

LA sues Kern to force it to take city's waste

By Noaki Schwartz, Associated Press

Modesto Bee, Saturday, August 26, 2006

LOS ANGELES — Green Acres is a farm where corn stalks grow twice as tall as men and wheat sprouts lush and green. Green Acres is also Los Angeles' outhouse.

Every year, this city trucks ton after ton of sludgy human waste to be spread as commercial grade fertilizer on several thousand Central Valley acres it owns.

Residents in Kern County voted this summer to stop accepting these exports. Now, if Los Angeles has its way, a federal judge will order that Green Acres continue to receive 65 million gallons of treated waste each year — enough to fill an Olympic swimming pool every four days.

"The Kern ban discriminates against biosolids and those engaged in commerce with it," contends a lawsuit the city filed this month that demands the revocation of a voter initiative, which by year's end would slap violators with fines and even jail time.

The legal battle reflects a decades-old problem that has dogged Los Angeles and other large cities: What to do with all that waste? For years, biosolids flowed from waste-water treatment plants into the ocean, sparking nasty legal battles with conservationists who said the biosolids choked marine life.

In 2000, Los Angeles leaders thought they had found an elegant solution — spread the treated waste over a 4,700-acre farm the city bought for nearly \$10 million about 15 miles south of Bakersfield.

The biosolids, which are strictly regulated, help grow corn, wheat and alfalfa. Those crops are packaged as cattle feed. Cows produce milk that can be sold in stores.

And so Green Acres was hailed a success story, winning awards from the Environmental Protection Agency and others — including one for a public information video called "Where Does It Go?" The farm's Web site shows pictures of red trucks trundling across lush green fields of vegetation.

"We thought we found a responsible solution," said Cynthia M. Ruiz, president of the Board of Public Works.

Residents of Kern County, one of the nation's most productive farming regions, think the solution stinks.

A group called Keep Kern Clean rallied around the slogan "Send the sludge packing!" accompanied by what looked like a dejected slug that packed a frown and a suitcase. A more pointed photo shows a two-story outhouse: The top door is labeled "L.A. County," the bottom "Kern County."

Some worried the sludge would pollute groundwater. Others were convinced it would hurt Kern's economy.

"Obviously the biosolids aren't being used on edible crops, but I think the concern is very real that people would not be able to make the distinction," said Barbara Patrick, chairwoman of Kern's Board of Supervisors.

Counties join LA lawsuit

In June, Kern residents overwhelmingly approved a measure that would stop Los Angeles from trucking over the Tehachapi Mountains all but a fraction of its treated biosolids.

"We shouldn't allow L.A. to become the greenest and cleanest city in America at the expense of our own," said state Sen. Dean Florez, D-Shafter, an ardent opponent of Los Angeles "sludge peddlers."

In response, Los Angeles filed a lawsuit. The city was joined by Los Angeles and Orange counties, trucking companies and a farm that relies on the biosolids called Honey Bucket Farms.

The suit accuses Kern's initiative of discriminating against Los Angeles' "nutrient-rich organic materials." It also argues that trucking the biosolids to more distant areas — one alternative suggested sending the payload to Arizona — would use more fuel and create more air pollution.

Still, city officials and others involved in the lawsuit are scrambling for alternatives. According to the Kern measure, if Los Angeles can show "hardship," officials can get an extension on a ban which would go into effect in December.

The most promising option, announced in an awkwardly worded press release, is to inject "exceptional quality biosolids" under Terminal Island, a manmade land mass at the ports of Los Angeles and Long Beach.

Asked why the city couldn't use more of its superior product on its own lawns and golf courses, as suggested by some Kern residents, Public Works President Ruiz said that was attempted once.

"We tried to sell compost from some of our green waste, and couldn't find a market for it," she said.

Global-warming bill would have implications for S.J. County

Hank Shaw , Capitol Bureau Chief
The Record, Sunday, Aug 27, 2006

SACRAMENTO - Should it pass, a global-warming bill under debate in the Legislature could prove to be an inconvenient truth for San Joaquin County.

The reason? Some of the top emitters of carbon dioxide - the most-prominent greenhouse gas - targeted by the bill are coal-fired power plants, large trucking companies, seaports, agriculture and the cement industry. All are heavily represented in San Joaquin County.

Aside from the Port of Stockton, San Joaquin is one of California's biggest agricultural counties, is home to one of the state's few coal-fired plants and is a major cement distribution center.

Sponsored by Assembly Speaker Fabian Núñez, AB32 has been rewritten several times in recent weeks and is still the topic of intense back-room negotiations. But insiders say it is likely something will emerge before the Legislature adjourns Thursday.

The bill has become one of the top priorities both for Núñez and Gov. Arnold Schwarzenegger, who has been touting California's fight against global warming through much of his term.

And should AB32 pass, Schwarzenegger would have one more weapon to wield against Democratic challenger Phil Angelides in this autumn's election.

Although details remain sketchy, the gist of what the legislation would do is this:

It would cap greenhouse-gas emissions in California; some drafts could require industry to scale back to 2000 emissions levels by 2010 and 1990 emissions levels by 2020.

It would either permit or require a "cap and trade" system, meaning companies that can reduce their emissions more than required could sell credits for their reduced emissions to companies unable to meet their limits. This system is already in use in Southern California for smog and in many other countries for carbon dioxide.

The bill also would create a council to set industry limits and decide whether California should suspend the cap in case of an emergency such as a war or natural disaster.

Environmentalists and industry groups agree that AB32 may be the furthest-reaching environmental legislation to emerge from the Legislature in at least a decade.

Industry groups - which have not been at the negotiating table during much of the high-level talks - say the legislation would have such profound consequences that it would be folly to pass something cobbled together in the final days of the session.

"I think rushing something through at the last minute is not the way to do it," said Jim Repman, president and CEO of California Portland Cement, which has a major distribution center at the Port of Stockton.

The cement industry would be hit particularly hard by the legislation, because making each ton of cement releases about 1 ton of carbon dioxide. Repman said AB32 has made him delay a planned \$400million expansion of the company's cement-making plant in Mojave and consider moving the operation just across the state line into Nevada.

"If we have to move to Nevada, how does that help the air in California? California doesn't have a bubble over it," Repman said.

He also says any new cap-and-trade program must be crafted carefully. One of his plants is in the Southern California zone governed by the smog cap-and-trade system. Under that system, buying pollution credits costs more than he makes on the cement itself.

"The goal of this legislation isn't to put us out of business, but that's effectively what it does," Repman said.

Agricultural interests are also nervous; winemakers and dairies are particularly high emitters of greenhouse gases.

California farmers are already the most-regulated farmers in the nation, and their profit margins are small enough that any increase in fuel or energy costs - both effects of AB32, according to business groups - could cripple the industry, California Farm Bureau Federation lobbyist Cynthia Cory said.

"This would have a huge impact on agriculture, and we are very concerned," Cory said.

Talks on the legislation were expected to continue over the weekend, and debate could reach the Senate floor as early as Tuesday.

Power plants seek solutions to mercury

By John Flesher, Associated Press

Sacramento Bee, Saturday, August 26, 2006

MARQUETTE, Mich. (AP) - It somewhat resembles a honeycomb: row upon row of sturdy fabric bags, each 26 feet long and stretched over a steel frame that preserves its conical shape.

For high-tech gadgetry, it's short on bells and whistles. Yet this mechanism inside a cavernous building at the Presque Isle Power Plant may help achieve one of the nation's top environmental goals: slashing mercury emissions from incineration of coal to generate electricity.

It's part of a new system called Toxecon. Designed by industry researchers, it prevents gaseous mercury from escaping into the atmosphere by mixing it with carbon, creating ash that is collected in the fabric bags and trucked to landfills.

Power companies are rushing to develop such technology as pressure mounts from government regulators and environmental activists to reduce emissions of mercury and other harmful pollutants. Presque Isle was chosen in 2003 to host the first demonstration of Toxecon under real-world operating conditions.

After initial testing this year, project manager Steven Derenne says there's reason for optimism that Toxecon can filter out 90 percent of the mercury from low-sulfur, subbituminous coal burned at many U.S. electric plants. The state Department of Environmental Quality will impose that standard by 2015 for Michigan, while the Bush administration is requiring a more gradual 70 percent nationwide reduction.

"I'm confident that we can make this work," says Derenne, an engineer with We Energies, the Milwaukee-based company that owns Presque Isle. The 625-megawatt plant on the Lake Superior shore produces half the electricity generated in the Upper Peninsula - and is the region's leading generator of atmospheric mercury pollution.

But problems remain, Derenne said, from operational glitches to major hurdles such as figuring out how to calibrate instruments so they can measure the tiny bits of mercury captured in the gas.

The Toxecon experiment comes amid debate over whether power companies have the ability - and the money - to hit the 90 percent mercury reduction target set by Gov. Jennifer Granholm in April. A number of other states, including Illinois, Pennsylvania and Minnesota, are adopting the same requirement.

Vince Hellwig, chief of the state DEQ's air quality division, says technology is available that can enable companies to meet the 2015 deadline. If they implement a strategy in good faith and it flops, they'll get more time, he says.

Industry leaders say the job is harder than it sounds.

Mercury is a trace element in coal and forms roughly 1 part per billion of the gas created by incineration. Capturing 90 percent of it is like dumping 30 billion white pingpong balls and 30 black ones into a football stadium, then tracking down 27 of the black balls, says Lou Pocalujka, senior environmental planner for Consumers Energy.

"It really relies on the technology being able to deliver," he says.

Companies also say a mandatory 90 percent reduction will make them pour money into research and equipment yielding relatively little benefit.

"It's really not going to gain very much in terms of public health," says Leonard Levin, principal technical manager with the Electric Power Research Institute (EPRI) in Palo Alto, Calif., the industry's research arm.

Most of the mercury that can become methylmercury, the form that accumulates in fish and can cause neurological damage in humans, would be captured under the Environmental Protection Agency's plan for a 70 percent rollback, Levin says. That could be achieved mostly with existing technology, such as smokestack scrubbers, used for reducing other pollutants, he says.

Detroit Edison is spending more than \$1 billion on such equipment for its Monroe Power Plant, the biggest mercury emissions source in Michigan, says Skiles Boyd, vice president for environmental management.

The remaining 30 percent of mercury would be mostly a different variety that doesn't settle in nearby waters, but tends to circulate globally in the atmosphere with mercury generated elsewhere, Levin says. Costly new technologies such as carbon injection are needed to capture it.

But Derenne says it's not certain that existing technology can achieve the 70 percent reduction. It depends on the type of coal used and other factors, he says.

Either way, EPRI is pushing ahead with technology aimed at reaching the 90 percent goal - including Toxecon, which the institute patented.

The U.S. Department of Energy considered its prospects solid enough to pay half the \$53 million cost of installing and testing the system on three of the Presque Isle plant's nine generating units. Toxecon injects activated, powdery carbon into the superheated gas from coal incineration. The carbon absorbs the mercury and flows into a newly constructed building called a "bag house," where it's trapped inside the network of fabric bags.

As a bonus, designers hope the process also will remove up to 70 percent of the sulfur dioxide and 30 percent of the nitrogen oxide from the gas, along with the 1 percent of fly ash from coal combustion that isn't captured earlier.

The system has reached the 90 percent threshold for mercury removal during testing this year, although not continuously. Once perfected, it should be able to average 90 percent if the correct amount of carbon is injected, Derenne says.

The three Presque Isle units emit a combined 90 pounds of mercury in a typical year. If Toxecon succeeds, it will prevent about 82 pounds from slipping into the air.

But nagging problems have surfaced, such as overheated gas burning the bags and water collecting in ash hoppers for no apparent reason. Those issues were resolved, but the latest struggle involves how to make the captured mercury less dusty so it doesn't blow away.

"We're plowing new ground and there's always these setbacks," Derenne says while conducting a tour of the baghouse. But the industry can benefit from them, he adds. "They're going to build on the lessons learned at Presque Isle - probably not just in the U.S., but the world."

Regardless of how the experiment turns out, Toxecon is not "a uniform magic potion" for all mercury emissions, Levin says. Power plants have varying configurations and use different types of coal, so a mechanism that succeeds one place might not somewhere else.

Low-sulfur diesel switch completed

Regulations that take effect Friday reduce sulfur content by 97%.

By Chris Bowman / The Sacramento Bee
In the Fresno Bee, Monday, August 28, 2006

SACRAMENTO — California will reach another big milestone on the road to healthier air this week as suppliers of diesel complete a mandated switch to an "ultra low-sulfur" blend.

Remarkably, the sweeping changeover in fuel arrives unheralded by the usual angst or trepidation over engine breakdowns, performance drops and price spikes at the pump.

"It's been very quiet, to the point that we had to publicize that it's taking place," said Jerry Martin, veteran spokesman for the state Air Resources Board, which adopted the diesel rule.

Smog regulators demonstrated the new fuel in Sacramento last week by holding a bleached-white handkerchief to the exhaust spout of an idling tanker truck. Sure enough, as news cameras zoomed in, the hanky stayed spotless.

Aesthetics aside, the new fuel promises to greatly reduce harmful emissions from trucks and buses, smog officials said.

The cleaner fuel also paves the way for auto manufacturers to introduce a variety of diesel-powered passenger vehicles that otherwise could not meet California's toughest-in-the-nation exhaust standards, according to diesel engine manufacturers.

"You can see them all lining up," said Michael Coates, spokesman for the Diesel Technology Forum, a nonprofit industry trade group.

Just last Friday, General Motors announced plans to roll out a 360-horsepower turbodiesel in a full-size pickup sometime after 2009. BMW, Volkswagen, Daimler-Chrysler and Ford have similar plans in the works, Coates said.

In addition to delivering more punch than gasoline engines at low speeds, the diesel models would rival today's gasoline hybrids on fuel economy, Coates said.

GM promises that its debut engine will use 25% less fuel than a comparable gasoline V8.

California's deadline for the switchover to low-sulfur diesel is Friday. A similar federal rule gives diesel suppliers elsewhere in the nation until Oct. 1.

The regulations limit the sulfur content in diesel to 15 parts per million — a 97% reduction from the current 500 ppm standard.

Sulfur, a naturally occurring component of diesel, is not the chemical of health concern. Rather, the sulfur interferes with pollution-control equipment on diesel-powered vehicles.

At current levels, the chemical clogs soot filters and disarms catalytic converters, which destroy smog-forming gases in the exhaust.

Diesel engines produce cancer-causing soot and vastly surpass gasoline-fueled models in emissions of nitrogen oxides, compounds that smudge the skies yellowish brown and form ozone — the ingredient in smog that irritates the eyes and airways, according to the state air board.

Nationwide, the cleaner fuel is expected to reduce soot and nitrogen oxide emissions by more than 90% in the next three years as truck and bus engine manufacturers phase in models with stronger emissions standards.

When fully implemented, in 2010, the new engine standards will prevent an estimated 8,300 soot-related deaths and tens of thousands of smog-related diseases such as bronchitis and asthma, according to the U.S. Environmental Protection Agency.

In California, the vast majority of service stations already are selling the cleaner diesel, according to the state air board.

"The public really has not noticed any changeover, though it has mostly occurred," Martin said.

That was not hardly the case in previous changeovers to cleaner fuel in California.

The first reformulation of diesel in 1993, which cut sulfur to 500 ppm from 3,000 ppm, created a storm of protests as the changeover boosted the price at truckers' pumps and caused engine breakdowns and fuel leakage in thousands of big rigs, Martin recalled.

Consulting contract given to Assembly speaker's wife

The Associated Press

In the S.F. Chronicle, L.A. Times, Fresno Bee and other papers, Saturday, August 26, 2006

SACRAMENTO (AP) - The South Coast Air Quality Management District awarded a \$125,000 consulting contract to the wife of Assembly Speaker Fabian Nunez at the same time the district is seeking legislation to cut train engine emissions.

Maria Robles, the wife of the Democratic leader from Los Angeles, won an April 7 bid to organize "international conferences on asthma and port emissions control technologies," The Sacramento Bee reported Saturday.

The Southern California smog district is sponsoring legislation that would let it charge railroads fees that would be used to offset locomotive emissions. Railroads opposes the bill, but it cleared the Senate and is awaiting action in the Assembly.

Nunez' spokesman, Steve Maviglio, said Robles signed a conflict-of-interest statement saying she can't lobby on the bill, and that Nunez will abstain from voting if the bill reaches the Assembly floor.

"She has absolutely nothing to do with any legislation in the Assembly," Maviglio said.

The contract creates the appearance of a conflict of interest, said Robert Stern of the Center for Governmental Studies and the author of the state's Political Reform Act.

"The problem is they have to be very careful how it looks," Stern said. "She's making a lot of money and he's sharing it. There's nothing illegal, but the perception is that's an awful lot of money for doing what she's doing."

Smog board spokesman Sam Atwood said Robles has "outstanding credentials" to organize an asthma conference, in part because she did well with a smaller consulting contract last year when she was not married to Nunez.

Robles is a registered nurse and former health care provider who also is spokeswoman for the Yes on 86 tobacco tax initiative on the November ballot.

Robles beat a national firm that already has the smog district as a client.

Cliff Gladstein, president of Santa Monica-based Gladstein, Neandross and Associates said his firm was "highly qualified" to land the contract, but he didn't know he was competing against the Assembly speaker's wife.

A spokesman for the California Railroad Industry declined comment. The industry opposes the pending emissions fee bill by state Sen. Gloria Romero, D-Los Angeles, saying a U.S. Supreme Court decision means the district can't regulate train pollution.

Burning Man goes green

By Meredith May, staff writer

S.F. Chronicle, Saturday, August 26, 2006

With the Burning Man art festival in the Nevada desert starting Monday, a group of San Francisco scientists is busy calculating how much the event contributes to global warming.

Encouraged by the resurgence of the green movement, the scientists are taking a hard look at all those sacred flaming temples, gas-powered scooters shaped like cupcakes, and hundreds of rumbling RVs that converge for a week on the dry Black Rock Desert lakebed.

With an idea that would make Al Gore smile, the scientists have created Cooling Man, an online calculator that determines how many tons of greenhouse gases each of the 37,000 "burners" will produce with their art projects and community camps.

For the first time, Burning Man participants will be able to "offset" their global warming impact much the same way large corporations do, by investing in clean energy projects.

"We think Cooling Man is pretty cool," said Marian Goodell, Burning Man's director of communications and business.

Visitors to the Cooling Man Web site, www.coolingman.org, will answer a series of questions about their transportation to the playa, propane use, generator hours and how much wood they plan to burn, and the computer generates a total tonnage of greenhouse gases per person.

Then, like corporate America, artists will be directed to mitigate their pollution by purchasing greenhouse gas "credits," or "offsets," by investing in alternative energy that doesn't use fossil fuels: solar or wind power, methane capture from landfills and livestock. Tree planting also qualifies.

Burners are asked to pay \$5 to \$10 per ton of personal pollution to the nonprofit Trust for Conservation Innovation in San Francisco, which parcels the donations among various renewable-energy projects nationwide.

The money collected from 65 Burning Man participants so far -- \$1,000 -- will help pay for a wind turbine that powers a casino on a Sioux reservation in South Dakota. It's the first American Indian-owned wind power plant in the nation.

"Burning Man does a great job of getting on the ground after the event and picking up every nail and speck of glitter, but we want to take that to the next level -- leaving no trace in the climate," said David Shearer, an air-quality scientist with California Environmental Associates in San Francisco who helped create Cooling Man in his spare time.

A burner himself, Shearer is promoting Cooling Man with help from a colleague and Burners Without Borders, a volunteer arm of Burning Man that recently returned from a six-month disaster relief trip to New Orleans. Aid workers used \$60 generated by Cooling Man to plant trees to replace those that had been wiped out by Hurricane Katrina.

Last year in a test run of the Cooling Man idea, a San Francisco fire art collective called the Flaming Lotus Girls gave \$100 in offsets, which helped farmers in Tanzania replace their kerosene house lamps with solar lighting.

Now, Cooling Man is starting to gain momentum in the blogosphere. One person offered to give Cooling Man 100 trees to plant.

Cooling Man is on track in its pilot year to meet its \$1,100 fundraising goal. Shearer calculated that's the cost to neutralize the 110 tons of global-warming pollution created by Burning Man's culminating event -- the burning of a 40-foot man made of wood, neon and fireworks.

The new Web site mirrors the effort of a new committee at Burning Man headquarters called Greening Man, whose members are looking for ways to reduce the event's reliance on fossil fuels.

For the first time in Burning Man's 21 years, organizers will replace some of their gas-powered generators with biodiesel versions, Goodell said. They are encouraging artists to build installations that run on clean power, such as the series of larger-than-life solar-powered sunflowers that will rise and fall with the sun.

Shearer, who has been studying climate change for the past two decades, is thrilled that others are starting to think about how to reduce their carbon footprint.

"Maybe one day Burning Man would add a small surcharge to the ticket price, less than \$1, to offset all emissions from the event," he said. A ticket to Burning Man ranges from \$185 to \$275, becoming more expensive closer to the start of the event.

In the future, Shearer and colleague Jeff Cole hope to raise enough in donations to offset not only the pollution from Burning Man itself, but also from all the cars and planes attendees use to get to Nevada.

For now, the Lakota Sioux with the wind-powered casino in South Dakota will be the first to benefit.

NativeEnergy, the American Indian-owned alternative energy company in Vermont that helped the tribe build the wind turbine, may not know much about Burning Man, but it is happy to accept a small donation.

Switching to wind power will allow the tribe to reduce its annual reliance on fossil fuel by 97,000 megawatt hours. That translates into keeping 115,000 tons of carbon dioxide out of the air per year.

"I myself have never heard of Burning Man, but we were only able to switch to wind power through the help of thousands of individuals and hundreds of businesses donating modest amounts," said Tom Stoddard, NativeEnergy's vice president and general counsel.

"Everyone who contributes gets their name on the wall."

Calculate your impact

Burners can determine the tons of greenhouse gases they emit by going to coolingman.org. First, input the type of vehicle and miles traveled both ways.

+

Next, tally the gasoline, propane or generator hours used for power and the gasoline for art cars.

+

Tally the gallons of gasoline and pounds of propane and wood to be burned in the name of art.

=

The site calculates a burner's emissions and suggests ways to offset them, such as planting trees or investing in wind or solar farms.

Pollution in the Water, Lawsuits in the Air

With Damage to Ecosystem Jeopardizing Tourist Industry, Oklahoma Fights Back

By Juliet Eilperin, Staff Writer

Washington Post, Monday, August 28, 2006

TAHLEQUAH, Okla. -- Every time the rain comes down, muddy water laden with phosphorus, arsenic and other contaminants flows into the Illinois River from chicken farms nearby and just across the border in Arkansas.

The inflow of nutrients has begun to change the river and the reservoir it feeds, Tenkiller Ferry Lake. At times the water is clogged with fish-killing algae, occasionally emitting a foul odor that affects the drinking water and undercuts the area's attraction as a tourist destination.

"This river used to be crystal clear," recalled Ed Brocksmith, a member of the Oklahoma Scenic Rivers Commission. "Phosphorus is the problem here."

Frustrated that nearly four years of talks failed to produce a solution, Oklahoma is now suing eight firms -- including Arkansas giant Tyson Foods Inc. -- on the grounds that the chicken waste applied to crops near the river contains hazardous chemicals that are damaging the ecosystem and jeopardizing the region's tourist industry.

"They're not fertilizing, they're dumping," said Drew Edmondson, an Oklahoma lawyer who filed the suit last year. "My concern is for the environment. My concern is for the lake and the river, which I'm watching being degraded before my eyes, literally."

Across the country, states and localities are suing polluters outside their jurisdiction, and sometimes each other, in efforts to curb air and water contamination that respects no borders. They say they are forced to act because Congress and the Bush administration have failed to crack down on everything from storm water runoff to dumping of invasive aquatic species.

In some cases, there is little in the way of federal law or regulation. This is the case with the factory farms in Arkansas and Oklahoma. The administration is still sorting through which regulations apply to poultry, dairy and hog farmers, and existing rules don't apply to those who buy the waste for fertilizer. And some lawmakers, such as Rep. Ralph M. Hall (R-Tex.), are lobbying to permanently exempt these industries from even minimal federal oversight.

Other times the administration has blessed activities in one state that another state opposes: Virginia -- over Kentucky's objections -- plans to allow a strip mining company to discharge more than a billion gallons of briny water into a river just eight miles from where it flows into Kentucky.

In others instances, the Bush administration has declined to take action, such as the Environmental Protection Agency's decision not to regulate ballast water from freighters that release invasive species into waterways.

Joel A. Mintz, an environmental law professor at Nova Southeastern University in Miami, said he has noticed an increase in such cases. "The [state attorneys general] have gotten aggressive in the last couple of years," Mintz said. "It's a little hotter now."

EPA spokeswoman Jessica Emond said the agency works hard to monitor all pollution.

"EPA is committed to protecting public health and the environment by coordinating closely with its 10 regional offices to implement environmental laws at the state and regional levels," she said. "In addition, EPA solicits and takes into consideration comments submitted by state and local governments when developing national rules and regulations."

But New York Attorney General Eliot L. Spitzer, who has sued EPA over its aquatic species policy as well as air pollution rules, said the flurry of legal activity reflects "the lack of enforcement" by the administration.

"It's more than a trend, it's an ideological decision that's been made by the Bush administration," Spitzer said. "Into that void we have stepped in to enforce the law."

In many cases, state lawyers say out-of-state pollution jeopardizes their tourist industry. Kentucky Assistant Attorney General Scott Porter, for example, argues that Virginia's proposal to let

Consolidation Coal Co. release water from its mining operations could damage Fishtrap Lake, a reservoir filled with bass and catfish that attracts tens of thousands of visitors a year.

Porter's office is weighing whether to sue Virginia. "We will take every available method we have to protect the waters of Kentucky."

Leslie Vincent, chief engineer of Virginia's Division of Mined Land Reclamation, said Virginia is aware of Kentucky's concerns but believes the plan's requirement for mixing the discharge with cleaner water should keep levels of harmful chloride to an acceptable level. "It should not be an adverse impact," Vincent said.

In Arkansas, poultry farmers see the Oklahoma lawsuit as a threat to their livelihoods. Keith Morgan, who raises 178,000 chickens at a time for Arkansas-based Peterson Farms, said he and other producers make a profit selling their waste as fertilizer and cannot afford to truck it out of the million-acre watershed.

No one questions that Tenkiller Ferry Lake and the Illinois River -- which travelers in 1870 described as "one of the prettiest rivers on the continent, sparkling with crystal waters" -- are being flooded with nutrients. The lake and river remain a popular tourist site that generates at least \$42 million a year in revenue: Last week, Adam Visor and his friend Jordan Hebert drove three hours from Oklahoma City to fish for smallmouth bass along the river's banks.

Edmondson and allies such as Brocksmith say a significant amount of the pollution comes from the 200,000 tons of chicken litter -- waste and shavings that fill poultry houses stretching the length of nearly two football fields -- that more than 2,800 farmers in Arkansas and Oklahoma buy and apply to their crops.

Poultry officials counter that western Arkansas towns such as Bentonville and Fayetteville are also to blame for the river's pollution, since they rank among the fastest-growing in the nation and generate their own runoff. John Elrod, a partner at the Arkansas firm of Conner and Winters, who represents Simmons Foods, said the industry is willing to help Oklahoma but will not fold under legal pressure.

"Our attitude all along has been if you need someone to help with this problem, we're going to be standing at the front of the line, but if you're going to file a lawsuit against us, it's going to be an all-day affair," Elrod said.

Oklahoma's lawsuit could drag on for years. The outside lawyers that Edmondson retained stand to get a third of any eventual settlement or court award, along with attorney's fees; the defendants have hired a phalanx of attorneys from the District, as well as Arkansas and Oklahoma.

The public relations fight is equally intense. An advocacy group called "Save The Illinois River" has printed baseball caps and tie-dyed T-shirts with the slogan, "Fed Up With All The Arkansas Chicken Poop!" and plans to release a CD of songs paying homage to the river. The poultry industry has responded in Oklahoma with a massive television and radio ad campaign touting the virtues of "organic" chicken litter, and it recently donated \$1 million to the state's Scenic Rivers Commission to improve recreational facilities.

"Oklahoma should be saying thank you to Arkansas for providing this kind of income to one of the poorest areas in the nation," said Bev Saunders, who raises chickens on her 540-acre Oklahoma farm.

But Edmondson -- who does not blame the administration but faults Congress for failing to pass a broader law regulating poultry waste -- is pressing ahead.

Some have succeeded with such litigation. In Texas, Waco officials sued after city drinking water became polluted by more than a dozen out-of-town dairy farms dumping waste into the North Bosque River. Eventually, Waco reached a series of settlements, including an agreement to monitor the river's water quality for two years and a pledge by the dairies to make sure any new cows they acquire will not worsen the area's water pollution.

Spitzer has scored some legal victories over the Bush administration, but he acknowledged there are limits to pursuing environmental goals through litigation.

"Long term, states cannot supplant the role of the federal government in addressing these issues," he said.

[Note: The following clip in Spanish discusses how a new bill will put California on the cutting edge of renewable energy, which will reduce the output of greenhouse gases by 3 million tons. For more information, contact Maricela at \(559\) 230-5849.](#)

California se perfila como vanguardia hemisférica en generación de energía solar
Esa energía podría generar el equivale al consumo eléctrico diario de tres millones de hogares en California, y sustituir a por lo menos diez termoeléctricas que hoy contaminan el aire en el estado

Noticiero Latino, Aire Libre, Radio Bilingüe, California
Thursday, August 24, 2006

California se perfila como estado vanguardia en el hemisferio occidental en generación de anticontaminante energía solar.

El gobernador, Arnold Schwarzenegger firmó esta semana una ley que creará fuentes de generación energética solar hasta por tres mil megavatios para el año 2018.

Esa energía equivale al consumo eléctrico diario de tres millones de hogares en California, y sustituiría a por lo menos diez termoeléctricas que hoy contaminan el aire en el estado con partículas de dióxido y monóxido de carbono, entre otros químicos.

El plan contará con un presupuesto de dos mil 900 millones de dólares.

The Greening of Work

More employers are making workplaces environmentally friendly. The result, firms say: energy savings, better morale and even higher productivity

By Roger Vincent, staff writer
L.A. Times, Sunday, August 27, 2006

When Toyota Motor Corp. moved one of its divisions into an environmentally friendly, or "green," building in Torrance three years ago, it expected to save on its energy bills. The building offered natural lighting, electricity-generating rooftop solar panels and water recycling.

But something else also happened. Employee morale jumped while absenteeism fell. The overall energy and worker productivity savings more than offset the added cost of making the facility environmentally friendly.

"The lighting is easier on the eyes and on the nerves," Toyota employee Mary Jo Moutsios said. "I take a sense of pride in working in this building. It's pleasant and feels more productive."

Results like Toyota's are helping to spark a budding "green revolution" in American workplaces. The movement is starting to change how office buildings are designed and could render thousands of existing offices obsolete.

Employers including Goldman, Sachs & Co., Wal-Mart Stores Inc. and Harley-Davidson Inc. are starting to ask for buildings with more natural light, fresher air and fewer toxic materials in the

paint, carpeting and other finishes.

Los Angeles, Salt Lake City and Chicago are among many cities requiring new public buildings to be green. Municipalities are offering incentives, such as faster construction approvals and reduced permit fees, to get the private sector to follow suit.

"This will be as big as the shake-ups that came after the invention of elevators and, later, central air conditioning," Los Angeles real estate consultant Charles Lockwood said of the green movement in office design.

"You've got to get on board or risk being a dinosaur," said Doug Holte, who heads West Coast operations for Hines, a Houston-based developer that is building green office towers in Irvine, La Jolla and Bellevue, Wash.

Although the green movement is in its infancy, its endorsement by a growing number of prestigious employers, developers and cities is seen as giving a shot in the arm to the nation's environmental movement as concern about the effects of global warming and environmental pollution spread.

More than \$7.7 billion of office buildings nationwide are up for official green certification, versus about \$790 million in 2000. Among the more notable new green towers is 7 World Trade Center in New York, a 52-story skyscraper that replaced a building at the same address that was destroyed in the 2001 terrorist attacks.

"Some people think of this as a California thing or connect it with long hair and sandals, but this is happening all across the country," said Los Angeles commercial developer Jim Thomas, whose company, Thomas Properties Group Inc., is raising a \$500-million fund to invest in new green commercial buildings and renovate old ones to make them more environmentally friendly.

Most employees in green buildings such as Toyota's work in sunlight because ceilings are high and floors are narrow, compared with boxy traditional offices where many still toil under fluorescent lights deep in sealed-off spaces.

Other green features are less obvious, such as paints, linoleum and carpeting that don't emit formaldehyde and other toxins that are sometimes blamed for worker illnesses.

Green commercial development has passed the tipping point of acceptance, said architect Dan Heinfeld, president of LPA, the firm that designed Toyota's office building.

"I'm seeing green interest in every market segment we work in," he said, including elementary schools, colleges, corporate offices and civic buildings.

Early adopters point to numerous payoffs.

Warner Bros. saved 38% on its water, electricity and gas costs after converting one of its Burbank office buildings to green standards in 2004, said Shelley Billik, vice president of environmental initiatives.

Santa Monica-based developer Douglas Emmett Inc. took advantage of financial incentives offered by the Los Angeles Department of Water and Power and other public agencies to pay for green retrofits of its buildings that saved on air conditioning and other energy expenses.

"Utility costs are one of our biggest expenses," said Dan Emmett, chief executive of the firm. "We got involved for purely economic reasons."

Cities such as Chicago say that environmentally friendly reflective roof coatings permit less heat

to penetrate, reducing air conditioning costs. Grass and other greenery planted on the roof of Chicago City Hall cut the surface temperature significantly on hot days compared with traditional black tar roofing.

Green buildings can also reduce water costs by catching rainwater and the "grey water" that drains from sinks and showers, reusing it for toilets and watering heat-reducing landscaping.

Perhaps the most gratifying benefit for companies is an increase in employee morale and output. Case studies from the U.S. Green Building Council show increases in employee productivity of as much as 16%.

"If workers are just 2% more productive, or 2% fewer leave within their first year, the savings are overwhelming compared to the rent," developer Holte said.

Toyota reported 14% fewer absences in its green building in Torrance, resulting in annual savings of \$31,000. Toyota now has about 2,400 workers in the building surrounded by eight acres of landscaped grounds.

"The outer spaces — the bamboo garden and the breezeways — are as inviting for small meetings as the indoor spaces," manager Marnie Warrick said. "It makes you feel good to be in a building that serves a larger purpose."

Developers generally spend as much as 5% more on construction to meet official nationwide standards set by the U.S. Green Building Council's Leadership in Energy and Environmental Design. But it's now possible to build green buildings for about the same price as ordinary edifices as building techniques improve and vendors create green products.

The more items a builder can check off on the building council's checklist, the greener its rating. Some developers expect to charge higher rents for buildings with higher ratings.

Santa Monica is among many governmental agencies ratcheting up green requirements. Like the state of California, the city already requires its new public buildings such as libraries and police stations to meet the green council's standards and is contemplating raising the bar still higher.

Pasadena has one of the nation's most stringent green building programs. Rules that went into effect in April require commercial buildings of more than 25,000 square feet and residential buildings of four stories or more to meet the green council's requirements. Commercial tenants that improve their own rented space must do likewise.

"We have the technology and we have the means at our disposal to design buildings better," said Alice Sterling, Pasadena's green building coordinator.

Municipalities are often ahead of landlords on green issues, several real estate observers said. But developers will act like environmentalists without government prompting if their renters start to demand green workspaces. Some large influential players on Wall Street and in Hollywood already are.

Creative Artists Agency, the big Hollywood talent agency that is the primary tenant in a new office building under construction in Century City, is working with the project's developer and architects to incorporate natural light and desks, carpets, doors and other furnishings made with recycled materials.

"We have a number of clients who are passionately interested in all of these issues," CAA Managing Partner David O'Connor said, "and they are really pleased with the fact that we are trying to take a leadership position on this issue in our community."

Building points

The U.S. Green Building Council provides a list of options for developers who want to get their properties certified as environ-

mentally sound. The more items builders can check off the list, the greener their buildings are rated. Elements of a 'green' development:

Reuses previously polluted site

- Located close to public transit
- Restores damaged wildlife habitat
- Provides high ratio of open space to structures on the lot
- Reduces storm water runoff by planting rooftop vegetation, laying porous pavement or saving the water for later use on landscaping
- Limits the amount of heat reflected back into the atmosphere through landscaping and roof treatments
- Cuts potable water use by using recycled "grey" water for flushing toilets and landscaping
- Creates some of its own power from solar, wind, geothermal or other renewable nonpolluting sources
- Uses recycled materials in construction and furnishings
- Reduces indoor air contaminants that are sometimes found in wood varnishes, floor coatings, paints and other finishes
- Has operable windows and allows natural light to penetrate as much as 90% of the building

Source: U.S. Green Building Council

Protesters voice complaints over asbestos

By Mark Barnha, staff writer

Bakersfield Californian, Sunday, Aug. 27, 2006

Former construction workers of the Padre protested outside the landmark downtown building Saturday to express their anger at their former employer, Pacifica Enterprises, LLC.

Several workers who allege they were exposed to asbestos while working on the renovation of the Padre Hotel were out Saturday in front of the downtown building protesting with some of their family members.

About 10 workers carried signs denouncing Pacifica, which owns the Padre, for not warning them about the asbestos materials they handled inside the building during its renovation that began in 2002.

As many as 50 Pacifica laborers worked in the building, according to Andrew Morgret, who said he worked there amid asbestos for some seven months beginning in January 2003.

Pacifica has been cited for asbestos violations twice. In June 2005, the San Diego-based company settled a lawsuit, brought by the Kern County District Attorney's office, for its alleged

avoidance of asbestos removal from the Padre. The suit settled for \$460,000 with Pacifica admitting no wrongdoing.

Renovation work was halted at the Padre in 2005 and has not resumed.

Asbestos fibers can cause respiratory problems like lung cancer in people who inhale them over an extended period, according to the U.S. Department of Health and Human Services. Symptoms may not appear for 15 to 30 years.

Alex Lopez, 42, said he worked inside the Padre amid asbestos for 16 months. The Riverside resident said Saturday that during that period he experienced skin rashes he now believes were caused by the asbestos.

Every three months he's been seeing a doctor at Riverside Medical Clinic about perceived respiratory problems. Six months ago, he said, a CT scan revealed a black mark on one of his lungs.

"I am worried," Lopez said. "My wife and three kids are worried about me. It's hard for me to sleep. I keep thinking about it."

[Fresno Bee editorial, Monday, August 28, 2006:](#)

A better air board

Bill would add public members to Valley district's governing body.

Long overdue changes in the makeup of the Valley air districts' governing board could follow a legislative compromise that now appears imminent. The upshot of the changes would be to somewhat reduce the influence of some special interests in the district's operations and boost the influence of the biggest special interest group of all: Valley residents who breathe the polluted air.

Senate Bill 999, sponsored by Sen. Michael Machado, D-Linden, would expand the 11-member board of directors of the San Joaquin Valley Air Pollution Control District by adding permanent representatives from the cities of Fresno, Stockton and Bakersfield, the Valley's largest.

It would also add two public members, appointed by the governor, with the approval of the state Senate. One would be a physician or scientist with expertise in pollution and its effects. The other would be someone in "environmental engineering, chemistry or meteorology, and who is a specialist in the public health impacts of air pollution," in the language of the bill.

Two other members would be chosen by other city councils, one from a town of 40,000 or fewer and the other from a larger city.

Each of the boards of supervisors in the eight counties of the district would continue to appoint one member apiece, bringing the new total on the board to 15.

It has taken a long time — four years — to get to this point. Fresno Assemblyman Juan Arambula kept the process alive, working very hard to achieve a compromise that had a chance in the Legislature. It isn't a slam dunk — the county boards of supervisors have all opposed the idea strenuously and can be expected to continue to do so.

The opposition to expanding the district board comes mostly from those who prefer that the air district move forward slowly — if at all — in addressing the Valley's filthy air. For the most part, such groups fear that any changes in the status quo could cost them money — setting aside the fact that everyone would be a great deal healthier if the air were cleaner.

The county boards, as a rule, are inclined to listen closely to those powerful groups, despite the fact that the interests of their broad range of constituents aren't well-served in that fashion.

Nor does this bill really threaten the status quo. County supervisors would still be in the majority on the air district board. An earlier version called for adding four public members; that proved much too progressive for the Legislature to swallow. Perhaps this compromise will go down easier.

We hope so. The Valley air district has made some progress in the battle for cleaner air, but the toughest parts of the fight are still ahead. A board with greater scientific expertise will be better positioned for that fight, even if only in a small way.

[Letter to the Bakersfield Californian, Sunday, August 27, 2006:](#)

Slogan suggestions

Having resided in "B-town" all my life, I have been pondering the motto suggestions submitted recently. I have gone from serious to laughter as I think of what fleeting message we can impart to an uninterested traveler who passes through town. Here are a few of my own.

Welcome to Bakersfield:

? **T**est crash-site for stealth bombers.

? **S**un, Fun, Stay, Play -- **S**mog, Fog, Stay Away.

? **G**ateway to Oildale.

? **H**mate housing capital of California.

? **G**angbanger funeral car wash every weekend.

? **V**isit our sludge farms.

? **S**wim in our \$10 million Riverlakes Pond.

? **L**ast stop for bank robbers.

? **C**rop dusters spraying, roll windows up.

But more serious suggestions might be:

? **F**amily values, friendly neighbors.

? **B**ig town features, small town feel.

I'm sure whatever motto is finally approved will do justice for our community. I just wanted to throw my two cents worth in.

-- Steven Urner, Bakersfield