposed to deliver a system so that neighbors could verify if flares were being reported and if those reports were accurate. We were told that video monitoring and checks and balances would be put in place to end the debate over how much dumping occurs through flares. But video monitoring is not available via the air district Web site (www.baaqmd.gov <<http://www.baaqmd.gov>>), so the public can't verify that flares they witness were reported. Furthermore, the air district does not conduct its own testing of what is in the flare gases or take independent measurements. Unfortunately, the air district has implemented its rule in such a way that the public can do neither.

Now the agency is trying to push through a regulation it claims will prohibit routine flaring. But a careful review of the proposal reveals a series of loopholes that will actually provide permanent exemptions for all kinds of routine flaring, including allowing refineries to flare without penalty as long as they do it in spurts of less than 15 minutes.

In addition the rule will take us in the wrong direction on preventing emergencies in the first place by delaying any action for a year. Instead of a process with meaningful involvement from neighbors affected, the air district proposes to hold closed-door meetings with refinery officials. In short, after 20 years of pleading for justice and the right to breathe clean air, free of waste gases and smoke, refinery neighbors deserve better. Officials at the agency must first go back and fix their monitoring rule so it delivers the promised transparency. Second, the air district must deliver a regulation that guarantees environmental justice to refinery neighbors and be prepared to defend those rights against powerful interests -- even the producers of the gasoline the rest of us take for granted.

Denny Larson is coordinator of the National Refinery Reform Campaign (www.refineryreform.org <<http://www.refineryreform.org>>), a project of GCM/Tides Center.

Friday, March 25, Stockton Record, Letter to the Editor

The sad pace of progress

Indigenous people have yet to get over the encroachment on their beautiful Valley by white American ancestors.

The towns and cities that were built destroyed the very air they once breathed. Clean air. Sadly, in the Western world it's called progress.

Esperanza Martinez
Manteca