

## **Share holiday cheer, not smoke**

The Taft Independent, Friday, December 24, 2010

Share holiday cheer, not smoke

Valley Air District officials are urging residents to consider their health and that of their neighbors when planning to use their fireplaces this holiday season.

"Share the good cheer of the holidays, not wood smoke," said Seyed Sadredin, the Air District's executive director and air pollution control officer. "The fires that seem so cozy and inviting can actually cause your neighbors distress."

Residential wood burning can produce up to 24 tons per day of harmful particulate matter (PM) Valley-wide on a winter day. PM is composed of soot, ash, tiny droplets of liquid and other material. Fine particulate matter - PM2.5 - has been linked to respiratory disease, heart attacks and even lung cancer.

The Air District's Check Before You Burn program, in effect from November through February each winter, declares residential wood-burning curtailments by county when air quality is deteriorating.

"Because of the willingness of Valley residents to rise to the occasion, the past two winters have been the cleanest on record for the Valley," Sadredin said. Additionally, the public's participation in the program has resulted in several days so far this winter when air pollution concentrations were lower than expected.

When wood burning is prohibited, burning any solid fuel, including manufactured fire logs and pellets, is not allowed. However, two exemptions are available:

- If wood burning is the residence's sole source of heat, or
- If the residence does not have access to natural gas, even if propane is used.

Violating a prohibition can result in a fine.

Wood-burning forecasts are issued each day by county and are in effect for 24 hours beginning at midnight. Forecasts can be obtained by calling 1-800 SMOG INFO (466-4463), visiting <http://valleyair.org/aqinfo/WoodBurnPage.htm> and signing up for an automated email forecast at <http://www.valleyair.org/lists/list.htm>. The Christmas Eve forecast will be available Dec. 23 at 4:30 p.m.

"The best gift we can give each other is a healthy holiday," Sadredin said.

For more information about the Air District, call a regional office in Modesto (209) 557-6400, Fresno (559) 230-6000, or Bakersfield (661) 392-5500.

## **Industrial dust plagues northwest residents**

By Steven Mayer, Californian staff writer  
Bakersfield Californian, Sunday, Dec. 26, 2010

Each night the mixing process ramps up, and each night, a fine light dust slowly rises from the northwest Bakersfield industrial site before lazily settling on nearby homes and businesses.

Bakersfield is already infamous as an empire of dust, with a stubborn "particulate problem" caused by the valley's dry climate and stirred up by farming operations, truck traffic, wind and other factors.

But the dust being generated by MI Drilling Fluids Co., also known as MI Swaco on its outdoor sign, is not nature's dust. It is generated, at least in part, by workers mixing various dry ingredients together with liquid to make drilling fluid.

And some who live and work in the area say they're tired of breathing it, tired of worrying that the tiny particles have already attached themselves permanently to the lining of their lungs.

"I wear a mask just to go into the yard outside my business," said John Gungle of Gungle Drilling. "I'm tired of it."

Gungle, who specializes in drilling water wells, has mixed his share of drilling fluid during his 30-plus years in the business. But he always used bagged materials in his mix, which he says generates much less dust than the huge bulk mixing being done just 1,500 feet away at MI Drilling.

Gungle's employee, Greg Clark, complains that his health has been harmed by the man-made dust, which both men say has dramatically increased in volume over the past several months.

"They start mixing big time at night," Clark said. "I'm pro-business, but this is unreal."

The company has not responded to a request for an interview made during a visit to MI Drilling last week.

But at least two regulatory agencies have made some inquiries.

In September, the Kern County Department of Environmental Health inspected the plant. It filed a Hazardous Material Inspection Form that showed two violations at the Seven Seas Avenue plant.

The first was a simple materials storage violation. The second indicates the plant was in violation of a requirement to operate the facility in such a way as to prevent "fire, explosion or release of hazardous material or waste which could threaten human health or the environment."

In mid-November, the San Joaquin Valley Air Pollution Control District took a dust sample from outside the home of a family who lives in the adjacent South San Marin neighborhood.

Residents of the home have expressed grave concerns about breathing the dust over a period of months and years, but asked that their names not be used.

An analysis of the dust sample by the air district shows the dust is made up primarily of silicates, or simple soil minerals, and barium sulfate, which is commonly used in drilling fluid.

While neither are highly toxic substances, like any tiny dust particles, chronic prolonged exposure may be dangerous.

A spokeswoman with the air district said she could not comment on the laboratory analysis as the agency's investigation is continuing.

Donna Fenton, a chief environmental health specialist with the county, said both violations they found are considered minor and that the agency's inspection was concerned primarily with the safety of employees at the plant, not with surrounding residents.

She noted that MI Drilling has told the county it intends to move its operation within one year.

But neither Fenton nor her boss, Kern County Public Health Department chief Matt Constantine said they were aware that dust may be migrating beyond the plant and into the local neighborhood and business district.

"If some byproduct of something they are producing is floating into a residential development, that may be something more in our area," Constantine said.

But Gungle and Clark say they have no faith that any local government agency will do anything to put a stop to the dust. They point out that even common silica, the most widely occurring of all minerals, can cause serious illness.

According to MI Drilling's own Material Safety Data Sheet, long-term inhalation "can cause irritation, inflammation and/or permanent injury to the lungs. Illnesses such as pneumoconiosis (dusty lung), pulmonary fibrosis, chronic bronchitis, emphysema and bronchial asthma may develop."

It's an old story of the collision between older industries and ever-spreading residential development.

But for those affected, it's simply a matter of requiring MI Drilling to use mixing processes that are dust-free or that significantly reduce the level of dust generated.

Gungle is betting against that ever happening.

"They're not going to do anything," he said.

## **EPA to set pollution limits on power plants, refineries**

By Renee Schoof - McClatchy Newspapers

Modesto Bee, Sacramento Bee and other papers, Thursday, Dec. 23, 2010

WASHINGTON -- The Environmental Protection Agency said Thursday it would set standards for greenhouse gas emissions from the country's two biggest sources: coal-fired power plants and refineries.

Gina McCarthy, the assistant administrator for the EPA's Office of Air and Radiation, said it would be possible to hold down costs, add jobs and reduce overall emissions even as the plants continue to burn fossil fuels. She said it wasn't possible to estimate yet how much emissions would be reduced.

Scientists globally are in strong agreement that that heat-trapping gases are accumulating in the atmosphere mainly as a result of fossil-fuel use and that sharp cuts in emissions will be needed in the next few decades.

The EPA's new regulations are likely to have only a modest impact on emissions despite worldwide consensus that dramatic cuts are needed to lower the risks of dangerous climate shifts. A plan to impose mandatory reductions on emissions died in Congress last summer.

The EPA rule would require standards only for new plants and those that make major modifications.

Under a provision of the Clean Air Act, existing plants - about 500 coal-fired power plants and 150 refineries - would continue to operate as usual until states impose their own regulations on the basis of EPA guidelines. McCarthy said state regulations aren't expected until 2015 or 2016.

The EPA already sets standards for other forms of air pollution under the Clean Air Act. The standards generally are set as a rate - a certain amount of pollution per megawatt hour of electricity, for example. If a plant expanded and produced more power, it also would produce more pollution.

The EPA soon will begin talks with industry and environmental groups as it works to devise the actual standards. McCarthy said that the agency would take cost and technology availability into account. The agency will propose the power plant standards in July and issue the final decision in May 2012. It will propose the refinery standards next December and finalize them in November 2012.

"This is basically just business as usual," McCarthy said. "We'll establish standards based on good technology. ... There will be reasonable standards set that can be achieved cost-effectively."

She also said there would be no tradeoffs that would lighten clean air standards in exchange for compliance with climate standards.

David Doniger, the policy director of the climate center at the Natural Resources Defense Council, said the EPA had taken a major new step that could make a significant dent in carbon pollution.

"This is not the be all and end all. It's not going to give us the surety of very deep reductions we need over the next decades. But it can get us started, and it's the tool we have under the law of the land as it is today," he said.

Jeff Holmstead, a former EPA air administrator in the Bush administration who's a lobbyist for the electric power industry at Bracewell & Giuliani, said it remains to be seen how strict the EPA would be, and he predicts the new standards will get delayed past the 2012 elections.

"I think it's going to be a real problem for them," he said. "They're out trying to reassure everybody this is going to be reasonable and no big deal. If that's what they do then they're not going to be any reduction of emissions and they're going to make the environmental community upset."

Any meaningful restrictions on emissions would make energy costs rise, he said.

McCarthy said the EPA has used this type of air pollution control standard 75 times for various pollutants in the 40-year history of the Clean Air Act. She said the system is flexible and allows industries to adopt the most cost-effective technologies to meet the standards.

The EPA air chief said the agency decided to start with power plants and refineries because they produce large amounts of emissions, and there are cost-effective ways to reduce them.

The regulations would cover power plants that burn coal or oil. However, oil accounts for only a small fraction of fossil-fuel power production.

The EPA's schedule for the new standards is part of settlement agreements that resolve lawsuits filed by environmental groups. They sued the EPA under the previous administration for not setting limits on industrial carbon emissions under the Clean Air Act.

"The EPA has a legal duty to respond to the very real dangers of global warming pollution by setting strong limits on carbon pollution from power plants and factories," said Tim Ballo, an attorney for the environmental law firm Earthjustice, which represented environmental organizations in the suits.

Greenpeace also said the EPA should set strong standards.

"Greenpeace welcomes today's EPA announcement, but the administration needs to do a better job conveying the urgency of combating pollution from coal-fired power plants if protections are to withstand attacks by industry groups over the coming months and years," said Gabe Wisniewski, who directs the environmental group's campaign against coal, in a statement.

The Clean Air Act also requires air pollution permits for the construction of large new industrial plants. The EPA will require greenhouse gas permits for the first time for new plants beginning on Jan. 2. Industries will have to show that they're taking steps to control emissions to obtain the permits.

## **EPA moving unilaterally to limit greenhouse gases**

By Merrill Hartson - Associated Press

Modesto Bee, Sacramento Bee, and other papers, Friday, Dec. 24, 2010

WASHINGTON -- The Obama administration took separate actions this week to protect clean air and federal wilderness areas, reaffirming that the White House can pursue its goals without depending on help from an increasingly combative Congress.

In the coming two years, that may become a more popular approach.

In a statement posted on its website late Thursday, the Environmental Protection Agency announced it is moving unilaterally to clamp down on power plant and oil refinery greenhouse emissions, announcing plans for developing new standards over the next year.

EPA administrator Lisa Jackson said the aim was to better cope with pollution contributing to climate change.

"We are following through on our commitment to proceed in a measured and careful way to reduce GHG pollution that threatens the health and welfare of Americans," Jackson said in a statement. She said emissions from power plants and oil refineries constitute about 40 percent of the greenhouse gas pollution in this country.

President Barack Obama had said two days after the midterm elections that he was disappointed Congress hadn't acted on legislation achieving the same end, signaling that other options were under consideration.

Jackson's announcement came on the same day that the administration showed a go-it-alone approach on federal wilderness protection - another major environmental issue. Interior Secretary Ken Salazar said his agency was repealing the Bush era's policy limiting wilderness protection, which was adopted under former Interior Secretary Gale Norton.

On climate change, legislation in Congress putting a limit on heat-trapping greenhouse gases and allowing companies to buy and sell pollution permits under that ceiling - a system known as "cap and trade" - stalled in the Senate earlier this year after narrowly clearing the House. Republicans assailed it as "cap and tax," arguing that it would raise energy prices.

But the Senate in late June rejected by a 53-47 vote a challenge brought by Alaska Republican Lisa Murkowski that would have denied the EPA the authority to move ahead with the rules.

Jackson noted in Thursday's statement by her agency that several state and local governments and environmental groups had sued EPA over the agency's failure to update or publish new standards for fossil fuel plants and petroleum refineries. The announcement Thursday came in connection with a settlement of the suit the states brought against the EPA.

The EPA also announced Thursday that it was taking the unprecedented step of directly issuing air permits to industries in Texas, citing the state's unwillingness to comply with greenhouse gas regulations going into effect Jan. 2. EPA officials said they reluctantly were taking over Clean Air Act Permits for greenhouse gas emissions because "officials in Texas have made clear . they have no intention of implementing this portion of the federal air permitting program."

Two days after the midterm elections, Obama served notice that he would look for ways to control global warming pollution other than Congress placing a ceiling on it.

"Cap-and-trade was just one way of skinning the cat; it was not the only way," he said. "I'm going to be looking for other means to address this problem."

The EPA was at the center of the battle in Congress over climate change policy, especially in the wake of a 2007 Supreme Court ruling giving the agency the authority to regulate heat-trapping gases.

"While there will be attacks on (EPA's) authority, it is important that there not be any surrender on EPA's ability to do the job," Trip Van Noppen, president of the environmental group Earthjustice, said earlier this year.

The EPA moved against climate change on another front earlier this year, issuing the first-ever federal guidelines for reducing greenhouse emissions from industrial sources. On Nov. 10, the agency sent new guidelines to states. It suggested that dirty fuel used to power oil refineries be replaced with cleaner sources and it called for more efficient electricity and energy use with existing nuclear power plants.

In Thursday's announcement, Jackson said that under an agreement associated with the court suit, EPA will propose standards for power plants in July 2011 and refineries in December 2011 and will issue final standards in May and November 2012, respectively.

In this time, the agency will schedule "listening sessions" with representatives of business and local governments, ahead of the formal rule-making process.

## **Environmentalists deplore Schwarzenegger's corporate turn**

By Michael J. Mishak, Los Angeles Times  
Sacramento Bee, Monday, Dec. 27, 2010

SACRAMENTO, Calif. -- Gov. Arnold Schwarzenegger's efforts to give a boost to corporate California are colliding with his image as an environmental crusader in his final days in office.

Administration officials say their moves are needed to protect jobs in a fragile economy. But environmentalists are dismayed by what they see as a feverish push to limit restrictions on toxic chemicals in retail goods, ease key air pollution rules and permit the use of a known carcinogen to treat soil in strawberry fields.

The Sierra Club grumbles that the Republican governor's plan for implementing the state's landmark global warming law is a giveaway to industry.

The administration's maneuvering highlights a tension present at the outset of Schwarzenegger's tenure: the environmental activist versus the business executive.

Schwarzenegger spokesman Aaron McLearn said the governor's environmental record is indisputable, citing big strides he has made in curbing greenhouse gas emissions under the landmark global warming law, AB 32, signed by Schwarzenegger in 2006.

"This governor has implemented the most historic, aggressive environmental regulations in the country and sometimes the world," McLearn said. "It's just not credible to argue otherwise."

But activists say they are sorely disappointed by some of the governor's recent moves.

"I think they'd rather take heat from some environmental groups and some scientists than they would from Dow, DuPont and Exxon Mobil," said Bill Allayaud, director of government affairs for Environmental Working Group, an advocacy organization focused on toxic chemicals.

Last-minute actions on the state Green Chemistry Initiative were a particular letdown to environmental activists.

The program is meant to remove dangerous chemicals from retail products. But a recent loosening of the regulations by the administration prompted 33 environmental, health and community groups to warn that they had become "so ineffective and burdensome that they should be jettisoned altogether." The groups accused the administration of putting the industry-friendly changes on a fast track before the inauguration of Jerry Brown, who may not be as business-friendly.

The changes so disturbed the author of the legislation creating the program, Assemblyman Mike Feuer, D-Los Angeles, that he no longer supports the regulations.

Jim Marxen, a spokesman for the state Department of Toxic Substances Control, said the administration did nothing irregular; dozens of interest groups participated in the development of the new rules, which are meant to streamline and prioritize the list of targeted chemicals and the consumer products containing them.

Still, the outrage from environmentalists and lawmakers prompted the secretary of the California Environmental Protection Agency last week to ask the department to hold off on finalizing the regulations, allowing the review period to be extended and giving another chance for the department's scientific advisory council to weigh in.

The Schwarzenegger administration also fast-tracked regulations to permit agribusiness's use of the controversial chemical methyl iodide to treat soil in fields where strawberries and other crops grow.

The push came despite a finding from the Department of Pesticide Regulation that the chemical "could result in significant health risks for (farm) workers and the general population." An independent panel of scientists confirmed that assessment, warning that methyl iodide could poison the air and water.

The administration defended the move by noting that companies using the chemical must establish strict buffer zones and ground water protections.

"This is the most evaluated pesticide in the department's history," said Lea Brooks, a spokeswoman for the Department of Pesticide Regulation. "These are the nation's toughest restrictions." She denied charges by several groups, including the Natural Resources Defense

Council, that the public comment period was improperly shortened so the changes could be pushed through before Schwarzenegger leaves office.

Changes in air pollution rules that apply to diesel trucks, school buses and construction equipment are another source of frustration for environmentalists. After heavy industry lobbying, the state Air Resources Board two weeks ago voted to give businesses more time to comply and to exclude some vehicles from required retrofits.

Although air quality officials say the state is on track to cut diesel emissions in half by 2014, environmentalists lamented rollbacks to regulations that were the first of their kind nationally, saying soot would continue to harm Californians.

The administration's implementation of the state's landmark global warming law, meanwhile, is getting mixed reviews from activists.

The Sierra Club warned that new regulations establishing a carbon trading regime include a giveaway to certain industries, pointing to allowances for emissions that were awarded at no cost rather than auctioned, as a state advisory committee had recommended. The plan also allows companies to purchase credits to avoid reducing pollution at their own facilities. Among the sellers of such credits will be timber companies that pledge to increase the carbon storage in forests, possibly by clear-cutting and planting new trees.

Sierra Club lobbyist Bill Magavern says oil companies would be the biggest beneficiary of the free allowance system. "The state will be giving oil companies valuable commodities for free, setting them up for windfall profits," he said.

But other groups, including the Nature Conservancy and the Environmental Defense Fund, said the tradeoffs are a small price to pay for launching a cap-and-trade system at a time when national legislation on the issue is stalled.

"He's been a real-world action hero on the most important issue of our generation," Fred Krupp, president of the national Environmental Defense Fund, said of the governor.

The sentiment, however, is not universal.

"How green is he?" asked the Sierra Club's Magavern. "We came to the conclusion that he's olive-drab."

[Bakersfield Californian Editorial, Thursday, Dec. 23, 2010:](#)

### **Let's have a merry, clean-air Christmas**

A yule-log fire is a cozy, traditional way to enjoy Christmas celebrations and get-togethers. The San Joaquin Valley Air Pollution Control District is asking residents to consider another, less cheery valley tradition: fireplace soot. Residential wood burning, even at Christmas, can have a profound effect on air quality.

Wood fires can release up to 24 tons per day of harmful particulate matter into the air, the agency says. Valley residents are encouraged to think of their neighbors' health first.

At the very least, check the district's daily burn/no burn status before striking a match. If burning is allowed, use only manufactured fire logs, which are designed to burn more cleanly. Don't burn trash, paper or plastics.

Depending on atmospheric conditions, a pall of fireplace smoke can get trapped over the valley, exposing everyone to higher levels of soot, ash and other particulate matter. One form of particulate matter -- PM2.5 -- is considered an especially egregious cause of respiratory and heart problems, and lung cancer.

We've haven't experienced any recent no-burn days, but conditions can change overnight. Check the air district's burn forecasts online at [valleyair.org](http://valleyair.org) or [Bakersfield.com](http://Bakersfield.com), or consult The Californian's daily weather page.

Have a merry, clean-air Christmas.