

Environmental lawsuit targets oil-by-train terminal near Taft

By John Cox, staff writer

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A coalition of environmental activists filed a lawsuit Thursday that attempts to shut down a new oil-by-rail terminal northeast of Taft.

The suit in Kern County Superior Court alleges the San Joaquin Valley Air Pollution Control District worked with the terminal's owner, Plains All American Pipeline LP, to minimize public scrutiny of a facility designed to receive up to two separate mile-long train shipments of oil per day from across North America.

If the district had handled the project properly, the suit claims, it would have triggered a rigorous public review under the California Environmental Quality Act. Instead, the suit says the agency downplayed the project's negative effects on air quality by approving the project piecemeal.

A district lawyer Thursday denied the agency's review was mishandled, saying a more expansive assessment was unnecessary because the company successfully reduced the project's planned emissions.

A spokeswoman for Plains, which was not named as a defendant in the suit, said the company could not comment because it had not had time to study the court filing.

The lawsuit was the second filed recently by environmentalists to halt oil shipments by train into Kern County.

In October, activists alleged the county's approval of a similar terminal proposed along Rosedale Highway failed to take full account of the project's health and safety impacts. That case is pending.

Oil shipments by rail have become a controversial topic since a train carrying crude from North Dakota derailed in Canada in 2013, killing 47 people. State officials said last month no North Dakota oil has entered Kern County by train.

Plains' project became operational in November. It is permitted to receive about 70,000 barrels of crude oil per day -- the equivalent of a single mile-long train -- from out of state. It diverts that oil into pipelines connected to refineries outside Kern.

The new lawsuit, filed on behalf of five nonprofits including the Center for Biological Diversity and the Sierra Club, seeks to annul the project's approval and halt operation of the terminal pending completion of a full environmental review.

The suit says the district inappropriately approved a portion of the terminal in 2012 without an environmental review or public notice.

According to the lawsuit, when other aspects of the project went before the district for approval in April 2014, the agency called for a full environmental assessment.

That review was called off, however, after Plains withdrew its application and made adjustments that lowered the terminal's expected emissions to just below the level that would have required a broad review.

District Counsel Annette Ballatore-Williamson disputed the lawsuit's version of events, saying the agency issued only one project-related approval, and that the public benefited when Plains made changes to reduce the project's emissions. She added that a Kern County environmental review of the project years ago made a second assessment unnecessary.

But Elizabeth Forsyth, an attorney with Earthjustice, a nonprofit that helped prepare the lawsuit, countered that Kern County's review was minimal and inadequate.

County officials did not respond to requests for comment.

Groups sue EPA seeking livestock farm air quality standards

By David Pitt, Associated Press

In the Fresno Bee, S.F. Chronicle and other papers, Wed., Jan. 28, 2015

DES MOINES, Iowa — A coalition of environmental, animal rights and citizen action groups filed two lawsuits Wednesday alleging the U.S. Environmental Protection Agency is failing to address air pollution problems from large-scale livestock farms.

The lawsuits, filed in federal court in the District of Columbia, say the EPA has not responded to petitions filed in 2009 and 2011 by the Environmental Integrity Project and the Humane Society of the United States. Those petitions asked the agency to categorize large-scale livestock farms as sources of pollution under the Clean Air Act, set air quality standards for new and existing facilities and set health-based standards for ammonia.

The lawsuits say the EPA failed to take action and ask it to respond to the petitions within 90 days, Environmental Integrity Project attorney Tarah Heinzen said.

An EPA spokeswoman said the agency was reviewing the lawsuits and had no immediate comment.

Joining the EIP and Humane Society in the lawsuits are citizen groups including Clean Wisconsin, Iowa Citizens for Community Improvement and the California-based Association of Irrigated Residents.

They claim ammonia, hydrogen sulfide and other manure-generated contaminants in livestock-heavy states such as Iowa and North Carolina — the nation's top two pork producers — make people sick.

"In the last 15 years our enjoyment of the outdoors have been severely degraded due to toxic emissions from the numerous large-scale hog factories that now surround our home," said Rosie Partridge, a member of the Iowa citizens group whose northwest Iowa home is surrounded by more than 30,000 hogs. "We are nauseated at times from this choking smell of hydrogen sulfide and ammonia as well as the odor of decaying animals."

Tom Frantz, a farmer and President of the Association of Irrigated Residents, noted that the San Joaquin Valley has seen the number of dairies jump in the last decade.

"Ammonia emissions from factory farm dairies are causing the highest fine particulate matter levels in the United States, which seriously harms our health while EPA has done nothing," he said.

National Cattlemen's Beef Association spokesman Chase Adams said beef producers are making improvements without government intervention. They have reduced emissions to water by 10 percent and cut production of greenhouse gases by 2 percent from 2005 to 2011, the trade group spokesman said, citing a report released last year.

Spokesmen for dairy and pork producers' groups did not immediately respond to messages.