

Community Voices, The Bakersfield Californian, Jan. 8, 2004:

Clean air goals compromised

By Cathlyn McCullough, Bakersfield

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I would like to comment on recent articles regarding the San Joaquin Valley Air District, including "Air district leans toward extreme status" by Californian staff writer Matt Weiser. I am not surprised at the valley's severe ozone status. When I worked at the air district more than 10 years ago the valley was already in severe non-attainment status due to dust measuring less than 10 microns in diameter, which can enter the lungs.

In the 10 years since then, I have watched as more businesses are being allowed to come into the county because of the money that they bring. There is also the incentive that the county is being very lenient as far as air regulations.

It has been at least 10 years since a severe non-attainment problem was identified. So, if 10 years wasn't enough, how is six more years going to fix anything?

Money from fines isn't going to help the air. We have to actually follow better clean air standards, and not be so lenient. That is what is going to make a difference.

The decision to allow many more dairies into the county without requiring these businesses to adhere to strict clean air standards -- not to mention ground-water pollution -- are typical of a mentality that says, "Let's get the money now and worry about the air, and other pollution later."

I was privileged to be at the Board of Supervisors meeting during which public comments were welcome. I spoke out on the PM-10 problem. My turn to speak came shortly after an air district spokesperson announced proudly that according to the environmental impact report, the worst of the dairy's environmental problems were unable to be mitigated because of the costs that would be involved. So, he said, they would allow them to build it anyway.

It is these kinds of decisions that are causing the valley to be in severe non-attainment status. We need to face the reality in this county that we are beginning to have more "bad air" days than good.

Contrary to some of the propaganda that we hear with regard to dairies and other businesses, it is not the smell or the flies that I am worried about. It is the chemicals and dust that is laden with chemicals that is so bad for everyone -- not only people with asthma.

I would rather live in a county that has less money than one in which the quality of life has begun to be stripped away. I want to be a part of a community that cares about the residents who are already living here. Sure, businesses bring money to the county, but it is necessary for our own good that they be regulated.

Whether the designation is "extreme" or "severe" Weiser was correct when he reported that another item of concern is that potential employers and residents won't come here because of our dirty air.

After all, we cannot breathe money.

Cathlyn McCullough of Bakersfield works at Ace Communications and is a lifelong Kern County resident. Community Voices is an expanded commentary that may contain up to 500 words. The Californian reserves the right to reprint commentaries in all formats, including on its Web page.

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3 Top Enforcement Officials Say They Will Leave E.P.A.

By Jennifer Lee

The New York Times, Jan. 6, 2004

WASHINGTON, Jan. 5 - Three top enforcement officials at the Environmental Protection Agency have resigned or retired in the last two weeks, including two lawyers who were architects of the agency's litigation strategy against coal-burning power plants.

The timing of the departures and comments by at least one of the officials who is leaving suggest that some have left out of frustration with the Bush administration's policy toward enforcement of the Clean Air Act.

"The rug was pulled out from under us," said Rich Biondi, who is retiring as associate director of the air enforcement division of the agency. "You look around and say, 'What contribution can I continue to make here?' and it was limited."

Cynthia Bergman, a spokeswoman for the agency, said of the departures, "This is an office of several hundred employees - and to have one political appointee and two career employees leave is not indicative of unrest or departmentwide frustration."

In August, the administration changed air pollution rules to give utility companies more leeway to modernize their power plants without having to upgrade their pollution control equipment. That change prompted the agency's enforcement division to drop investigations into about 50 power plants for suspected violations of the Clean Air Act. Last month, however, a federal appeals court temporarily blocked the administration from enforcing the new air pollution rules.

The head of the agency's enforcement division, J. P. Suarez, announced his resignation on Monday to take a job as general counsel at a division of Wal-Mart, Sam's Club, in Arkansas. Mr. Suarez has been at the agency for 18 months. The E.P.A. announced in November that it was going to suspend investigations into utilities after the administration loosened the sections of the Clean Air Act that govern aging coal-burning power plants.

In the last two weeks, Bruce Buckheit, the head of air enforcement division, and Mr. Biondi, his deputy, who had worked at the agency since 1971, retired.

The two, who took a buyout offered to senior agency employees, join other top enforcement lawyers who have resigned or retired. Eric Schaeffer, the former head of civil enforcement, resigned in spring 2002 with a scathing letter criticizing the administration's enforcement of the Clean Air Act. Sylvia K. Lowrance, the acting assistant administrator for enforcement and a career enforcement official, retired in August 2002.

"We will see more resignations in the future as the administration fails to enforce environmental laws," Ms. Lowrance said.

Mr. Suarez said on Monday in an interview, "While Bruce and Rich bring tremendous experience to their job, we are blessed with talent that will pick up where they left off."

Mr. Buckheit is considered a driving force behind the agency's pursuit of utilities that started in the Clinton administration.

"It is a huge loss for clean air enforcement as Bruce was one of the most energetic and passionate Clean Air lawyers in the country," said Peter Lehner, the head of environmental litigation for the New York attorney general's office, which has joined in several of the lawsuits against power plants.

The suits used a once-obscure provision of the Clean Air Act, known as new source review, which says that power plants, refineries and other industrial boilers had to install pollution controls if they modernized in ways that increased emissions generally. But "routine maintenance was exempt." The power companies protested the suits, saying the Clinton administration was misinterpreting the law.

Nonetheless, Mr. Buckheit had reached agreements with some electric companies, including Virginia Electric Power and Cinergy, by 2000. Many other negotiations stalled, however, after the Bush administration came into office.

Vice President Dick Cheney's energy task force urged the administration to study industry complaints about federal enforcement actions. Last summer, Virginia Electric Power, now known as Dominion Power, completed an agreement to install \$1.2 billion in pollution controls.

Mr. Suarez joined the E.P.A. in 2002. Before, he had been director of the New Jersey Division of Gaming Enforcement.