

## **Lodi bakery faces fine over air pollution accusation**

### **EPA investigation claims Cottage Bakery was releasing chemical vapors into the air; new machinery will prevent future fumes**

By Katie Nelson/News-Sentinel

Lodi News Sentinel, Wednesday, June 27, 2012

A Lodi bakery has agreed to pay \$1.3 million in fines and new equipment after an investigation discovered that the business was releasing harmful chemical vapors into the air.

According to a press release from the Environmental Protection Agency, Ralcorp's Cottage Bakery, located on South Stockton Street, has been ordered to pay a penalty of \$625,000 after a nearly three-year investigation revealed the business failed to apply for air pollution permits to install and operate the facility's ovens and other air pollution controls that minimize the release of volatile organic compounds, including ethanol.

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Ethanol is generated during the leavening stage of bread manufacturing and is later released during baking. Cottage Bakery's production facility includes three bread ovens installed at various times between 1997 and 2006, the press release stated.

The EPA considers volatile organic compounds to be a precursor to ozone pollution.

Ralcorp also agreed to pay \$750,000 to install and operate machinery that is meant to reduce VOCs by 95 percent. That machinery is now in use.

A spokesman from Ralcorp was not immediately available for comment.

The agency's investigation of the bread and cake baking facility included an inspection on July 27, 2009 that revealed that the facility had never applied for air pollution permits to install and operate its ovens, nor had it installed air pollution controls, the press release stated.

Cottage Bakery employs about 625 people. The facility produces frozen bread and cake products that are used by retail bakeries and the food service industry throughout the U.S. and Canada.

According to the agency's press release, the San Joaquin Valley has some of the poorest air quality in the nation.

Now that the air pollution controls have been installed, however, the business is taking a step towards helping improve air quality both in Lodi and throughout the county.

"Every bit of pollution can contribute to the overall air quality," said EPA spokesperson Michael Ardito. "We all have to be very aware and try to deter any air pollution that we can."

## **Lodi company fined \$1.3 Million for air pollution**

Central Valley Business Times, Late Tuesday, June 26, 2012

Ralcorp's Cottage Bakery in Lodi will pay a total of \$1.3 million in fines and to install mandated equipment after being cited by the San Joaquin Valley Air Pollution Control District for air pollution rules violations.

The air police say the company failed to obtain permits and install proper air pollution controls. The company will pay a penalty of \$625,000.

In addition, it paid \$750,000 to install and operate a thermal oxidizer that reduces volatile organic compound (VOC) emissions by 95 percent. VOC emissions are considered a precursor to ozone and particulate pollution.

The San Joaquin Valley violates the federal air quality standard for both ozone and particulate pollution and has some of the poorest air quality in the nation.

Cottage Bakery is a large-scale commercial bakery with about 625 employees. The facility produces frozen bread and cake products that are used by retail bakeries and the food service industry throughout the U.S. and Canada. Cottage Bakery, Inc. is owned by Ralcorp Frozen Bakery Products, headquartered in Downers Grove, Ill.

“Air quality is a critical human health issue in the San Joaquin Valley,” says Jared Blumenfeld, EPA’s Regional Administrator for the Pacific Southwest. “Our enforcement action requires air pollution controls at the plant to protect the communities in the Valley from illegal emissions.”

The EPA’s investigation of the facility included an inspection conducted on July 27, 2009. The EPA’s investigation revealed that the facility had never applied for air pollution permits to install and operate the facility’s ovens and associated air pollution controls. Ethanol, a VOC, is generated during the leavening stage of bread manufacturing and is later released during baking. Cottage Bakery’s production facility includes three bread ovens installed at various times between 1997 and 2006.

A spokesman for the company could not be reached for comment.

## **Federal court upholds EPA's global warming rules**

By Dina Cappiello, Associated Press

Fan Francisco Chronicle, Modesto Bee and other papers, Tuesday, Jun. 26, 2012

WASHINGTON -- A federal appeals court on Tuesday upheld the first-ever regulations aimed at reducing the gases blamed for global warming, handing down perhaps the most significant decision on the issue since a 2007 Supreme Court ruling that greenhouse gases could be controlled as air pollutants.

The rules, which had been challenged by industry groups and several states, will reduce emissions of six heat-trapping gases from large industrial facilities such as factories and power plants, as well as from automobile tailpipes.

A three-judge panel of the U.S. Court of Appeals in Washington said that the Environmental Protection Agency was "unambiguously correct" in using existing federal law to address global warming, denying two of the challenges to four separate regulations and dismissing the others.

Michael Gerrard, director of the Center for Climate Change Law at Columbia University, said no one expected the "complete slam dunk" issued by the court Tuesday, and said the decision was exceeded in importance only by the Supreme Court ruling five years ago.

It also lands during a presidential election year where there are sharp differences between the two candidates when it comes to how best to deal with global warming.

President Barack Obama's administration has come under fierce criticism from Republicans, including Mitt Romney, for pushing ahead with the regulations after Congress failed to pass climate legislation, and after the Bush administration resisted such steps. In 2009, the EPA concluded that greenhouse gases endanger human health and welfare, triggering controls on automobiles and other large sources. But the administration has always said it preferred to address global warming through a new law.

Carol Browner, Obama's former energy and climate adviser, said the decision "should put an end, once and for all, to any questions about the EPA's legal authority to protect us from dangerous industrial carbon pollution," adding that it was a "devastating blow" to those who challenge the scientific evidence of climate change.

EPA Administrator Lisa Jackson called the ruling a "strong validation" of the approach the agency has taken.

The court "found that EPA followed both the science and the law in taking common-sense, reasonable actions to address the very real threat of climate change by limiting greenhouse gas pollution from the largest sources," Jackson said in a statement.

At a town hall meeting in New Hampshire last year Romney, the presumptive Republican presidential nominee, said it was a mistake for the EPA to be involved in reducing emissions of carbon dioxide, the chief greenhouse gas.

"My view is that the EPA is getting into carbon and regulating carbon has gone beyond the original intent of the legislation, and I would not go there," he said.

The court on Tuesday seemed to disagree with Romney's assessment when it denied two challenges to the administration's rules, including one arguing that the agency erred in concluding greenhouse gases endanger human health and welfare.

Lawyers for the industry groups and states argued that the EPA should have considered the policy implications of regulating heat-trapping gases along with the science. They also questioned the agency's reliance on a body of scientific evidence that they said included significant uncertainties.

The judges - Chief Judge David Sentelle, who was appointed by Republican President Ronald Reagan, and David Tatel and Judith Rogers, both appointed by Democrat Bill Clinton - flatly rejected those arguments.

"This is how science works," the unsigned opinion said. "EPA is not required to re-prove the existence of the atom every time it approaches a scientific question."

Industry groups vowed to fight on.

"Today's ruling is a setback for businesses facing damaging regulations from the EPA," said Jay Timmons, president and CEO of the National Association of Manufacturers. "We will be considering all of our legal options when it comes to halting these devastating regulations. The debate to address climate change should take place in the U.S. Congress and should foster economic growth and job creation, not impose additional burdens on businesses."

Environmentalists, meanwhile, called it a landmark decision for global warming policy, which has been repeatedly targeted by the Republican-controlled House.

"Today's ruling by the court confirms that EPA's common-sense solutions to address climate pollution are firmly anchored in science and law," said Fred Krupp, president of the Environmental Defense Fund.

The court also dismissed complaints against two other regulations dealing with pollution from new factories and other industrial facilities. The plaintiffs had argued that the EPA misused the Clean Air Act by only requiring controls on the largest sources, when the law explicitly states that much smaller sources should also be covered.

The judges, when presented with these arguments in February, cautioned the industry groups and states to be careful what they wished for. If EPA chose to follow the letter of the law, they said, greenhouse gas regulations would place even more of a burden on industry and other businesses.

Lawyers for the various states said that if that were to occur, Congress would pass a law to stop it.

Citing a "Schoolhouse Rock" video, the judges in their opinion reminded petitioners that "It's not easy to become a law." They even provided a link to the popular video that explains how bills become laws.

"We have serious doubts as to whether ... it is ever 'likely' that Congress will enact legislation at all," they said.