

Smog: Air quality fight continues in LA, gains momentum here

By Mark Grossi, FresnoBee.com, Tuesday, March 10, 2009

Lawsuits and air-quality fights have been going on for decades in the South Coast Air Basin. But it's new here by comparison.

Someone last week asked me for an example of the South Coast's battles today. Here's a good one from the San Gabriel Tribune. "Gregg Industries has violated at least six parts of a \$4.7 million settlement agreement intended to curb the spread of foul odors from the company's iron foundry to the surrounding community, according to the South Coast Air Quality Management District.

"However, company officials say many of the alleged breaches of contract are due to outside circumstances, not negligence on their part.

"The accusations of breach of settlement come as the company announced last month that it will close the doors of its foundry and lay off more than 200 employees in May. Company officials say they are not ignoring the settlement in light of the closure."

Both sides have genuine issues over a real problem. And there are millions of dollars at stake in this settlement.

Back here in the San Joaquin Valley, air issues are similarly getting more attention. For instance, the Schakel Dairy in Tulare County was fined \$110,000 for building without proper permits in 2005.

And dairy issues are warming up again. The local air district has begun workshops on tightening the rule this year.

EPA Plans U.S. Registry of Greenhouse Gas Emissions

By Juliet Eilperin, Washington Post Staff Writer
Washington Post Wednesday, March 11, 2009

The Environmental Protection Agency plans to establish a nationwide system for reporting greenhouse gas emissions, a program that could serve as the basis for a federal cap on the buildup of carbon dioxide and other gases linked to global warming.

The registry plan, which was announced yesterday, would cover about 13,000 facilities that account for 85 to 90 percent of the nation's greenhouse gas output. It was drafted under the Bush administration but stalled after the Office of Management and Budget objected to it because the EPA based the rule on its powers under the Clean Air Act.

"Our efforts to confront climate change must be guided by the best possible information," said EPA Administrator Lisa P. Jackson in a statement. "Through this new reporting, we will have comprehensive and accurate data about the production of greenhouse gases. This is a critical step toward helping us better protect our health and environment -- all without placing an onerous burden on our nation's small businesses."

Sens. Dianne Feinstein and Barbara Boxer, both California Democrats, had inserted language in a 2007 spending bill instructing EPA to develop a national greenhouse gas reporting system.

If adopted by the end of the year, the rule could produce greenhouse gas statistics by the end of 2010. The EPA requirements would apply to large industrial sources that emit 25,000 metric tons or more a year, including oil and chemical refineries; cement, glass, pulp and paper plants; manufacturers of motor vehicles and engines; and confined animal-feeding operations. The 25,000-metric-ton threshold is about equal to the annual emissions of a little more than 4,500 passenger cars.

Most small businesses would fall below the threshold and would not be required to report, EPA officials said. In addition to carbon dioxide, emissions of methane and other greenhouse gases would have to be reported

Officials from several of the industries that would be subject to the new reporting rules reacted relatively mutedly, but some questioned whether the proposal was too sweeping. Scott Segal, who represents coal-fired utilities, noted that although most electric power plants have been reporting their greenhouse gas emissions "for decades," smaller emitters may now find themselves subject to the registry.

"If the rule is the first step in the direction of actual regulation, the inclusion of schools, hospitals and small businesses sets a dangerous precedent for an overbroad approach," Segal said.

Environmental groups and Democrats welcomed the plan, saying it would help guide implementation of any mandatory, national limit on greenhouse gases. Sen. Amy Klobuchar (D-Minn.), who has co-sponsored separate legislation with Sen. Olympia J. Snowe (R-Maine) calling for a national greenhouse gas registry, called the proposal "a crucial building block to the policy changes we need to make."

EPA proposes nationwide emissions report

Juliet Eilperin

Washington Post, Wednesday, March 11, 2009

Washington - -- The Environmental Protection Agency on Tuesday proposed establishing a nationwide system for reporting greenhouse gas emissions, a program that could serve as the basis for a federal cap on the buildup of carbon and other gases linked to global warming.

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Most small businesses would fall below the emissions threshold and would not be required to report, EPA officials said.

Sen. Amy Klobuchar, D-Minn., who has co-sponsored legislation with Republican Sen. Olympia Snowe of Maine that would establish a national greenhouse gas registry, called the proposal "a crucial building block to the policy changes we need to make."

EPA considers requiring greenhouse gas reporting

By Dina Cappiello, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Wednesday, March 11, 2009

WASHINGTON—The federal government wants to require companies for the first time to disclose the amount of greenhouse gases they're releasing into the atmosphere.

The Environmental Protection Agency on Tuesday proposed mandatory reporting of the gases blamed for global warming from approximately 13,000 facilities nationwide. The regulation would

cover companies that either release large amounts of greenhouse gases directly or produce or import fuels and chemicals that emit heat-trapping gases when burned.

Refineries, automobile manufacturers, power plants, coal mines and large manure ponds at farms all would have to report to the government emissions of at least six different gases.

Together, these facilities account for about 85-90 percent of the country's greenhouse gas emissions, the EPA said.

"Our efforts to confront climate change must be guided by the best possible information," EPA Administrator Lisa Jackson said in a statement announcing the proposed regulation.

Companies would have to start collecting data on their 2010 emissions. The EPA estimates the registry would cost a total of \$127 million a year.

The EPA currently requires reporting of greenhouse gases only from power plants. It also releases an annual inventory that estimates greenhouse gas emissions from broad categories such as transportation and electricity production.

The regulation proposed Tuesday would collect emissions information from individual facilities that emit 25,000 tons or more of greenhouse gases each year—or the pollution of more than 4,500 cars.

The information will lay the groundwork for any regulation of greenhouse gases.

The EPA is taking steps toward controlling greenhouse gases using the Clean Air Act. The agency is expected to issue a finding in mid-April that greenhouse gases pose risks to human health and welfare, a determination that would compel it to reduce emissions under the law, according to a congressional aide briefed on an internal planning document. The aide spoke on condition of anonymity because the agency's plans are not supposed to be disclosed.

Congress is also drafting legislation to limit the pollution.

"These emissions reporting rules are a welcome foundation for any serious program to curb global warming pollution," said David Doniger, climate policy director for the Natural Resources Defense Council, an environmental group.

The Bush administration had failed to meet a deadline set by a 2007 law for drafting the emissions reporting rule. It was due in September.

In a letter sent to EPA at the time, Sen. Dianne Feinstein, D-Calif., criticized the Bush EPA for delaying the measure, as one of several signs that the administration was not serious about addressing global warming.

"Has EPA now become unwilling even to comply with a regulatory deadline ... which simply requires you to begin the process of collecting information necessary for developing sound climate change policy?" Feinstein wrote.

E.P.A. Proposes Tracking Industry Emissions

By Kate Galbraith

N.Y. Times, Tuesday, March 10, 2009

The Environmental Protection Agency proposed a rule on Tuesday that would require a broad range of industries to tally and report their greenhouse gas emissions.

The proposal, which could establish an accounting basis for federal regulation of heat-trapping gases, would require about 13,000 factories, power plants and other facilities to report their emissions of carbon dioxide, methane, nitrous oxide and other gases that climate scientists link to global warming.

Oil refineries, cement makers, utilities and pulp and paper manufacturers and the automotive sector are among the industries covered by the proposal. The E.P.A. says that the rule,

promulgated under the Clean Air Act, would account for 85 percent to 90 percent of the country's emissions of heat-trapping gases, although small manufacturers would be exempt.

"We do not expect to have a significant impact on small businesses," said Dina Kruger, the director of the agency's climate change division.

A 60-day comment period and two public hearings will soon take place. Ms. Kruger said the agency hoped to make the rule final this fall. If that happens, reporting could begin in 2011, after the monitoring of 2010 emissions.

"This is the foundation of any serious program to cap and reduce global warming pollution," said David Doniger, the policy director for the climate center at the Natural Resources Defense Council. "You have to have source-by-source data on how much of global warming pollution is emitted and from where."

The E.P.A. estimated that the cost to industry would be \$160 million in the first year, then fall to \$127 million a year.

Bill Kovacs, the vice president for environment, technology and regulatory affairs for the United States Chamber of Commerce, noted that some manufacturers already volunteered the data.

Manufacturers would be required to report emissions from the vehicles they make. Charles Territo, a spokesman for the Alliance of Automobile Manufacturers, said that his organization was still reviewing the proposal, but that the reporting requirement was not new for the automobile industry.

"E.P.A. already knows the carbon dioxide emissions from automobiles," Mr. Territo said, "because E.P.A. measures grams per mile of CO₂ from automobiles."

Experts said the proposal had been expected in September.

Lawmaker wants Suthers to help resolve pollution

By Steven K. Paulson, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Wednesday, March 11, 2009

DENVER—A state lawmaker is asking state Attorney General John Suthers and U.S. Interior Secretary Ken Salazar to help him resolve a decades-old dispute over emissions from a power plant on Native American land, saying he's tired of the mustard-colored cloud that blankets the area.

Rep. Scott Tipton, R-Cortez, said Colorado doesn't get electricity but does get air pollution from the Four Corners Power Plant located on the Navajo Nation in New Mexico.

"The excessive emissions have traveled across state and sovereign nation lines, clogging the air and damaging the health of southwestern Colorado residents. Just as New Mexico would not accept toxic pollutants to be dumped by Colorado into the Rio Grande River, neither should Colorado allow avoidable pollutants to flow into our state from New Mexico," Tipton told Suthers in a letter requesting help.

Tipton asked Suthers to join his appeal to the Environmental Protection Agency for more stringent emissions standards and to urge Salazar to intervene as head of the Bureau of Indian Affairs.

Mike Saccone, a spokesman for Suthers, said the attorney general is reviewing the request. Salazar's office referred all questions to the Environmental Protection Agency, which did not return a phone call seeking reaction.

Steven Gotfried, spokesman for Arizona Public Service, one of the companies that runs the New Mexico power plant, said the company expects a report from New Mexico's environmental regulators this week on whether it has met state standards. He said that report will be reviewed by the EPA because the plant is on Indian land.

All states must field reports next month to the EPA, which will decide which areas need to reduce ozone levels. States will have until 2013 to come up with plans to reach attainment.

The Rio Grande chapter of the Sierra Club in New Mexico sued the EPA in 2006 over emissions at the plant, but the group settled its claim after the agency agreed to finalize a pollution control plan.

The EPA's plan for the power plant located on the Navajo Nation was completed in May 2007. It included stricter limits on sulfur dioxide and set federal limits on nitrogen oxides, total particulate matter and opacity.

INSIDE WASHINGTON: Probe Finds Health Risks Missed

By The Associated Press

In the N.Y. Times, Wed., March 11, 2009

The federal agency charged with protecting the public near toxic pollution sites often obscures or overlooks potential health hazards, uses inadequate analysis and fails to zero in on toxic culprits, congressional investigators and scientists say.

A House investigative report says officials from the Agency for Toxic Substances and Disease Registry "deny, delay, minimize, trivialize or ignore legitimate health concerns."

Local communities have voiced frustration and confusion at findings by the agency that are challenged by outside scientists or are ambiguous about whether people living near industrial pollution or toxic dumps or breathe foul-smelling air have reason to worry.

"Time and time again ATSDR appears to avoid clearly and directly confronting the most obvious toxic culprits that harm the health of local communities throughout the nation," said the report from the House Science and Technology investigations and oversight subcommittee.

The health agency declined to comment, saying its director, Howard Frumkin, would address the criticisms when he appears at a hearing before the House science panel Thursday.

By law the health agency, a branch of the Health and Human Services Department, assesses health hazards at polluted sites designated under the Superfund cleanup law, and those of concern to local communities. It frequently faces residents who expect environmental answers for a host of illnesses, which science can't always provide.

But the agency's critics also include some of its own scientists, including toxicologist Christopher De Rosa, who told Congress last year that his bosses minimized the health risk of formaldehyde in trailers provided for survivors of Hurricanes Rita and Katrina.

Congressional investigators reviewed ATSDR health studies and interviewed scientists and community activists across the country for the House report, which was obtained by The Associated Press.

It accuses Frumkin of letting scientific integrity lag behind political expediency and uncomplicated conclusions. Subcommittee Chairman Brad Miller, D-N.C., said the problems "threaten the health and safety of the American public. Fixing ATSDR requires a cultural shift of the agency."

David Ozonoff, professor of environmental health at Boston University's School of Public Health, said ATSDR often produces good work, but added: "They don't always use the latest science and the most up to date information. They don't have enough resources and people and breadth of skills and talent. They don't have the trust of communities."

Ozonoff took issue with aspects of a new draft health assessment for a contaminated neighborhood in Elkhart, Ind., that addressed elevated levels of the degreasing solvent trichloroethylene. The agency appeared to overlook previous studies showing cancer and birth defects can show up at lower exposure levels than the draft report indicated, thus playing down the potential risk in Elkhart, he said.

Among issues raised by other scientists:

-- Ronald Hoffman, a professor of medicine at Mount Sinai School of Medicine in New York, uncovered a high incidence of a blood cancer in northeast Pennsylvania while working with the

health agency's scientists. The research identified an elevated incidence of polycythemia vera, including four cases on a mile-long stretch of road near a former toxic waste company.

Although an abstract by Hoffman and his colleagues said there was significant evidence linking the cancer to environmental causes, agency officials publicly rejected the idea and unsuccessfully pressured Hoffman in 2007 to withdraw from a conference where he was to present the findings.

"I thought they were trying to always increase the hurdles so they could disprove what to me was basically pretty obvious," Hoffman said in a telephone interview with The Associated Press. Ultimately, after additional analysis, ATSDR agreed that the elevated cases were statistically significant and its scientists joined Hoffman in publishing the findings last month. The agency is now considering additional studies.

-- Henry Cole, an environmental consultant and former senior scientist with the Environmental Protection Agency, said a four-year study into residents' complaints of foul odors and health ailments near an Ohio waste plant, Perma-fix of Dayton, used insufficient sampling to conclude in December that none of the 100 compounds exceeded safe levels.

Nor did it incorporate lawsuit and regulatory information that could have broadened the result beyond ATSDR's sole recommendation that Perma-fix should check for an odor source and mitigate it if possible. That left residents frustrated. "They come in with a very narrow focus and oftentimes they don't come up with anything" to help the community, Cole said in another interview.

-- Randall Parrish, a researcher at the University of Leicester, England, found depleted uranium exposure in 20 percent of residents he tested in Colonie, N.Y., where a company once produced uranium weapons for the military. He recommended that ATSDR revisit the area because its earlier health study, without benefit of his test method, assumed it couldn't detect past exposure or tie it to illness years after the plant closed.

ATSDR replied that the amount in people's bodies would be so small it wouldn't cause a health hazard, so no further work was warranted, the subcommittee report said.