

[Tuesday, March 16, San Francisco Chronicle](#)

EPA rethinks mercury emissions

Bush administration may tighten rules to meet 2018 deadline

By Jennifer 8. Lee, New York Times

Washington -- Under pressure from environmental groups and state officials, the Bush administration says it is rethinking its proposed rules limiting mercury emissions from coal-burning power plants and as a result may tighten the proposal.

Administration officials have become uncomfortable with analyses indicating that if the proposal is adopted, the Environmental Protection Agency could miss, perhaps by more than a decade, its own 2018 deadline for reducing those emissions by 70 percent.

Michael Leavitt, who took over the environmental agency only weeks before the proposed regulations were announced, was largely uninvolved in their initial development. But in the last several weeks, EPA employees say, he has immersed himself in briefings about the rules, which have provoked criticism from scientists, state officials and environmental advocates.

"I've spent hours in briefings," Leavitt said Monday. "I've been crawling through the blueprints of power plants. I've been meeting with people on technology, both engineers and scientists."

On Friday, Leavitt briefed the White House, where, administration officials say, he indicated his agency would consider exploring tougher alternatives or adjustments to the proposal.

"What our models now show is that we wouldn't get there as soon as we expected we would," Jeffrey Holmstead, assistant environmental protection administrator in charge of the air office, said of the agency's goal Sunday. "We are looking at things that fall within the basic structure of the proposal that could be slightly different variations of what we proposed."

Coal-burning power plants are the nation's largest source of unregulated emissions of mercury, spewing about 48 tons a year, equivalent to some 40 percent of all human-caused mercury emissions. But court-ordered deadlines, resulting from a lawsuit that environmental groups brought against the Clinton administration, mandated the EPA's introduction of a mercury proposal by last Dec. 15, with a final rule due on Dec. 15 of this year.

The proposal the Bush administration offered in December, and is now reconsidering, would allow power plants to buy and sell among themselves, starting in 2010, a limited right to pollute with mercury, much as with the current regulation of sulfur dioxide, a component of acid rain.

Environmental groups, which criticize that approach as questionable under the Clean Air Act, favor a stricter system that would force all power plants to install pollution controls by 2007, a deadline that utility companies call technically unfeasible.

EPA staff members have themselves complained that analysis has been unusually limited for a regulation so complex.

"The most important point is that the analysis isn't complete," Leavitt said. "I've asked for an array of additional analysis to be done."

Mercury has become a politically delicate issue for the administration, particularly in the Great Lakes states, some of them crucial in the presidential election and almost all with statewide mercury-contamination warnings about eating fish.

Mercury is also an issue among another important constituency: women. The Centers for Disease Control and Prevention have estimated that 1 woman in 8 has mercury concentration in her body that exceeds safety levels.

[Saturday, March, 13, Copley News Service](#)

States say trucks from Mexico pose threat to air They call for court to require studies of traffic's impact

By Joe Cantlupe

WASHINGTON - The attorneys general for California and eight other states filed briefs with the Supreme Court yesterday, opposing the Bush administration's effort to open U.S. roads to Mexican trucks without air-quality studies.

The court is scheduled to hear oral arguments April 21 on the administration's request to review a lower court order that prevented Mexican trucks from using U.S. highways without the environmental studies. A decision is expected in June.

The Bush administration hopes to open the United States to Mexican truck traffic within a year to abide by the North American Free Trade Agreement. But federal transportation officials said extensive delays could result if the air quality study requirement is upheld by the Supreme Court.

The 9th Circuit Court of Appeals ruled in January 2003 that the Bush administration violated environmental law when it announced the previous November that it planned to open U.S. highways to long-haul trucks from Mexico without the air-impact studies.

Until the Supreme Court makes a decision, there is a moratorium on the Mexican trucks entering the United States.

In briefs filed yesterday, attorneys general from California, Arizona, Oklahoma, Massachusetts, Illinois, New Mexico, Oregon, Washington and Wisconsin said they believed the air-quality reviews are necessary under the federal Clean Air Act.

"In such states as California, Arizona and Texas, where the trucks would drive through areas designated as having 'serious,' 'severe' or 'extreme' ozone pollution, the additional contribution from the trucks would worsen an already critical air pollution problem," the attorneys general briefs said.

Officials of the Federal Motor Carrier Safety Administration, which is overseeing the Mexican truck issue, said an air-impact study was not required in the NAFTA-related decision. Because the Supreme Court is considering the issue, however, federal transportation officials have begun a review of air-quality impacts

following public hearings around the nation, in case the high court decides against them.

Solicitor General Theodore B. Olson said Mexico "asserts that its country has suffered economic damages in the billions of dollars from the moratorium on cross-border operations."

The Bush administration argued that the 9th Circuit's decision "constrained the president's discretion to conduct foreign affairs."

The attorneys general and environmental groups said the environmental study was needed because of the possibility of increased air pollution from Mexican trucks.

"This action is not anti-free trade, anti-NAFTA or anti-Mexico," said Bill Lockyer, the California attorney general. "This is about protecting our residents' health and making sure the federal government fulfills its statutory duty to help states achieve those objectives."

An independent study found that Mexican trucks operating in California's Imperial Valley would increase nitrogen oxide emissions in that region by almost one-third of a ton each day, Lockyer said in a report to federal authorities.

"Our children increasingly suffer from asthma," Lockyer said. "And states struggle to meet clean-air mandates set by the federal government. All we're asking is that the Bush administration comply with the law and fully study the potential environmental damage that would be caused by allowing higher-polluting trucks to travel freely on our highways."

Critics say that most trucks used to haul freight from Mexico are older and less subject to systematic emissions controls. They also say these trucks would be more likely to pollute than those based in the United States.

"Places like Houston and Los Angeles already suffer from strangling smog," said Joan Claybrook, president of Public Citizen, the public interest group that filed the lawsuit against federal transportation officials. "The federal government should be obeying the laws designed to curtail pollution."

Public Citizen said that at least 30,000 Mexico-based diesel trucks would enter the United States in one year, including many older vehicles that are polluters.

Other plaintiffs include the International Brotherhood of Teamsters, the Natural Resources Defense Council and the California Trucking Association.

Currently, about 8,500 Mexican trucking companies are allowed to operate in commercial zones in the United States that extend about 75 miles from the U.S.-Mexico border.

[Friday, March 12, Los Angeles Times](#)

**Accord Clears Way for '03 Plan to Clean Up Air at Port
Year-old deal to cut diesel pollution stalled over legal problems, questions
of aesthetic impact of China Shipping's terminal.**

By Deborah Schoch, LA Times Staff Writer

A \$60-million legal pact that won national acclaim a year ago may finally produce cleaner air at the Port of Los Angeles after a concession Thursday by port commissioners that their newest shipping terminal has aesthetic impacts.

That concession is expected to allow the opening next month of the nation's first "green" terminal, where ships can plug into the mainland electric power grid and turn off their diesel engines.

Diesel exhaust from giant container ships has made the Los Angeles-Long Beach port complex the largest air polluter in the Los Angeles region.

In a March 2003 court settlement, the port agreed to pay \$60 million for the plug-in technology, other environmental improvements such as upgrading diesel trucks and parks, and other projects in the port community.

In return, environmental and neighborhood groups gave the port permission to open the terminal, despite a court order in a case brought by the groups that stopped construction.

That pact promised to heal decades of friction between the nation's largest port and its neighbors over pollution and other issues.

But it foundered amid legal problems, most recently the commissioners' refusal to admit in a revised pact that the new terminal - 75 acres of concrete with four cranes 22 stories tall - has an aesthetic impact on the surrounding community.

Residents viewed the refusal as proof that the port was betraying the trust of San Pedro and Wilmington residents. How, they asked, could commissioners deny that the completed terminal has an impact?

But after five hours of talks Thursday, negotiators salvaged an agreement that was in danger of collapse as recently as Wednesday night.

Representatives of the port and residents' groups announced an agreement in principle in the lobby of the Port of Los Angeles headquarters in San Pedro.

"This is a significant win for the people of Los Angeles because it paves the way for the greenest terminal in the country to open while bringing jobs and revenue to the city," said lead negotiator Gail Ruderman Feuer, senior attorney with the Natural Resources Defense Fund.

City Councilwoman Janice Hahn, who represents the harbor area and worked to achieve the compromise, expressed relief.

"It's a great day," she said. "They worked it out. I'm really proud of both sides. And at the end of the day, it's the communities that are going to win."

The amended agreement will state that a \$20-million fund already established in the original pact is "being created in part to allow for the mitigation of the aesthetic impacts of the China Shipping terminal off of port lands." A second sentence, added to assuage port commissioners, states: "The port is not prejudging whether these impacts are adverse or significant."

Nicholas Tonsich, head of the Board of Harbor Commissioners, previously raised concerns about acknowledging aesthetic effects, saying it prejudged environmental reviews that are still incomplete. But when he took the new wording to the board, he said, "They had no difficulty accepting it."

The China Shipping terminal has been delayed twice, angering the Shanghai-based firm that was granted a port permit in May 2001 for Pier 100. Residents and environmental groups sued the port, charging that it had failed to prepare environmental reports required by law. An appellate court panel agreed, ordering construction halted in October 2002.

So the port and Mayor James K. Hahn's administration negotiated with the groups that sued, winning their permission to open the terminal.

But port and city officials failed to notify China Shipping of the deal prior to signing the March 2003 agreement, and the firm nearly left the port. Months of talks, however, led to an agreement between China Shipping and the plaintiffs, in which the plaintiffs agreed that only 70% of the firm's ships needed to plug into on-shore power.

The port paid to re-engineer two of those ships and built a barge to be used as a plug-in center at the pier. The barge is still sitting idle at the port.

Work on the revamped pact stalled when the port refused to acknowledge that the terminal has an aesthetic impact on the community. Residents accused the port and Hahn of going back on their word.

Now, officials hope to have the new agreement signed in the next week.

[Friday, March 12, Los Angeles Times](#)

Power plant to open for tour

Sun Valley residents seek community improvements to offset expected air pollution

By Kerry Cavanaugh

SUN VALLEY -- As the Los Angeles Department of Water prepares to open its new San Fernando Valley Generating Station, Sun Valley residents are

vigorously pushing for community improvements to offset the increased air pollution.

Ellen Mackey of the East Valley Coalition wants improvements like more trees planted, community gardens created on unused land under power lines, and solar panels offered to warehouse businesses in the area. Residents also want the plant to be shut down during bad air-pollution days.

"All of these things are ways of increasing the quality of life in Sun Valley, rather than continuing to dump their air pollution credits here," Mackey said.

Although the retooled natural gas power plant will be cleaner and more efficient than it once was, the utility plans to operate it year round, which could generate as much as 145 tons of smog-forming gases each year. That has caused concern in a community already mired in thick truck traffic and industrial polluters.

DWP officials plan to meet with residents today to tour the plant and talk about the project. They say they'll listen to community concerns but stress that the Valley plant is part of a project to cut air pollution across the Los Angeles Basin.

"A number of people have expressed concern about what's out there," said Randy Howard, executive assistant to general manager David Wiggs. "There's a lack of understanding of how the plant fits into the mix."

The Valley Generating Station is the first completed project in a \$2 billion effort to modernize three DWP power plants, including the Haynes Generating Station in Long Beach and the Scattergood Generating Station in Playa del Rey. Together the projects will cut smog-forming pollutants by 80 percent.

DWP replaced all four of the Valley plant's old generating units with new, more efficient generators that are 10 times cleaner.

But for the last decade the DWP has rarely used the Valley plant. It was old, dirty and expensive to operate -- and often the last resort during high energy demand, Howard said. DWP cranked up the power in 2000 during the energy crisis, prompting air regulators to order the utility to clean up its plants.

DWP plans to run the new efficient 533-megawatt plant year round. It will be in high demand its first few years of operation as DWP closes other power plants for modernization.

Smog-forming pollution from the plant will jump from 81 tons per year in 2000 to 145 tons per year.

Despite the plant's proposed impact, community residents said they knew little about the project until recently and have pushed for more information and input.

The project falls within the Sun Valley Environmental Justice Improvement Area - - an initiative by Councilman Tony Cardenas to study the impact of industrial development in the community. The improvement area is not yet formally approved.

Cardenas has asked DWP to elaborate on how often the plant will run, how much pollution it will generate, how hazardous materials are stored on site, how the

community will be notified if there's an emergency at the plant and how neighbors can file complaints about its operation.

Environmentalists have urged DWP to use the Valley Generating Station and similar gas power plants less and invest instead in cleaner, greener forms of electricity, such as wind and solar power.