

## **L.A. gets temporary victory in sludge fight**

### **Ruling lets city, Orange County continue trucking waste to Kern**

BY JAMES BURGER, Californian staff writer  
Bakersfield Californian, Tuesday, Nov. 14, 2006

LOS ANGELES -- The city of Los Angeles and Orange County can continue spreading their treated sewage sludge on Kern County farmland under a tentative ruling issued Monday in U.S. District Court.

The ruling overturns, at least for now, the Measure E sludge ban passed by Kern County voters in June.

Judge Gary Feess said he believes state laws that push for recycling of all solid waste -- including sewage sludge -- take precedence over the Kern County ordinance that bans spreading treated human and industrial waste on unincorporated land in Kern County.

"It does not make sense. He is stripping people in Kern County of their right to plan for their future," said Kern County Supervisor Michael Rubio. "We will continue to fight him with all the resources we have to protect the citizens in Kern County."

Kern County attorneys argued that state water law, not the Integrated Waste Management Act, regulates the application of sewage sludge. They hoped the argument would sway Feess, who previously dismissed Los Angeles' claims that Kern's sludge ban violated state and federal water laws.

Kern County should not be forced to take Los Angeles sludge so the Southland city can meet its state-mandated recycling goals, said Kern County attorney Stephen Schuett.

Feess could reverse his decision after considering arguments made during Monday's morning session.

Attorneys for the city of Los Angeles claimed victory, saying they doubted the judge would change his tentative ruling.

Christopher Westhoff, attorney for the Los Angeles Department of Public Works, said the city treats 700 to 800 tons of sludge per day and sends it to Kern County where the city employs Kern residents to farm with the material.

"It is not disposal, it is beneficial reuse," he said. "It would put us out of compliance with the Integrated Waste Management Act if we had to landfill our treated sludge."

He said Judge Feess understood that the state's goal of recycling solid waste trumps Kern County's desire to ban Southland "biosolids."

Monday's tentative ruling would only allow the governments, sludge haulers and sludge spreaders that sued Kern County to continue applying sludge. It would not overturn existing Kern County ordinances that allow only Class A exceptional quality treated sludge on county farmland.

Kern County lawyers and supervisors put a good face on the defeat, saying the fight is not over.

"I don't consider that losing the first round," said Supervisor Ray Watson. "I think they are just holding off enacting (the ban)."

Feess' decision is not a final ruling in the case. He said he intends to send the case to the 9th U.S. Circuit Court of Appeals.

"I suspect that the 9th will then certify this to the California Supreme Court," he said.

Supervisor Jon McQuiston said that's good news, since any decision Feess made was sure to be appealed there anyway.

"By referring it to the 9th we just eliminate a step," McQuiston said.

Supervisor Don Maben said the fight isn't over.

"They can continue to make exceptional quality (sludge) and pretty soon they'll get to keep it," he said.

State Sen. Dean Florez, who pushed for passage of Measure E, also said the fight will go on.

"It just shows how tough it is going to be to defeat Los Angeles and the sludge haulers, but it doesn't in any way mean that we have lessened our resolve to see this issue to the end," he said. "The voters have spoken and I'll stand with the voters over some judge any time."

## **Give us more info, state tells retailer**

### **Wal-Mart to pay tab for health risk study**

By Leslie Albrecht - Merced Sun-Star  
in the Modesto Bee, Tuesday, November 14, 2006

MERCED — Two state agencies have asked Wal-Mart to take a closer look at how a 1.2 million-square-foot distribution center it wants to build in Merced would affect air quality and traffic.

The San Joaquin Valley Air Pollution Control District and the California Department of Transportation want the environmental impact report to include more details on how diesel trucks driving in and out of the center would impact the health of nearby residents and traffic on adjacent roads.

"The project is large enough and it may generate significant enough air emissions that it would have an adverse effect on air quality in the San Joaquin Valley," air district representative Jaime Holt said.

The City Council approved adding the new studies to the environmental impact report at its Nov. 6 meeting. City-hired consultant EDAW Inc. has been working on the report since June.

The Air Pollution Control District requested that the environmental impact report now include what's called a human health risk assessment.

### **Traffic analysis part of report**

The assessment will analyze whether diesel exhaust from the distribution center would pose a cancer risk to people who live or attend school nearby.

The air district also asked that the environmental impact report list specific suggestions on how the Wal-Mart distribution center could lessen its effect on air quality.

The suggestions include planting trees to shade paved areas and encouraging employees to car pool to work.

Caltrans asked for a more detailed traffic analysis that will study whether traffic signals would be needed at two nearby intersections.

It also will look at whether intersections near the proposed distribution center are large enough to accommodate trucks making turns.

The extra analysis will add \$38,695 to the environmental report's \$344,655 price tag. Wal-Mart will pay for the report.

The new studies also will add a few extra months to the report's expected completion date.

It's likely to be finished in March, the city's planning manager, Kim Espinosa, said.

When the report is complete, the public will have 45 days to submit written comments. EDAW must respond to all of the comments in writing.

The environmental impact report will not make a recommendation on whether to approve the distribution center.

It's meant to provide neutral information to the Planning Commission and City Council before they vote on the project, Espinosa said.

The distribution center would operate 24 hours a day, with about 450 trucks driving in and out each day. When complete, it would employ about 600 full-time workers.

The distribution center would cover an area the size of 25 football fields bound by Childs Avenue to the north, Gerard Avenue to the south, Tower Road to the east and a property line 1,300 feet east of the Doane Hartley lateral canal to the west.

## **News briefs from California's Central Coast**

The Associated Press

In the Bakersfield Californian, Tuesday, Nov. 14, 2006

Greka Energy has agreed to pay \$75,000 in civil penalties to settle a lawsuit that accused the company of more than 100 safety and environmental violations.

Half the money will go to Santa Barbara County and half will go to the county Air Pollution Control District, said Deputy District Attorney Jerry Lulejian.

The settlement also said Greka would pay an additional \$150,000 to the county and the Air Pollution Control District if it makes similar safety and environmental violations over the next three years, Lulejian said.

In all, Greka, the area's largest onshore oil producer and one of Santa Maria's biggest employers, has agreed to pay about \$675,000 to settle allegations stemming from the 2004 lawsuit.

The violations, which allegedly occurred over a 16-month period beginning in May 2002, ranged from releases of potentially deadly hydrogen sulfide gas to failure to obtain required permits for certain facilities or to notify construction companies where pipelines were buried.

Through settlement talks, many of the alleged violations were resolved.

Jeffrey Valle, an attorney for Greka, said the company is happy the case was resolved.

"I think it's done," he said. "They're happy that this case which the county announced with great luster is fizzled out."

## **Boxer pledges shift on global warming policy with new Senate role**

By SAMANTHA YOUNG, - Associated Press Writer

Sacramento Bee, Friday, November 10, 2006

Sen. Barbara Boxer on Thursday promised major policy shifts on global warming, air quality and toxic-waste cleanup as she prepares to head the U.S. Senate's environmental committee.

"Time is running out, and we need to move forward on this," Boxer said of global warming during a conference call with reporters. "The states are beginning to take steps, and we need to take steps as well."

Boxer's elevation to chairwoman of the Senate Environmental Public Works Committee comes as the Democrats return to power in the Senate. It also marks a dramatic shift in ideology for the panel.

The California Democrat is one of the Senate's most liberal members and replaces one of the most conservative senators, Republican James Inhofe of Oklahoma. Inhofe had blocked bills seeking to cut the greenhouse gases contributing to global warming, calling the issue "the greatest hoax perpetrated on the American people."

Environmentalists were overjoyed at the change.

"That's like a tsunami hit the committee," said Karen Steuer, who heads government affairs at the National Environmental Trust, a nonprofit based in Washington, D.C. "You can't find two members or people more ideologically different.

As chairman, Inhofe tried to overhaul the Endangered Species Act and supported the Bush administration's 2002 rules to roll back provisions in the Clean Air Act. He also promoted legislation that would have allowed the government to suspend air quality and water quality rules in response to Hurricane Katrina.

It's a record that earned Inhofe the lowest possible legislative score from the League of Conservation Voters. By comparison, Boxer, who has made the environment a signature issue since coming to the Senate in 1992, received a 93 percent rating.

Boxer said she intends to introduce legislation to curb greenhouse gases, strengthen environmental laws regarding public health and hold oversight hearings on federal plans to clean up Superfund sites across the country.

On global warming, Boxer said she would model federal legislation after a California law signed this summer by Gov. Arnold Schwarzenegger. That law imposes the first statewide cap on greenhouse gases and seeks to cut California's emissions by 25 percent, dropping them to 1990 levels by 2020.

"Some of the practical solutions are in the California approach," Boxer said.

A top environmental aide at the White House signaled Thursday that the administration would work with her.

In an e-mail to the senator's chief counsel, George Banks, the associate director for international affairs at the Council for Environmental Quality requested a meeting to discuss global warming, Boxer said.

President Bush has opposed a federal mandate to limit greenhouse gas emissions from industry and automobiles, saying such steps should be voluntary. His administration also has ruled that greenhouse emissions are not a pollutant.

"We look forward to working with Congress in bipartisanship on all issues," said Kristen Hellmer, a spokeswoman for the Council on Environmental Quality.

She declined to discuss specifics related to the upcoming global warming discussion.

Democrats and environmentalists have criticized Bush for refusing to send the Senate the 1997 Kyoto accord for ratification. It requires 35 industrialized countries to reduce greenhouse gas emissions by 5 percent below 1990 levels by 2012.

California's law and various bills in Congress set more aggressive targets.

Whether Bush will consider reversing his long-standing policy of making cutbacks in greenhouse gas emissions voluntary rather than mandatory will be one test of the new reality he confronts in Washington.

The administration is defending a previous Environmental Protection Agency ruling that greenhouse gases are not a pollutant under the Clean Air Act. An appeal of that administrative rule is scheduled to go before the U.S. Supreme Court later this month.

California also is seeking a waiver to the Clean Air Act so it can implement a law that took effect in 2004 forcing the auto industry to make cleaner-burning vehicles. Automakers have sued in federal court to block the California emissions law.

"On the issue of global warming in particular, we're going to need a new president before we see major progress," said Eric Antebi, spokesman for the San Francisco-based Sierra Club. "But this Congress can really lay the groundwork for that and make incremental changes."

Boxer suggested she would push for energy-efficiency and alternative-fuel programs that already have been adopted by dozens of states.

## **Study Finds Hollywood Can Be Filthy**

By NOAKI SCHWARTZ, The Associated Press

Published in the Washington Post

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LOS ANGELES -- Special effects explosions, idling vehicles, teams of workers building monumental sets \_ all of it contributes to Hollywood's newly discovered role as an air polluter, a university study has found.

The film and television industry and associated activities make a larger contribution to air pollution in the five-county Los Angeles region than almost all five other sectors researched, according to a two-year study released Tuesday by the University of California at Los Angeles.

Although Hollywood seems environmentally conscious thanks to celebrities who lend their names to various causes, the industry created more pollution than individually produced by aerospace manufacturing, apparel, hotels and semiconductor manufacturing, the study found.

Only petroleum manufacturing belched more emissions.

"People talk of 'the industry,' but we don't think of them as an industry," said Mary Nichols, who heads the school's Institute of the Environment, which released what researchers called a "snapshot" of industry pollution. "We think of the creative side, the movie, the people, the actors \_ we don't think of what it takes to produce the product."

Researchers considered the emissions created directly and indirectly by the film and television industry. For example, they factored in both the pollution caused by a diesel generator used to power a movie set, as well as the emissions created by a power plant that provides electricity to a studio lot.

They also interviewed 43 people who worked in a variety of areas within the industry, and reviewed major trade publications to see the level of attention paid to environmental issues. In doing so, researchers found that some studios have recycling programs and green building practices.

"Nevertheless, our overall impression is that these practices are the exception and not the rule, and that more could be done within the industry to foster environmentally friendly approaches," the study said.

Part of Hollywood's problem is that unlike other industries, film and television work is often done by short-term production companies, in some cases making it difficult to apply environmentally friendly practices, the study said.

Researchers also noted environmentally responsible examples within the industry.

The makers of the film "The Day After Tomorrow" paid \$200,000 to plant trees and for other steps to offset the estimated 10,000 tons of carbon dioxide emissions caused by vehicles, generators and other machinery used in production.

And production teams for "The Matrix Reloaded" and "The Matrix Revolutions" arranged for 97.5 percent of set materials to be recycled, including some 11,000 tons of concrete, steel and lumber. All the steel was recycled and 37 truckloads of lumber were reused in housing for low-income families in Mexico.

Lisa Day, spokeswoman for Participant Productions which worked on offsetting carbon emissions from the making of "Syriana" and "An Inconvenient Truth," she was a little surprised by the study's findings.

"I think the industry as a whole does look at itself," she said. "The studios have done a lot in terms of waste reduction. I think that energy is the new thing the industry is looking at and what impact they have."

[Modesto Bee Editorial, Tuesday, November 14, 2006](#)

## **We're eager to hear the plan for governor to fulfill promises**

Following the advice of his campaign handlers, Arnold Schwarzenegger presented no detailed "action plans" for reform in the 2006 election, as he did when he first ran for office. Instead, he opted for a thematic campaign that effectively calmed and comforted the electorate, much like a warm bowl of chicken soup.

It was a good strategy for winning, and for the governor and his master handler, Susan Kennedy, it reduces the opportunity for anyone to pore over his campaign promises and hold him accountable.

But Schwarzenegger has holdover promises that deserve attention.

While running in 2003, Schwarzenegger promised to prohibit lawmakers, the governor and lieutenant governor from raising campaign cash while the state budget was under consideration.

"Sacramento," he said, "is a revolving door of spending the people's money and taking the lobbyists' money." We still are waiting for Schwarzenegger to act on this promise.

Also in 2003, Schwarzenegger pledged that he would create an "infill incentives package" to redevelop urban areas, encourage smarter development and curtail sprawl. We still are waiting for Schwarzenegger to make smart growth a meaningful part of his policy agenda.

Schwarzenegger also promised in his first campaign to provide health insurance to every child in California. The governor says health insurance will be a priority of his second term. Details? We can't wait.

Schwarzenegger rightly has received credit for his environmental positions, but even here he has unmet promises. One was to "cut air pollution statewide by up to 50 percent and significantly reduce California's dependence on foreign oil before the end of the decade." We look forward to seeing how Schwarzenegger will accomplish these goals.

In the past year, Schwarzenegger has moved from confrontation to facilitation with lawmakers, which has been good for him and for the state. But there are many issues on which he will need to confront Democrats and their powerful constituencies. He needs to resurrect his concern over unsustainable pension and health care obligations to public employees. He'll need to play tough with the prison guards over corrections reform and a new contract.

And then there's the budget: How will he close the gap between spending and revenues? We look forward to seeing what the governor wants to accomplish in the next four years.