

Ruling on Valley air quality sparks another lawsuit

This one over EPA finding that Valley no longer recorded dangerous levels.

By John Ellis, The Fresno Bee

Merced Sun-Star, Monday, Jan. 12, 2009

Air quality activists are again suing the U.S. Environmental Protection Agency over a ruling that the San Joaquin Valley has met the health standard for dust and soot.

A lawsuit filed Friday in the 9th U.S. Circuit Court of Appeals in San Francisco seeks to overturn an October 2006 EPA finding that the Valley no longer recorded dangerous levels of the pollution, called PM-10.

The action comes a little more than nine months after a similar lawsuit was filed with the 9th Circuit related to the same matter. That lawsuit challenged the data used to determine that the region met the PM-10 standard.

Friday's action goes further, said Paul Cort, an attorney with Earthjustice, an Oakland watchdog group that filed the lawsuit on behalf of the Sierra Club, the Latino Issues Forum and the Fresno-based Medical Advocates for Healthy Air.

Cort said it challenges findings that the Valley's air improvements stem from permanent pollution reductions -- not just a "fortunate weather pattern" -- and that there also is a plan to keep the Valley free of air pollution in the future.

"We have to challenge this every step of the way," Cort said.

Sierra Club member Kevin Hall of Fresno said legal action is the only avenue or recourse to get cleaner air in the Valley.

"Any progress we've made on cleaning the Valley's air over the last decade has been the direct result of legal action," he said.

Kerry Drake, associate director of the EPA's regional air division, said proper procedures were followed in finding that the Valley had met the PM-10 standards.

He said the EPA's ruling was made after scientists reviewed data submitted by the state of California that said the Valley had met PM-10 standards. The EPA agreed based on analysis by its own scientists.

In addition, Drake said, all measures to reduce PM-10 pollution are still in place, and there are contingency measures that can be implemented if pollution levels worsen.

"There was no going backward," Drake said. "The fact is, measures are in place [to] work to make the air even cleaner."

The Valley is known for some of the country's worst summer ozone and winter fine-particle pollution, called PM-2.5.

PM-10, a coarse particle prevalent in fall and winter, is about one-sixth the width of a human hair. It can trigger asthma attacks and heart problems, according to medical research.

Since 2002, a number of Valley air rules have reduced such pollution. The rules included watering unpaved roads, reducing tilling on farm fields and cutting back on fireplace wood burning.

Regional air officials have credited the rules with clearing much of the PM-10 problem.

But environmentalists and health advocates say the problem has not gone away.

The next step in the fight between the EPA and air-quality activists will be Feb. 10, when the 9th Circuit is scheduled to hear arguments on the lawsuit that challenged the data used to determine that the region met the PM-10 standard.

Environmentalists hope stimulus package will push 'green' goals

By RENEE SCHOOF, McClatchy Newspapers
Modesto Bee, Sunday, January 11, 2009

WASHINGTON — As Congress gets to work this week on an economic stimulus plan, environmentalists are arguing that installing more wind and solar energy, making homes and government buildings less dependent on fossil fuels and expanding mass transit would be the best way to add jobs quickly and jolt the economy.

Environmental groups cheered last week when President-elect Barack Obama said the U.S. should use the stimulus package to double its production of renewable energy in three years and cut its use of fossil fuels by modernizing more than 75 percent of federal buildings and improving the energy efficiency of 2 million homes.

The questions now, however, are whether Obama's plan will sail through Congress or clash with other interests, and whether environmentalists will be able to use the recovery package to press other of their ideas, including installing solar panels on school roofs and spending money on mass transit instead of new highways.

Indeed, shifting money away from highway construction to other transportation uses will be one of the most difficult aspects of pressing home a green agenda as part of the stimulus package, said Anna Aurilio of the state-based organization Environment America. Companies that benefit from federal dollars for highway construction are a powerful lobbying opponent.

"Right now the funding is completely backwards. Eighty cents of every federal transportation dollar is for highways, and only 20 cents for transit," Aurilio said.

Studies show mass transit would add more jobs than building new highways, and that there are \$30 billion in transit projects around the country that would be ready to start in four to 18 months, she said. Her group also calls for a "fix it first" plan that would spend highway dollars on repairs rather than adding roads.

"As this plan moves to Congress, it is vitally important that the government focuses on investing in newer, cleaner, more efficient technology and not wasting money on costly, business-as-usual approaches like new coal plants, dams, or 'highways to nowhere,'" Sierra Club director Carl Pope said in a statement last week in response to Obama's plan.

Pope added that the Sierra Club would try to keep the stimulus plan "focused on the priorities that will provide short-term economic recovery and long term economic stability and a cleaner, safer world."

On Sunday during a rare weekend session of the Senate, Sen. Carl Levin, D-Mich., said the stimulus plan should include \$1 billion in grants to spur the production of batteries for electric vehicles in the United States.

Most of the technology for lithium ion batteries was invented in the United States, but Pacific Rim countries now are producing nearly all these batteries "as a result of years of financial support from their governments," Levin said.

The wind and solar industry also are arguing for government support in order to create American jobs. They want Congress to get capital flowing to them again by changing the way tax incentives work. Companies hurt by the economic downturn aren't able to benefit from tax credits as they did when they made profits and paid more taxes in better times. The industry wants a refund instead of a writeoff.

Tax incentives would get capital flowing to renewable energy - mainly wind, solar and geothermal energy - and expand manufacturing capacity in the United States. Both solar and wind companies have been forced to close factories and lay off workers in the recent downturn.

Studies show that energy efficiency and renewable energy are the cheapest way to make the sharp greenhouse gas emissions reductions scientists warn will be necessary to avoid serious climate disruption, said Joe Mendelson, director of climate policy at the National Wildlife Federation.

Existing solar and wind technology works and can be competitive he said. There will be improvements in the next 50 years, but for now, Mendelson said, "wind and solar are ready to go, and we think there's endless potential to do it."

Seventeen environmental groups sent a detailed list of more than 80 stimulus proposals to Obama in early December. They argued their plans could create 3.6 million jobs.

Mendelson said the National Wildlife Federation would like to see a government boost for solar begin on the rooftops of the nation's schools. Not only would schools save on heating and cooling bills but high school students could get job training as part of the plan and solar schools would symbolize a national drive for a cleaner future, he said.

When you can't light a fire, why can ag?

BY STACEY SHEPARD, Californian staff writer
Bakersfield Californian, Sunday, Jan. 11, 2009

Burning wood in the fireplace on Nov. 20 — a no-burn day — could have netted you a \$50 fine.

But the same day, local farmers torched more than 300 acres of agriculture waste and weeds with permission from regional air regulators who enforce the fireplace rule.

According to documents obtained by *The Californian*, regional air regulators allowed farmers to burn tumbleweeds, almond prunings and other field waste in Kern County on eight of the 27 days in November and December when wood burning in homes was prohibited.

The information was requested from the San Joaquin Valley Air Pollution Control District after several readers contacted *The Californian* about agricultural burns they saw on days they couldn't burn in their fireplaces.

Air district officials acknowledged that separate standards govern when burning is allowed in home fireplaces versus farm fields.

"There are times when we think fireplace burning is not a good idea but we will allow agricultural burning to go on as long as it's well-controlled," said Scott Nester, air district director of planning.

However, some air district critics say the rules for growers should be similar to those for residential fireplaces.

"An almond branch burned in a field is no different than what you put in your fireplace," said state Sen. Dean Florez, D-Shafter, who authored state laws passed in 2003 to phase out ag burning and impose other air pollution regulations on the farming industry.

"An ag burn is not good for the air. Period," Florez said. "If we're getting to the point where we're not going to let residents burn in their fireplaces, then ag needs to find some sort of symmetrical solution."

Under new rules passed by the district in October, fireplace and other residential wood burning is prohibited when the air quality index is forecasted to be above 80, when pollution levels are considered moderate.

Agricultural burning is not halted until the air quality index is forecasted to reach 150, when the air is considered unhealthy for everyone.

Some ag burns are restricted before that point depending on conditions in the area.

The air district's Nester said agricultural burns are allowed when fireplace burning isn't for several reasons.

The burns are generally in remote areas, limiting the smoke's impact on population-dense areas, he said. Small burns more often is preferred to stockpiling material that will lead to larger fires and more smoke. And burning can be the most cost-effective way for farmers to dispose of ag waste.

Almond trees are a good example, said local grower Fred Starrh.

When an almond orchard is removed, a chipping machine is brought in to grind up the trees, Starrh said. But it's not cost-effective to contract for a chipper to burn the 60 or so trees that may die or get blown over throughout the year.

"There are cases where you need to burn instead of chipping," he said.

Growers have stopped burning many types of waste. Grain stubble and field crops are now reincorporated into the soil.

Eliminating all burns isn't simple, said Manuel Cunha Jr., president of Nisei Farmers League, which represents 1,100 growers in the state.

Orchard chippings and other waste is often chipped and burned at biomass facilities but most biomass facilities aren't active until the spring and summer, Cunha said. Growers can't let mounds of chipping sit around because they need to plant new crops and the piles attract harmful insects and rodents.

Moving the piles to be stored requires diesel trucks and may create more pollution than just burning them, Cunha said.

Tom Frantz, a Shafter teacher who heads the valley air quality watchdog group Association of Irrigated Residents, feels the threshold for agricultural burning should match that for fireplaces.

However, he did echo air district comments that "you have to be close to (agricultural) fires to be affected by them" and said he believes ammonia from dairies is a bigger pollution problem.

Rules to phase out agricultural burning have already cut down burning considerably and will nearly eliminate it after 2010, according to the air district.

In 2005, nearly 8,300 acres of orchard trees burned compared to 3,400 in 2008, a 59 percent decline.

The air district and farming groups are meeting throughout the year to find ways to stop more burning.

WHAT'S THE HARM?

Air district records show Kern County farmers have burned 2,610 acres since Nov. 1, when the San Joaquin Valley typically begins experiencing high levels of fine particulate matter, or PM 2.5.

Of that, about 711 acres were burned on days when fireplace burning was prohibited.

Fine particulates are tiny specks of soot, dust, chemicals and smoke that at high levels create a foggy haze in the sky, obscuring visibility.

In terms of health, it's considered to be one of the most harmful forms of air pollution because they lodge deep in the lungs when inhaled and can even pass into the blood stream. High levels of particulate are known to trigger asthma attacks and aggravate heart and lung ailments.

In 2007 and 2008, Bakersfield ranked fourth in the nation for highest amount of fine particulates in the air by the American Lung Association.

In 2008, an air monitor in downtown Bakersfield exceeded national standards for PM 2.5 on 71 days, including nearly half of all days in November and December.

Oil execs see growth in renewable energy

By H. JOSEF HEBERT - Associated Press Writer
Tri-Valley Herald and Modesto Bee, Sunday, January 10, 2009

WASHINGTON—Many oil and gas company executives are predicting a significant ramp-up of renewable energy use over the next five years to run cars and trucks and generate electricity, according to a new survey.

A survey of chief financial officers of 100 U.S. oil and gas exploration and production companies found that nearly nine of 10 executives predicted renewable energy to gain a larger share of the market in the next five years with better than 1 in 5 executives expecting the share to more than double.

The telephone survey conducted for BDO Seidman LLP, a leading accounting and consulting firm, also found that nearly two-thirds of the executives favored controls on carbon dioxide emissions, the leading pollutant linked to global warming, although a third of them said they preferred state over federal regulation.

Only 37 said that industry should be left to "self regulation" when it comes to greenhouse gases, according to the survey, which was provided to The Associated Press.

"This was one of the most surprising findings in the survey," said Charles Dewhurst, head of BDO Seidman's energy industry practice, adding that energy executives tend to oppose greater regulation. A few years ago oil and gas industry executives were largely united in their opposition to mandatory controls on carbon dioxide.

The survey of executives, whose companies were selected at random, was conducted in October, before the presidential election, and may understate the executives' expectations on renewable energy growth. President-elect Barack Obama has made nonfossil energy development a key part of his energy plan and his strategy to revive the struggling economy.

When asked what market share renewable energy—solar, wind, biofuels and hydroelectric power—is expected to have in five years, 64 percent of the corporate financial officers said it would grow to between 8 percent and 12 percent. Twenty-two percent of the executives said they expect the market share to grow to between 13 percent and more than 16 percent.

Currently these renewable sources count for about 7 percent of U.S. energy production, according to the Energy Information Administration.

The executives interviewed were almost evenly split on the future availability of oil and whether the rate of world oil production may soon begin to permanently decline. Forty-eight percent said they agreed that the world had either already reached or within several years will reach its maximum rate of oil production. Fifty-two percent of the executives disagreed with that assessment, saying production rates will continue to increase.

Three-fourths of the executives said they expect global demand for oil to peak within 20 years, with 31 percent saying it could come within a decade.

Dewhurst said the executives' views on the future of oil likely were influenced by the dramatic drop in demand, prompted by the economic turmoil, that saw global oil prices sink from a high of \$147 a barrel last July to below \$40 a barrel Friday.

"I think perspectives have likely shifted dramatically in recent months on whether the world is nearing a peak level of petroleum production. If you had gathered opinions only six months ago on this issue, most were worried that existing sources were drying up. Now people are hedging

their bets," said Dewhurst.

A jolt brings Corning back to its research roots

By BEN DOBBIN – AP Business Writer

Tri-Valley Herald, Contra Costa Times and Modesto Bee, Sunday, January 11, 2009

CORNING, N.Y.—By day, Kishor Gadkaree puts samples of a honeycomb-shaped filter into a miniature gas chamber that simulates the insides of a coal-burning smokestack.

These rigorous tests will take years. But by night, Gadkaree dreams that this filter—which is designed to neutralize the poisonous mercury spewed by the world's coal-fired power plants—will be the next big hit for a nearly 160-year-old company that recently survived a brush with extinction.

At its newly expanded research haven, Corning Inc. is betting tens of millions of dollars that tougher environmental regulations, plus a few more years of experiments, will turn the mercury trap into something that can generate at least \$500 million to \$1 billion in annual sales.

"We are going over those hurdles one by one," Gadkaree said as he showed off his shelf-top mini-flue at Sullivan Park, a hilltop campus outside this rural town of 10,000 that gave the company its name. "We can show it works. Now we're trying to find out how much customers will pay for it."

Corning is famed for entwining specialty materials in potent technologies, from figuring how to make light bulb blanks for Thomas Edison in 1880 to devising the hair-thin optical fibers that helped spur the Internet revolution.

"We have set ourselves up to be patient," said Mark Newhouse, who oversees Corning's development of new technologies. "We talk about how many businesses we will create in a decade, not in a couple of years."

But while Corning amassed a decade-after-decade array of breakthroughs ranging from ovenproof Pyrex dishes and cathode-ray tubes to auto-pollution filters and space-telescope mirrors, the company has had to endure multiple reincarnations.

Never did a cyclical slide turn so ugly as in 2001-2002, when the dot-com bust punctured the booming telecommunications equipment market.

Lopsided investments in fiber optics almost capsized Corning: Its stock tumbled from \$113 in September 2000 to a mere \$1.10 in October 2002 as annual revenue shrank to \$3.2 billion from \$7.1 billion.

Corning quickly retooled itself as the world's biggest maker of liquid-crystal-display glass for flat-screen televisions and computers. The ultra-thin monitors delivered 90 percent of Corning's \$2.2 billion profit in 2007.

Nonetheless, the company has learned the hard way that it needs to spread its risks over a variety of high-growth businesses.

During its perilous downturn, former Chief Executive James Houghton came out of retirement to right the ship launched by his great-great-grandfather, Amory Houghton Sr., when he bought a stake in a Massachusetts glassmaker in 1851.

Known to some as "Dark Angel" for his 1980s moves to shelve slow-growth Corning businesses, upon his return James Houghton mothballed fiber plants and slashed the work force from 43,000 to 22,500. He offloaded the once-stellar photonics business, which made the optical switches and other exotica that manage the rapid flow of light signals through optical fiber.

The patriarch and his chosen successor, Wendell Weeks, also turned back the clock. They championed wider exploration of arenas in which Corning boasts expertise, a more freewheeling philosophy once associated with Bell Laboratories and other high-tech powerhouses.

One key difference: While ensuring an unusually high 10 percent of revenue is allocated to research, Corning's management imposed a more rigorous, companywide system for nurturing the best ideas along step by step.

Out of hundreds of projects each year, it chooses to keep pursuing just a handful seen as likely to hit a jackpot. Among the latest high-wager hopefuls, in addition to the mercury filters for coal plants: green lasers to equip cell phones with projectors, micro-reactors to enhance chemical processing and silicon bonded to glass to extend battery life for handheld electronics.

"Anything related to glass and glass derivatives, they have probably the best, most concentrated group of experts on the planet," said analyst C.J. Muse of Barclays Capital.

With the economy hurling spitballs, Corning's stock stands around \$11 a share, down from \$28 in May. The company recently trimmed its plans for 2009 capital spending by up to \$200 million after an abrupt slowdown in LCD-TV sales—a nagging reminder that relying on one colossal cash cow product leaves it vulnerable to cyclical swings.

So far, research is largely unscathed. With lab space enlarged by a \$300 million investment last year, Sullivan Park is packed again with 1,800 scientists, engineers and technicians, up from 1,100 in 2002.

Gadkaree, who has 67 patents in 25 years at Corning, is one of 15 active research fellows who are given more leeway to explore projects of special interest.

In the 1990s, he developed a water-purification filter that was shelved because the market wasn't deemed big enough. But because it was also capable of capturing metals, the filter got another look in 2004 when signs resurfaced that a long-anticipated federal law eventually could impose a 90 percent reduction on mercury emissions.

Burning coal sends an estimated 300 tons of mercury into the air annually, with U.S. plants alone accounting for nearly 50 tons. As many as 630,000 children born each year in the U.S. are at risk of learning disabilities and physical ailments related to the neurotoxin, according to the Environmental Protection Agency.

Laws in New Jersey, Connecticut and Massachusetts already require coal plants to snare at least 85 percent of mercury emissions, and more than a dozen other states led by Maryland and Pennsylvania are imposing their own stringent restrictions beginning in 2010.

Corning expects its carbon filter will be more cost-effective than a current technique of injecting activated carbon-based chemicals into flue gas. While the chemicals absorb mercury, they can also contaminate a plant's fly ash residues, which are an ingredient in cement and other construction materials.

The new filter employs a ceramic honeycomb that was invented by Corning in the early 1970s and sits at the heart of the smog-busting catalytic converter in automobiles. The filter contains hundreds of tiny passages impregnated with chemicals that stabilize and corral mercury particles.

The big question is whether the filter will be able to capture 90 percent of mercury "as we make the filter larger and run ever longer periods," Gadkaree said. "Back in 2004, I would have said the probability (of success) is about 10 percent. Now I'd say maybe 50 percent."

Even those odds are encouraging to Corning, given how big the market for mercury abatement could be. Coal-fired utilities are the largest source of mercury pollution that remains unregulated by the EPA, and yet coal is plentiful and homegrown.

Despite the rise of wind, solar and other renewable-energy alternatives, "there's at least 20 years where even we will concede that there's a role for coal," said John Rumpler, senior attorney for Boston-based Environment America. "That's a long time horizon for anybody to be investing in mercury-control technologies."

Gadkaree, 55, knows too well that without customers, great innovations go nowhere. He hopes this one can leave a bigger mark.

"Getting a paycheck, everybody can do that, right?" he said. "But 'you did something good'—at the end of my career, I want to be able to say that."

Climate change may be stoking stronger winds, altered oceans

By Suzanne Bohan - Contra Costa Times
Tri-Valley Herald, Sunday, January 11, 2009

The specter of an ocean floor littered with dead shellfish, rock fish, sea stars and other marine life off the Oregon coast spurred Mark Snyder, a climate change expert, to investigate whether California's coast faced a similar calamity.

It could, the UC Santa Cruz earth scientist said, citing climate change, which some scientists believe is responsible for stronger and more persistent winds along the coast. There's no debate that windier conditions drive more upwelling of nutrient-rich deep ocean waters.

At normal levels, this upwelling sustains the abundance of marine life, but too much of these rich waters leads to a boom-and-bust cycle that ultimately creates ocean "dead zones" with little or no oxygen. Marine life that can't swim or scuttle away from these lethal zones suffocate.

To assess future wind and upwelling scenarios along the California coast, Snyder and his colleagues at UC Santa Cruz ran climate simulations for two time periods. One spanned from 1968 to 2000, verifying the accuracy of the modeling. The second simulated the region's estimated climate from 2038 to 2070, using the Intergovernmental Panel on Climate Change "high-growth" emissions projections. Snyder said he chose the high emissions scenario because today's are exceeding earlier IPCC estimates.

The results showed increases in wind speeds of as much as 2 meters per second, a 40 percent increase from current wind speeds, which now average 5 meters per second, Snyder said.

The change in wind speeds is already happening, Snyder said. California winds have been growing in strength in the past 30 years.

Snyder said he knows his hypothesis needs more research, so he'll know whether to continue pursuing it or to discard it. The latter is unlikely, he said, given the new cycle of dead zones on the Oregon and Washington coasts that started in 2002.

"It was just chance they found the dead zones in Oregon," Snyder said, describing how fishers reported to marine scientists an alarming number of dead or dying crabs they were pulling up in traps.

"It's quite possible these areas could be off the California coast," he said.

After the Oregon fishers reported their sickly catches, and divers described seeing bottom-dwelling fish in high waters or schools of fishes massing near an invisible wall — behind which was low-oxygen water — scientists from Oregon State University, along with state and federal marine experts, began investigating.

That year, and in years since, researchers have sent down a robot equipped with a video camera to record the carnage. They've also deployed a fleet of robotic "gliders" to maintain constant vigil on oxygen levels and other conditions along the Oregon coast, as well as a sophisticated monitoring buoy.

The worst year recorded was 2006, with the dead zone near the coast spreading from southern Oregon into Washington, where dead fish and crabs washed up on beaches along the Olympic Peninsula. Less severe dead zones returned in 2007.

"We've seen areas that are carpeted with dead marine life," said Oregon State marine ecologist Francis Chan. One video image stuck in his mind: A large dead sea star that must have been decades old, rotting in the water. Marine life such as that, which adhere to rocks most of their lives, can't scurry away from suffocating waters, he said. "It was pretty striking."

In normal years, winds blowing from north to south drive upwelling in the spring and summer months off the Pacific Coast. These strengthened winds drive surface waters offshore, making room for deeper, nutrient-rich waters to surface, where sunlight triggers a heavy growth of phytoplankton, the bottom rung of the marine food chain.

But when the winds don't slacken and upwelling persists, excess phytoplankton blooms. When the uneaten plankton dies and sinks to the ocean floor, bacteria consuming it deplete the oxygen in the water.

Like so many other climate change projections, the scientists know they can't definitely point to greenhouse gases as the sole culprit behind windier conditions along the coast. But no other explanation fits, given the historical patterns of winds and upwelling, according to a primer from Oregon State on hypoxia, the technical term for oxygen depletion in waters.

A phenomenon called El Niño, which cycles in and out, doesn't explain it, or what's known as decadal oscillations, Chan said. "They're not at play here," Chan said. "So something else is likely at play."

Other scientists aren't convinced that wind-driven upwelling is occurring off the California coast. It is known that oxygen levels have been declining in deeper waters since 1984, when researchers started monitoring it in California coastal waters.

"That's something we're seeing along the California coast," said Frank Schwing, an oceanographer with the Southwest Fisheries Science Center in Pacific Grove.

Although large bodies of oxygen-poor water far offshore are normal, the rapid expansion of these waters is not. And scientists link it, in part, to climate change, Schwing said.

These offshore low-oxygen waters in California differ from dead zones in Oregon. The latter are close to shore, where they've never been seen before, and they're killing sea life. Such die-offs haven't been seen in California.

"If you drive up Highway 101, you're not going to look far off to see dead zones," said Chan, with Oregon State. "They're less than a mile from the surf zone." But the expansion of these large volumes of hypoxic water far off the California coast does increase the odds they could reach the coastline, Schwing said. It also narrows the band of oxygen-rich surface waters far offshore that can sustain life.

"The implication is it's easier to create these hypoxic events," Schwing said.

For Chan, the phenomenon drives home the sensitivity and dynamism of the ocean, which responds swiftly to atmospheric changes.

"We shouldn't be seeing these big changes, not in something as simple as oxygen levels on our coast," he said. "And we're seeing these big flips."

Budapest issues 1st smog alert, limits car traffic

The Associated Press

In the Merced Sun-Star, Contra Costa Times and other papers, Sunday, Jan. 11, 2009

BUDAPEST, Hungary -- The Budapest Mayor's Office says it has issued its first-ever smog alert and is imposing restrictions on car traffic and a ban on burning leaves.

The decision Sunday came because suspended dust in the air in Hungary's capital has exceeded the limit of 100 micrograms per cubic meter for two days in a row.

The smog increase is being caused partly by power plants that were forced to switch from natural gas to more polluting fuels after gas shipments from Russia through Ukraine to Europe were suspended last week.

The mayor's office says the smog alert will be reviewed daily.

In October, Hungary introduced what it claims are the strictest air pollution laws in the European Union.

Tons of Coal Ash Piling Up Across U.S., Analysis Says

Washington Post, Saturday, January 10, 2009

Millions of tons of toxic coal ash is piling up in power plant ponds in 32 states, a situation the U.S. government has long recognized as a risk to human health and the environment but has done nothing about.

An Associated Press analysis of the most recent Energy Department data found that 156 coal-fired power plants store ash in surface ponds similar to one that ruptured last month in Tennessee. Yesterday, a pond at a northeastern Alabama power plant spilled a different material -- water laced with calcium sulfate, a component of a material known as gypsum -- and some lawmakers said the incident was more evidence that Congress needs to overhaul coal waste regulations.

"One disaster convinced me that we ought to subject coal ash impoundments to federal design, construction and inspection requirements," said Rep. Nick J. Rahall II (D-W.Va.), chairman of the House Natural Resources Committee. "But two incidents in less than three weeks at a TVA site illustrate that we must act swiftly if we hope to ensure a basic level safety for our communities and the environment."

The man-made lagoons hold a mixture of the noncombustible ingredients of coal and the ash trapped by equipment designed to reduce air pollution from the power plants.

Over the years, the volume of waste has grown as demand for electricity has increased and the federal government has further restricted emissions from power plants.

The Environmental Protection Agency eight years ago said it wanted to set a national standard for ponds or landfills used to dispose of wastes produced from burning coal. The agency has yet to act.

As a result, coal ash ponds are subject to less regulation than landfills accepting household trash, even though the industry's own estimates show that ash ponds contain tens of thousands of pounds of toxic heavy metals.

Toxic coal ash piling up in ponds

By Dina Cappiello, The Associated Press
L.A. Daily News, Saturday, Jan. 10, 2009

WASHINGTON - Millions of tons of toxic coal ash is piling up in power plant ponds in 32 states, a practice the government has long recognized as a risk to human health and the environment but has done nothing about.

An Associated Press analysis of the most recent Energy Department data found that 156 coal-fired power plants store ash in surface ponds similar to one that ruptured last month in Tennessee. On Friday, a pond at a northeastern Alabama power plant spilled a different material.

Records indicate that the states storing the most coal ash in ponds are Indiana, Ohio, Kentucky, Georgia and Alabama.

The man-made lagoons hold a mixture of the noncombustible ingredients of coal and the ash trapped by equipment designed to reduce air pollution from the power plants.

Over the years, the volume of waste has grown as demand for electricity increased and the federal government clamped down on emissions from power plants.

The AP's analysis found that in 2005, the most recent year data are available, 721 power plants generating at least 100 megawatts of electricity produced 95.8 million tons of coal ash. About 20 percent - or nearly 20 million tons - ended up in surface ponds. The remainder ends up in landfills, or is sold for use in concrete, among other uses.

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The agency has yet to act.

As a result, coal ash ponds are subject to less regulation than landfills accepting household trash, even though the industry's own estimates show that ash ponds contain tens of thousands of pounds of toxic heavy metals. The EPA estimates that about 300 ponds for coal ash exist nationwide.

Without federal guidelines, regulations of the ash ponds vary by state. Most lack liners and have no monitors to ensure that ash and its contents don't seep into underground aquifers.

"There has been zero done by the EPA," said Rep. Nick Rahall, D-W. Va., chairman of the House Natural Resources Committee. Rahall pushed through legislation in 1980 directing the EPA to study how wastes generated at the nation's coal-fired power plants should be treated under federal law.

In both 1988 and 1993, the EPA decided that coal ash should not be regulated as a hazardous waste. The agency has also failed to take other steps to control how the waste is stored.

"Coal ash impoundments like the one in Tennessee have to be subject to federal regulations to ensure a basic level of safety for communities," Rahall said.

The Tennessee spill was at a Tennessee Valley Authority plant covered 300 acres in a slurry of coal ash and water, destroying homes and tainting waterways and soil with high levels of arsenic.

The utility reported a second leak Friday at a pond at a northeast Alabama power plant that was storing gypsum, a material trapped in air pollution control devices that is different from the sludge that spilled in Tennessee.

PM-10 ruling sparks another lawsuit

This one over EPA finding that Valley no longer recorded dangerous levels.

By John Ellis - The Fresno Bee

Friday, Jan. 9, 2009

Air quality activists are again suing the U.S. Environmental Protection Agency over a ruling that the San Joaquin Valley has met the health standard for dust and soot.

A lawsuit filed Friday in the 9th U.S. Circuit Court of Appeals in San Francisco seeks to overturn an October 2006 EPA finding that the Valley no longer recorded dangerous levels of the pollution, called PM-10.

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"We have to challenge this every step of the way," Cort said.

Sierra Club member Kevin Hall of Fresno said legal action is the only avenue or recourse to get cleaner air in the Valley.

"Any progress we've made on cleaning the Valley's air over the last decade has been the direct result of legal action," he said.

Kerry Drake, associate director of the EPA's regional air division, said proper procedures were followed in finding that the Valley had met the PM-10 standards.

He said the EPA's ruling was made after scientists reviewed data submitted by the state of California that said the Valley had met PM-10 standards. The EPA agreed based on analysis by its own scientists.

In addition, Drake said, all measures to reduce PM-10 pollution are still in place, and there are contingency measures that can be implemented if pollution levels worsen.

"There was no going backward," Drake said. "The fact is, measures are in place [to] work to make the air even cleaner."

The Valley is known for some of the country's worst summer ozone and winter fine-particle pollution, called PM-2.5.

PM-10, a coarse particle prevalent in fall and winter, is about one-sixth the width of a human hair. It can trigger asthma attacks and heart problems, according to medical research.

Since 2002, a number of Valley air rules have reduced such pollution. The rules included watering unpaved roads, reducing tilling on farm fields and cutting back on fireplace wood burning.

Regional air officials have credited the rules with clearing much of the PM-10 problem.

But environmentalists and health advocates say the problem has not gone away.

The next step in the fight between the EPA and air-quality activists will be Feb. 10, when the 9th Circuit is scheduled to hear arguments on the lawsuit that challenged the data used to determine that the region met the PM-10 standard.

Environmentalists sue EPA over valley air ruling

The Associated Press

Tri-Valley Herald, San Diego Union Tribune, and San Francisco Chronicle, Friday, January 9, 2009

FRESNO, Calif.—Environmentalists are suing the U.S. Environmental Protection Agency over its finding that air quality in the San Joaquin Valley came in line with federal standards for airborne dust, soot and smoke.

Attorneys for Earthjustice filed suit Friday in the 9th U.S. Circuit Court of Appeals claiming the government's decision violates the national health standards of the federal Clean Air Act. They also say the agency improperly ruled the region has done all that's needed to clean up the air.

The claims build on a related lawsuit filed last March that also challenges the EPA's scientific findings.

The EPA ruled in October 2006 the region's air was free of excessive levels of tiny pollution particles linked to asthma, bronchitis and other respiratory problems.

Sierra Club sues Placer over land approval for university

Bob Walter

Sacramento Bee, Friday, January 9, 2009

The Sierra Club filed suit Thursday seeking to overturn Placer County's approval last month of a plan to lure a university to 1,157 acres just west of Roseville.

The suit claims the Board of Supervisors violated state law when it approved the plan by developers to donate the land to Drexel University of Philadelphia.

The county's environmental impact report on the plan was inadequate, the suit alleges, and violated the California Environmental Quality Act.

County Counsel Anthony La Bouff said the county was confident that its approval would be upheld.

The plan would trigger urban sprawl, adding to traffic congestion and air pollution, said Terry Davis of the Mother Lode chapter of the Sierra Club. It also was approved without identifying an adequate water supply, said Davis and Marilyn Jasper of the club's Placer Group.

The plan, approved Dec. 9, allows developers led by the Angelo K. Tsakopoulos family to donate land south of Pleasant Grove Creek and north of Baseline Road.

About 600 acres would be used for the university campus, including faculty housing, sports facilities and open space.

[L.A. Times editorial, Monday, Jan. 12, 2009:](#)

California's transit troubles

Lawmakers are playing a tax shell game with the state budget that eliminates money for buses and rail.

When democratic lawmakers presented their proposal for balancing the state budget, there was one little thing they didn't mention: It would have all but eliminated funding for public transportation -- not just next year but in perpetuity.

The proposal was vetoed last week by Gov. Arnold Schwarzenegger, but that doesn't mean it's going away. Moreover, the governor's plan is even worse for public transit; the Democrats want to keep distributing about \$150 million the state receives from a tax on diesel fuel to transit agencies, while the governor aims to get the state completely out of the business of funding transit. The rush to jettison passenger rail and buses as the state tries to cope with a severe budget crisis counters not only the will of the voters, who have repeatedly demonstrated that they greatly value public transit, but the state's ongoing crusade to reduce its traffic and pollution woes.

Democrats are usually reliable transit supporters, so this comes as a surprise. Yet majority leaders seem to feel they have no choice. It takes a two-thirds vote of the Legislature to pass a budget or raise taxes, and Republicans refuse to consider tax hikes to fill the state's \$41-billion

budget hole. So Democrats found a clever way around that rule: eliminate the gas taxes, replace them with a user fee that's 13 cents a gallon higher than the current taxes, then raise sales and income taxes by an amount equivalent to the old gas taxes. They can claim that they can raise taxes with less than a two-thirds vote as long as they reduce other taxes by an equal amount.

The problem with this shell game is that user fees have strings attached: They can only be spent on things that directly benefit those who pay the fee. So a gasoline fee could only be spent on roads, highways and other systems used by drivers -- and not on public transit. Thus, even though drivers would be sending more money to Sacramento when they fill their tanks than they do now, the transit agencies that help keep cars off the roads and reduce the air pollution caused by vehicles would get nothing. Brilliant.

Though Schwarzenegger vetoed the Democrats' plan, it was for reasons that had nothing to do with the gas fee scheme, so there's good reason to think a permanent end to public transit funding will be part of future budget proposals. It shouldn't be. California voters have repeatedly shown they want some of their gas tax money to fund transit, and they're even willing to tax themselves more to improve bus and rail systems. Transit agencies, like every other public service, can expect to take a big hit in the next budget, but that doesn't mean their permanent funding stream should be cut off.

[Tracy Press Editorial, Friday, January 9, 2009](#)

Make Tracy Green

Councilwoman Evelyn Tolbert has talked for years about a "Take Tracy Green" effort. When the new city hall was built and the Grand Theatre and Ninth Street fire station were renovated, she asked for green measures and materials. Her requests fell on deaf ears.

Celeste Garamendi campaigned for mayor with a "Green Tracy" pledge. She said Tracy should be a leader in promoting renewable energy, green building and resource conservation. She didn't win the election.

But that's not to say that Tracy isn't making headway to become more environmentally responsible. Recently, the state awarded Tracy a \$400,000 grant for beverage container recycling in apartment complexes.

In another project, the city is conducting a trial test in the recycling of Styrofoam. If all goes well, what was once thought to be a product doomed to sit in landfills for eternity will be added to the citywide recycling program.

Tracy's curbside recycling program goes all the way back to 1991, and its list of "sustainability efforts" is long.

There's free recycling for Tracy businesses, green waste collection, citywide garage sales, Christmas tree removal, hazardous waste events, battery recycling, free water-conservation audits, educational presentations and displays, waste reduction grants, and so on.

The city also uses mulching mowers and drought-resistant landscaping in city parks, double-sided printing in offices and asphalt grindings from the roads for recycling, among other things.

Recycling bins at city parks and sporting events, however, are few and far between. And the plastic bags at the farmers market are way too plentiful.

Last November, the City Council voted to commit to a partnership with the state and a private

institute to build a more sustainable community.

That sounds good and has all the potential to propel Tracy to the renewable forefront — if the council is also committed to mandating green building for developers, setting aggressive goals for lowering energy consumption and incentives for energy efficiency, promoting solar power, reducing carbon emissions and protecting agriculture and open space.

The private sector must also step up, of course. We can reduce our consumption by using cloth grocery bags, sports bottles, library books, backyard gardens and thrift shops. We can fill our blue recycling totes and conserve water.

In 2009, we can live simpler — but we need to work harder to truly "go green" in Tracy.

[Mountain Enterprise, Commentary, Friday, Jan. 9, 2009:](#)

Prevailing Winds: An Essay about the New(s) Year

Commentary by Patric Hedlund

Our nation—the entire global community of nations—went spinning off the tracks of an economic Magic Mountain roller coaster ride at the end of 2008.

Illusions of wealth as the great insulator from personal vulnerability evaporated in a heartbeat as retirement savings and home equity—often even jobs—disappeared in the bat of an investment banker's eyelash. That's the bad news.

There is good news too. You live in an amazing place, surrounded by amazing people. Our skies still have stars here. We conquer snowstorms, dirt roads and living with bears. As we meet the challenges of these mountains, we change the way we think of ourselves...and the way we think of each other.

In 2008, the greater Frazier Mountain Communities, from Neenach on the east to Cuyama on the west—enfolded Pine Mountain, Pineridge, Cuddy Valley, Pinon Pines, Lockwood Valley, Lake of the Woods, Frazier Park and Lebec—learned some surprising lessons.

We learned that over 40 years of working together to organize festivals and parades that celebrate the seasons (while helping local charities) have led to unexpected benefits—including the ability to work together when quick action is required.

This winter we saw the bold results of our mountain skills. Beginning January 1, 2009, an Amtrak bus will stop in Lebec daily, due to activism by mountain residents that prompted introduction of special legislation by state Senator Roy Ashburn.

When the San Joaquin Valley Air Pollution Control District (SJVAPCD) voted to extend the valley floor's "No- Burn Day" bans to our region, over 1,720 signatures were collected in four days in December to demand scientific evidence to justify extending the no-burn ban here.

On December 18, Frazier Park's Chuck Woerner explained the science of our unique geographic and meteorologic region to the air district's governing board in a teleconference between Bakersfield and Fresno.

Overnight, this east-west mountain region with prevailing winds different from the rest of the district was proclaimed its own "air control area." Sensors to gather relevant air quality data were ordered deployed.

As we go to press today, The Fresno Bee and The Bakersfield Californian are shaking their editorial heads in surprise that the articulate, intelligent and vigilant people of the Greater Frazier Mountain Communities took their argument to a faceless bureaucracy and won the right to burn wood to stay warm during chilly winters.

Two days earlier, on December 16, the Kern County Board of Supervisors voted to accelerate the start of the long-sought and hard-won firefighter- paramedic program in Pine Mountain. The Kern County Fire Department's very first paramedic program will begin here on March 1, 2009.

That is not a bad reward for more than five years of struggle for better emergency medical care in this rural area, despite efforts by the mayor of Bakersfield and his political friends to derail the quest and to confuse voters.

This was a marathon run by hardy mountain residents who refused to take their eye off the ball. A beefy 89 percent of registered voters came to the polls to vote 75.3 percent in favor of providing better protection for their children, themselves and their neighbors.

More events of 2008 are evidence that the mountain's unified voice is being heard. The list of self-help success stories continues.

At long last "Mount Rubble" at the gateway to our Mountain Community was removed from Frazier Mountain Park Road. The Cuddy Creek stabilization plan was finally implemented.

The streetscape beautification project is nearly complete in Frazier Park. Building will begin on the new Kern County branch library in 2009. The long-awaited fire station for Pine Mountain is also slated to be built in this new year.

The volunteer Pinon Pines water company board won grants to upgrade their wells and to install a dip tank for fire-fighting helicopters. The volunteer Meals on Wheels continues to help those in need. The "Name Your Price" Thrift Store in Lebec makes the Boys & Girls Club possible. The new SPCA is helping critters. The Mountain Ride Carpool Co-op has saved local commuters thousands of dollars. "Shop local" initiatives save local jobs and much-needed local businesses. Pine Mountain Scrappers and the Star Quilt Guild help veterans and youth.

Together, we've already begun to make 2009 an inspiring New(s) Year.

[Note: The following clip in Spanish discusses EarthJustice filed a lawsuit against EPA for false considerations. For more information on this and other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

Demandan a EPA por "falsas" consideraciones

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Monday, January 12, 2008

A escasos días de que concluya el periodo de gobierno del presidente George Bush, ambientalistas de California volvieron a demandar a su administración. El grupo *EarthJustice* presentó una nueva demanda ante la corte federal de apelaciones en San Francisco contra la Agencia federal de Protección Ambiental, la EPA, que determinó en octubre que el Valle de San Joaquín, una de las zonas más contaminadas en el país requiere de menos control de la contaminación porque mejoró su aire. EarthJustice demanda que el aire mejoró por un trabajo permanente y estricto, y no por casualidad como lo considera la EPA.

[Note: The following clip in Spanish discusses California creates new rules and regulations against gas emissions that also effect climate change.](#)

Emite California nuevas reglas contra la emisión de gases que contribuyen al cambio climático

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Friday, January 09, 2008

El gobierno de California aprobó preliminarmente nuevas guías para fortalecer el control de las emisiones de gases que causan el cambio climático. La Oficina de Planeación e Investigación

presentó las guías a las que deberán apegarse todas las instituciones de gobierno de California para operar con estricto control de la contaminación. La directora de la oficina, Cynthia Bryant dijo que California es líder mundial en el combate a la contaminación y el efecto invernadero, y que las nuevas medidas oficiales permitirán mejorar la infraestructura y recuperar la economía y al mismo tiempo reducir la contaminación y sus efectos. La Agencia de Recursos Naturales de California someterá las medidas a una audiencia pública a fines de enero.

Anthony Presto
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