

EPA fines West's largest toxic waste dump \$300,000

The Associated Press

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A vast toxic waste dump at the center of a birth defects controversy in Central California has been fined more than \$300,000 for allowing cancer-causing chemicals to leach into the soil, the U.S. Environmental Protection Agency said Tuesday.

Residents near the Kettleman Hills landfill previously have expressed concerns that the largest hazardous waste dump in the West was linked to a high rate of birth abnormalities among infants.

However, state officials said last week they couldn't pinpoint a common cause for the health problems in the community.

The dump's parent company Waste Management issued a statement Tuesday saying extensive monitoring had confirmed the small concentrations of PCBs – a now-banned transformer fluid – were isolated to an area adjacent to a storage and flushing building.

The material "did not present any risk to public health or the environment," said Brian Bowen, Waste Management's director of environmental protection.

Still, local mothers wondered if the soil issue might have affected the development of their children.

"If they're polluting inside that dump and putting their own workers at risk, what can people in the community expect?" asked Magdalena Romero, 34, whose daughter, America, died a few months after she was born with a cleft palate and other health problems three years ago.

"The real question is what comes of this," she said.

Landfill operator Chemical Waste Management was hit with a \$302,100 fine after failing to clean up soil tainted with spilled PCBs, placing workers at a higher risk of exposure, EPA officials said.

The facility is one of just 10 dumps nationwide that handles PCBs, or polychlorinated biphenyls. "Companies charged with safely disposing of society's most toxic materials need to rigorously follow the protective laws established to secure both the public safety and public trust," said Jared Blumenfeld, the EPA's Regional Administrator for the Pacific Southwest.

The landfill is a few miles from Kettleman City, an impoverished San Joaquin Valley farm town where 11 cases of cleft palates and other birth defects have been reported since 2007.

EPA officials did not immediately say whether the disposal problems had any ties to health problems but noted the company was in the final stages of completing a study evaluating the potential human health or environmental risks if PCBs migrated offsite.

Kettleman City is a community of 1,500 people along Interstate 5, the busy freeway linking Northern and Southern California. The town is crisscrossed by high-tension power lines; pesticides and chemical fertilizers are routinely sprayed on nearby fields; and some local drinking water sources are contaminated.

Company officials won approval to expand the landfill this year from the Kings County Board of Supervisors despite opposition from hundreds of residents who accused officials of ignoring complaints from those without political clout in the largely Spanish-speaking community.

The expansion permit is on hold while environmental investigations continue.

[Visalia Times-Delta and Tulare Advance-Register editorial, Wednesday, Dec. 1, 2010:](#)

High-speed rail is worth the chance

If they build it, will they come?

Or even better, will they ride it?

The questions surrounding construction of a statewide high-speed rail system still outnumber the answers, and we will continue to have the same questions and "hedge our bets" as Assemblywoman Connie Conway cautions.

But the project is moving forward, and it has gotten some answers. For one thing, it has received initial funding support from the federal government. The California High Speed Rail Authority has also determined a route, at least through the San Joaquin Valley, that puts the line just east of Hanford and roughly following the Southern Pacific Railroad route. This week, the authority will make decisions on continuing the project, including whether to go with a recommendation that would start building on a stretch between Madera and Corcoran.

As the bullet train gets closer to becoming something tangible, it is also drawing more critics. Valley congressmen Devin Nunes, R-Visalia and Kevin McCarthy, R-Bakersfield, have both denounced the project as too expensive. Sacramento Bee columnist Dan Walters, citing shaky projections of ridership numbers, called it the rail to nowhere.

Yes, the questions continue to abound. But this part of the San Joaquin Valley, and Tulare County and Visalia, stand to gain a great deal if the project is completed as it stands now and if some protections of resources including prime ag land are included.

Yes, those are two big ifs. Despite the dedication of \$4.5 billion in federal funding, there are still so many obstacles to building the bullet train that it's no sure thing. Those who question the business plan have a point. Under the current economic projections, it's hard to envision the bullet train becoming a viable commuter option, for instance.

We have also long held misgivings about how a high-speed train, that would connect Los Angeles and San Francisco by a roughly 2-and-1/2-hour ride, would affect the Valley's land use and values. Would Tulare County become a bedroom community for the Bay area and/or Southern California? More questions.

Despite those doubts, we believe high-speed rail for California is a good idea. It's environmentally sound, relieves traffic and air pollution and provides efficient transportation alternatives. Building the system will bring huge benefits to California, just the way many other major public works have — our irrigation, highway and university systems to cite just three.

Local officials have taken the correct approach in advocating for the area to become a hub of the system.

The economic development benefits are obvious in jobs, in business development, in visitors and in ongoing economic support.

As UC Merced Dean of Engineering E. Daniel Hirleman notes in a commentary on this page, the bullet train is a visionary project that could transform California. It would be the most substantial public works project in a generation with as many as a half million jobs created over the next couple of decades.

Hirleman makes a good point: Forward-thinking projects require a commitment that borders on faith. We can't know how this project will turn out ultimately or exactly how it will function. There are plenty of examples from other countries, though, that it will serve the state well. There are

plenty of other projects in California that show when we take a chance on a visionary project, the benefits exceed expectations.

We urge local officials to continue supporting the high-speed rail line. We also urge them to continue asking questions. We're sure high-speed rail will have a monumental effect on life in our Valley. We need to make sure that effect is beneficial.

[Merced Sun-Star commentary, Wednesday, Dec. 01, 2010:](#)

Staff's plan defies all logic and should be investigated

By Dennis Cardoza

When California voters approved Proposition 1A in 2008, the bond measure for California's High Speed Rail system, they would have hardly imagined the first segment of the state-of-the-art train would be built between the remote Valley communities of Borden and Corcoran -- with their combined populations totaling a mere 25,000.

Yet, that is exactly what the California High Speed Rail Authority is proposing to do this week, causing many to dub the project "The Train to Nowhere."

It makes absolute sense to start the project in the Central Valley, where the topography and limited obstacles will allow the trains to reach 220 mph.

However, it defies logic to have the train start and stop in remote areas that have no hope of attaining the ridership needed to justify the cost of the project.

The authority should comply with the Federal Railroad Administration's directions for the recent \$715 million grant provided through the American Reinvestment and Recovery Act.

The state was directed to use the funds to build either a Merced-to-Fresno segment or a Fresno-to-Bakersfield segment, starting and stopping the trains in urban areas of the Central Valley.

The Authority's selection of a hybrid route between Borden and Corcoran violates the spirit, if not the letter, of the ARRA grant. For this reason I have asked U.S. Transportation Secretary Ray La Hood to enforce the directive to the state and to intercede in this decision.

I supported the Federal Railroad Authority's grant of funds for the Central Valley as a way to jump start the project, bring jobs to the region and connect the Central Valley to the other urban areas of the state.

However, building the train from Corcoran to Borden is not the right way to do it and will only lead to the loss of continued support from Californians across the state.

The construction will bring jobs to the region initially, but will do nothing to sustain long-term economic development because the trains will not be used.

In contrast, building the Merced-to-Fresno segment starts the process of connecting two urbanized regions of the Central Valley: the Fresno region and North Valley. It also provides the crucial links to the rest of the system: west to the Bay Area, north to Sacramento and south to Los Angeles.

The intent of Californians in passing Proposition 1A in 2008 was to build the system as fast as possible, maximizing ridership and the mobility of Californians in a manner that yields the most benefit.

Looking only at the ridership benefits, the Merced station can capture the North Valley populations, while the Fresno station captures both central and south central Valley residents.

By contrast, the Borden-to-Corcoran segment violates Proposition 1A because it cannot even be considered to be a "usable segment."

I have long been a proponent of high-speed rail, but not at the expense of government accountability.

In addition to my request for review of the grant use at the federal level, I strongly suggest the state Legislature request a formal program audit of the California High Speed Rail Authority.

The process by which this decision was derived needs to be fully investigated.

Dennis Cardoza is a Democrat representing the 18th Congressional District.

[Bakersfield Californian columnist, Sunday, Nov. 28, 2010:](#)

Regulating the truth and other hot air

By Lois Henry

There I was last week, minding my own business (well, sort of), when this morsel of an e-mail popped up from the California Air Resources Board.

CARB will have a workshop Dec. 1 to discuss a new regulation "Prohibiting False Statements." It goes on to read:

"The contemplated regulation would forbid dishonest statements offered to the Board or to its staff. Such a regulation would be especially beneficial because the Board's rulemaking and rule implementation relies on accurate technical, scientific, and economic data submitted to the Board."

That is so rich it almost makes my teeth hurt.

I mean, seriously, this from an agency whose own staffer was caught in a deception that the very chair of the board, Mary Nichols, tried to cover up until it all unraveled in a public mess.

Not to mention (but of course I will) recent revelations that CARB staff overestimated emissions from heavy equipment by more than 80 percent. Their gross miscalculation -- caught by industry folks, by the way -- may result in the contentious truck and heavy equipment emissions rules being revamped.

Which begs the question of whether this proposed "truth rule" would be better applied to CARB itself?

I e-mailed CARB's spokesperson and asked why they felt the need for the truth rule.

He wrote back: "There have been cases of failing to provide material information that would have altered a decision, and instances of manufacturers presenting false information related to certification."

Many of CARB's programs require those being regulated to self-report information so, perhaps the rule is an attempt to add teeth to those regulations.

But the first part of his answer about failing to provide information that would have altered a decision applies directly to Nichols.

A CARB staffer, Hien Tran, wrote a report detailing the dangers of diesel exhaust, specifically tiny particulate matter (PM2.5) contained in the exhaust, in 2008. It was that report the CARB board used to justify stringent new rules limiting diesel truck emissions.

Turns out Tran lied about having a Ph.D in statistics from UC Davis, a fact that had been pointed out to several upper level CARB staffers, Nichols and at least one other board member early on. But they all kept mum until after the full board voted on the rules.

Nichols later admitted she should have told fellow board members of Tran's deception and his report was scrapped and had to be redone.

First of all, it's shocking to me that Nichols still has her post as she clearly doesn't understand or care about the first rule of public service -- transparency. But now we need a rule to remind everyone that lying is a no no? Come on.

I asked for specifics from the CARB spokesman and got silence in return.

CARB's e-mail caused a bit of a dust-up among truck and heavy equipment industry folks.

Some speculated the proposed rule is CARB's response to an urgency bill signed earlier this fall that requires the agency to be more open and consistent in how it enforces rules and assesses penalties.

The new legislation requires CARB to take "drastic" measures such as providing a clear explanation of how penalties are assessed and putting their policies in writing.

The fact that CARB hadn't been doing that previously is just more evidence of an agency out of control.

The proposed truth rule, some suggested, is based on the agency's belief that testimony before the Legislature on that bill was unfair and inaccurate.

Whatever the impetus of the truth rule, it's ludicrous that we need a regulation to spell out that people musn't lie.

Given CARB's recent history, however, I guess it bears repeating. A lot.