

**Air plan closes in on EPA approval
But environmental group threatens to sue if plan advances.**

By Russell Clemings

The Fresno Bee (Published Thursday, January 29, 2004, 5:16 AM)

Also published in the Modesto Bee

Federal regulators gave tentative approval Wednesday to a new cleanup plan for dust, soot and other small particles in the San Joaquin Valley's air. But an environmental law group quickly threatened to sue -- again -- if the approval is made final.

The new plan, the latest in a series of such plans, was submitted last August by the San Joaquin Valley Air Pollution Control District under the threat of federal sanction. It replaces a plan that the district withdrew two years ago in the face of a previous federal lawsuit by the group EarthJustice.

The plan's provisions focus heavily on dust from farms and construction, and on soot from fireplaces and wood stoves. Its development gave rise to some of the most contentious debate in the district's history. Before signalling its likely approval of the plan, the U.S. Environmental Protection Agency required several changes.

But in a statement announcing its decision Wednesday, the agency's regional administrator, Wayne Nastri, said the plan "ensures everyone will contribute to the solution. In particular, the agriculture community stepped up to help develop practices for decreasing on-field emissions."

An EarthJustice representative said her group was not convinced of that. "If they finalize it, definitely we will be in court again," said Anne Harper, one of the group's lawyers.

She said the plan is flawed for not specifying what control measures farmers will be required to adopt to reduce dust generated by their plowing and other field operations.

"It's basically a plan to make a plan to make a plan," she said.

A district spokeswoman differed.

"The district is confident that the plan is complete and detailed enough, and the EPA has indicated that it is sufficient," spokeswoman Janis Parker said.

According to the EPA, the San Joaquin Valley is one of only eight areas in the country that are considered to be seriously out of compliance with federal standards for the small particles, called PM10, short for "particulate matter smaller than 10 microns," or about one-seventh the width of a human hair. Only Phoenix and Los Angeles have higher annual average levels of PM10, the agency said.

The EPA action begins a 30-day public comment period, after which the agency is scheduled to make a final decision. If it wins final approval, the plan would require annual 5% reductions in emissions of PM10 or chemicals that can form PM10 in the atmosphere.

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U.S. EPA set to approve plan to clean San Joaquin Valley air

BRIAN SKOLOFF, Associated Press Writer

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The U.S. Environmental Protection Agency has moved one step closer to approving a plan intended to clean the air in the heavily polluted San Joaquin Valley.

The EPA said Wednesday it is proposing to approve the San Joaquin Valley Air Pollution Control District's plan to clean its air of particulate matter -- microscopic bits of dust, soot and smoke blamed for hundreds of deaths a year.

The plan was approved by the air district June 19 and by the state air board a week later.

EPA's announcement Wednesday opens a 30-day public comment period, after which the agency will decide whether to officially approve the plan.

Opponents to the plan say it does not go far enough to clean the air and violates the Clean Air Act.

"This plan fails in several significant ways to reduce pollution necessary to meet the federal health-based standard," said Brent Newell, an attorney for the Association of Irrigated Residents, a San Joaquin Valley-based group that sued, seeking stricter air pollution standards.

A Sacramento County judge dismissed the lawsuit, ruling the disputed standards are a federal matter, requiring an EPA decision.

Newell said another lawsuit would be filed if the EPA approves the plan.

EPA officials are satisfied that the plan meets all federal requirements.

"It represents a good effort and it ensures that everyone is doing their part to clean up the air," said Kerry Drake, associate director of the EPA's Pacific Southwest air division. "We believe it meets Clean Air Act guidelines."

Still, opponents say the plan is flawed and needs to be reworked to include, among other things, strict controls on ammonia produced at dairy farms.

"If they finalize this plan, we'll be headed back to court to challenge it," said Anne Harper, an attorney with the Oakland-based environmental group Earthjustice, which blames valley particle pollution for some 1,300 deaths a year.

EPA says the San Joaquin Valley has the third highest average particle pollution concentrations nationwide, ranking only behind Phoenix, Ariz. and the greater Los Angeles area.

Earthjustice claims that statewide, particle pollution causes or contributes to more deaths than automobile accidents, homicides and AIDS, combined.

"This plan ignores and fails to control emissions from ammonia, which is one of the most significant precursors to particle matter," Harper said.

Drake said EPA and state officials are awaiting additional studies on ammonia due in 2006.

"Right now, the data just isn't there to show that ammonia controls are reasonable or effective," he said.

EPA expected to OK Valley pollution plan

The Stockton Record (no author listed)
Thurs., Jan. 29

The U.S. Environmental Protection Agency is expected to approve a San Joaquin Valley anti-pollution plan, the agency announced Wednesday.

The plan is designed to cut levels of particulate pollution, made up of microscopic flecks of dust, soot and vapor. The Valley has never met federal standards for this sort of pollution, which has been cited as a cause of premature deaths, heart and disease and other health problems.

The pollution-reduction plan is a sort of road map toward cleaner skies. The plan describes how existing clean-air rules and loosely described future rules will clean the Valley's dust-laden skies by 2010.

Recently imposed limits on the use of wood-burning fireplaces and stoves were included in the plan. Also included are promises that the San Joaquin Valley Air Pollution Control District will write rules to cut down on pollution from farms. Under that proposal, farmers would be required to implement several dust-control methods, such as limiting the number of times tractors pass over fields.

Environmental groups have said the plan doesn't go far enough, and have hinted they will challenge the plan in court.

The groups argued the plan relies on fuzzy math to prove the plan would meet a Clean Air Act requirement to reduce pollution by at least 5 percent a year.

A 30-day public-comment period is expected to begin within a few days, the EPA said.

News from the San Joaquin Valley

Wednesday, January 28, 2004

The San Francisco Chronicle

(01-28) 07:44 PST FRESNO, Calif. (AP) --

Farmers interested in reducing pollution can apply for financial help through a federal program, but they need to move fast, since the deadline is Friday, officials said.

The federal Environmental Quality Incentives Program helps farmers finance changes that would allow their farm to pollute less -- shredding tree prunings, using conservation tillage, replacing an old diesel generator with a newer, cleaner-burning model.

Last year, California funded 570 EQIP grants with \$5.5 million. John Beyer, the air quality coordinator with the U.S. Department of Agriculture's Natural Resources Conservation Service, said he expects Congress to fund this year's programs with at least \$5 million.

The amount of money that goes to the farmer depends on what the grower is trying to do, Beyer said. He emphasized that the agency places higher priority on changes with the greatest environmental benefit.

Government sues Kentucky power plants under regulations Bush administration wants to change

The San Francisco Chronicle

JOHN HEILPRIN, Associated Press Writer (01-28) 17:09 PST WASHINGTON (AP) --

Wednesday, January 28, 2004

The Justice Department sued a not-for-profit Kentucky electric utility Wednesday, alleging it illegally increased air pollution at two of its three coal-fired power plants.

The lawsuit, filed in U.S. District Court in Lexington, Ky., says the East Kentucky Power Cooperative should have added new pollution control equipment when it modified the plants to produce more power by burning more coal.

The Bush administration last October rewrote regulations to let operators upgrade boilers, turbines and other major equipment in the name of routine maintenance without having to install state-of-the-art pollution controls.

A federal appeals court in December blocked the regulations until it rules on a suit by several states and cities claiming the change would damage the environment and public health.

"This shows that the EPA will continue to clean up coal-fired power plants," said John Peter Suarez, the chief enforcement official for the Environmental Protection Agency. "Utilities that ignore their environmental responsibilities risk enforcement action."

Scott Segal, director of the Electric Reliability Coordinating Council, a group of power companies, said the appeals court action might not have made any difference in the case against the Kentucky co-op.

"The EPA is complaining of things that aren't necessarily covered by the new rule," Segal said.

The suit says East Kentucky Power, based in Winchester, Ky., illegally increased pollution when it replaced boilers and turbines at its William C. Dale plant near Winchester and converted a generating unit at its H.L. Spurlock plant in Maysville in the 1990s.

Kevin Osbourn, a spokesman for the cooperative, said it did not receive word of the suit until Wednesday. "We need to get a copy ... and review it before we can comment upon it," he said.

Justice Department officials said the suit is the fifth filed against an electric utility since President Bush took office. The four others were settled immediately.

The EPA also sent notices in the past week to two companies, Westar Energy Inc. of Topeka, Kan., and Mirant Potomac River of Alexandria, Va., alleging air pollution violations at their coal-fired power plants.

Bullet train details revealed High-speed rail board presents report in Fresno.

By Mark Grossi

The Fresno Bee (Published Thursday, January 29, 2004, 5:17 AM)

A bullet train from downtown Fresno to Bakersfield would cover 106 miles in 35 minutes. The construction cost: \$2.55 billion.

But a statewide high-speed rail system linking Southern California to the San Francisco Bay Area might offer the San Joaquin Valley more than quick trips. How about some of the 450,000 jobs that the system would create?

Those details haven't been worked out yet, but many eye-opening numbers are coming out of an environmental impact report made public this week by the California High-Speed Rail Authority.

The authority board met Wednesday in Fresno to present the report.

The Valley's portion of this \$33 billion rail proposal would include 270 miles of the 700-mile system. In some places, trains could reach 220 miles per hour, using technology that has been common for decades in Europe. Central California public officials greeted the idea with open arms.

"High-speed rail makes sense for this region," said board member Fran Florez of Shafter, the Valley's only representative on the authority's nine-member board.

Activists who have followed the high-speed rail process for many years complained Wednesday that they were not allowed to speak. Some wanted to support a controversial, discarded route -- the Altamont Pass -- as a Valley connection to the Bay Area.

The authority instead is considering two other alternatives, Pacheco Pass in Merced County and a tunnel through part of the Diablo Range northwest of Newman in Stanislaus County.

"There has been very little public process for this draft EIR," said Ken Gosting, director of a Central California group called Transportation Involves Everyone.

But officials said they will hold five meetings to hear public comment on the report. The Valley will get one of the meetings, which have not been scheduled.

Officials from Merced, Fresno and Bakersfield made some general comments Wednesday. They said the Valley has some of the highest unemployment in the country and wondered whether the board would consider the Valley as a hub for train repair and maintenance.

"I'm sure this could help turn things around here," said Merced County Supervisor Gloria Cortez Keene.

The high-speed rail proposal is not detailed enough to answer employment questions yet.

Among many other analyses, the study compared high-speed rail with commercial flights and driving. It concluded that the state would have to invest \$82 billion in the next 17 years to build enough roads and airports for the growing California population.

"High-speed rail is less than half of the cost," said Mehdi Morshed, authority executive director.

If voters approve a \$9.9 billion bond measure on the November ballot, the plans would become far more detailed.

High-Speed Rail Authority staffers outlined two possible Valley corridors, the Burlington North-Santa Fe and Union Pacific rail lines. But the corridors are too congested in most cities to include nonstop train service.

Stockton, Modesto, Merced, Fresno and Bakersfield are all envisioned with a bypass loop so nonstop trains can roll without pause toward metropolitan centers.

In Fresno, such as bypass would cost an extra \$700 million.

"To avoid Fresno, we had to pull way out around the west side of the city," said authority deputy director Paula Pourvahidi.

Some cities, such as Merced and Bakersfield, have several station options. Fresno has settled on one proposed train station, the old Southern Pacific depot downtown.

The train stations should improve business in the nearby areas, officials said.

An electrified rail system also would not pollute nearly as much as more freeways, board members said.

A Merced orthodontist, Lee Boese, reacted by saying, "How can this not be built? With the amount of cancer and asthma we see in this Valley, our air problems are only going to get worse."

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Supervisors reject appeal of project

Wednesday, January 28, 2004

By Jacob Fenton - Merced Sun-Star

The Merced County Board of Supervisors voted unanimously Tuesday to allow an expansion of the Snelling Bettencourt Ranch Mine to go forward, rejecting an appeal filed by an environmental and employee safety group.

Representatives of Legal and Safety Employer Research Inc. (LASER) argued Tuesday that air pollution data used in environmental documents were misleading and that plans for converting the land back to animal habitat after mining are incomplete.

LASER researcher John Williams said the group plans to continue the battle in court.

"That's what we have lawyers for," he said.

But following what project proponents said was 33 months of preparation, county planners were confident that exhaustive environmental documentation would hold up.

"We went above and beyond the norm in providing written responses to their comments," said Merced County Planning Director Bill Nicholson.

The proposed expansion of the Snelling plant is projected to produce 25.5 million tons of sand and gravel - the main ingredients in concrete and asphalt - over the next 30 years or more. With development fueling enormous consumption of sand and gravel, project supporters' testimony focused on the county's enormous appetite for construction materials.

"1.7 million tons of sand and gravel will be used in Merced County each year," said Ron Turcotte, president and general manager of mine operator Santa Fe Aggregates.

Because the cost of sand and gravel is low relative to its weight, transportation costs factor largely into the price paid for the material.



Sun-Star Photo by Marci Stenberg

A proposal to expand the Bettencourt Ranch Mine onto an adjacent 437-acre site was approved by the Merced County Planning Commission, but appealed to the Merced County Board of Supervisors.

Transporting it 25-35 miles effectively doubles its price, said Turcotte.

Emissions from the trucks and mining machinery will increase air pollution, argue environmentalists.

Williams, of LASER, argued that a "lower-intensity" option, in which mining would take place at a slower rate "never received adequate discussion."

He also charged that the mining company's restoration of land that's already been mined is out of compliance with the company's plans.

Santa Fe representatives were at pains, however, to represent themselves as environmentally friendly.

Employees testified they have successfully hatched 128 wood ducks on restored land, and pellets from owls nesting in company habitat boxes have been given to local schools for students' research.

"My father would be very gratified to see the wonderful things that are happening," said Bettencourt family representative Pat Ferrigno.

[Editorial, Fresno Bee](#)

Slow burn

It's incumbent on ag industry to find a new solution for waste disposal.

Thursday, January 29, 2004, 5:00 AM)

Two things are clear about open-field agricultural burning: It will be phased out in California by 2010, and any system for waste disposal that replaces it must come from agriculture.

Beyond that, the issue is up in the air.

That emerged from a lengthy meeting Tuesday led by Assembly Member Dave Cogdill, R-Modesto. Cogdill gathered clean air advocates along with representatives from the ag and biomass industries, but no clear solution presented itself.

Biomass disposal -- the controlled burning of the waste to produce electricity -- is the preferred answer for many. It is much cleaner than open-field burning and has the byproduct of more energy, which California can use. But getting the fuel -- the ag waste -- to the biomass plants is expensive, prohibitively so, as things now stand.

Finding incentives to close the gap in cost isn't any easier. A small surcharge in utility bills has been suggested, but elected officials are leery of raising the cost of energy for their constituents, and those outside the Valley aren't too keen on the notion of making consumers statewide pay for the Valley's problem. Federal subsidies have been suggested, but are unlikely for several reasons: it's an environmental issue and it's a California problem. The Bush administration has shown little interest in either. It's also a matter of money, and the federal budget is as tattered as the state's.

Ultimately this will have to be solved by agriculture. The reasons for ending the open-field burning are not only indisputable, they are now embodied in state law.

There may be ways the rest of us can help -- particularly the research arms of the state universities -- but the obligation for a solution falls on those who created the problem. This isn't a message the state's battered ag industry wishes to hear, but it's inescapable.

LASTGASP

"We can't go on living this way.

And we won't."

The ancient tradition of open field ag burning is on its way out, to be replaced with -- what?