

Ayers one of 4 Valley council members appointed to air board

Hanford Sentinel, Friday, Sept. 11, 2009

FRESNO -- Hanford's David Ayers is one of four Central Valley council members appointed to the San Joaquin Valley Air Pollution Control District Governing board.

Joining Ayers as members of the board are city council members Jesus Gamboa of Visalia, Ann Johnston of Stockton and Randy Miller of Taft. The appointments were made on Aug. 31, and the three-year terms are effective immediately.

The four join 11 current board members, including board vice chair and Kings County District 4 Supervisor Tony Barba.

Note: Ann Johnston is mayor of Stockton and not a councilmember.

Car dealers appeal ruling on California emissions

By Ken Thomas, Associated Press Writer

In the S.F. Chronicle and other papers, Thursday, Sept. 10, 2009

WASHINGTON (AP) -- Auto dealers and business leaders on Thursday appealed a decision by the Environmental Protection Agency that allowed California to establish the nation's first greenhouse gas standards for cars and trucks, setting the stage for a potential attempt to block the global warming rules.

The National Automobile Dealers Association and the U.S. Chamber of Commerce asked the U.S. Court of Appeals for the District of Columbia Circuit to review the EPA's decision. The EPA in July granted California's request for a waiver allowing it to push tougher air pollution rules.

The EPA's decision cleared the way for California to implement a 2002 state pollution law requiring tougher fuel efficiency requirements in new cars trucks by 2016.

California's approach serves as a national model for fighting tailpipe pollution linked to global warming, and the Obama administration is expected to release proposed regulations later this month setting fuel efficiency standards at 35.5 miles per gallon by 2016.

By requiring improved auto fuel efficiency, less carbon dioxide is emitted from vehicle tailpipes because less fuel is burned for every mile traveled.

Environmental groups have backed the tougher requirements and said the appeal was an attempt to undermine the Obama administration's efforts to curb global warming.

"It's very clear that the Chamber of Commerce and the auto dealers hope to flatten the tires of the California car standards," said Frank O'Donnell, president of Clean Air Watch.

Mary Nichols, chairwoman of the California Air Resources Board, said the groups were pursuing "an outdated course of action designed to obstruct and oppose efforts to move us towards a cleaner environment and greater energy security." She predicted the EPA would win in court.

The EPA said in a statement that it had granted the waiver after a comprehensive analysis of the science and the law involved and that it was "fully confident it will be found by the courts to be entirely consistent with the law."

Robin Conrad, executive vice president for the National Chamber Litigation Center, the Chamber's public policy law firm, said there was "simply no legal justification for giving California waiver authority. Global warming is an international issue, not a local one."

Conrad said the waiver "sets a dangerous precedent that could lead to a confusing patchwork of dual environmental regulation down the road."

The state regulations to implement the law had been in limbo for five years because the Bush administration refused to provide a waiver required by the federal Clean Air Act. Thirteen other states and the District of Columbia have said they wanted to impose the same requirements as California once the EPA gave the go-ahead.

The petition for review to the appeals court could allow the auto dealers and the Chamber to ask a judge to block the order at a later date. Motions are due in October.

The states that have said they want to follow California's approach include are Arizona, Connecticut, Maine, Maryland, Massachusetts, New Mexico, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.

Stricter vehicle emissions rules are targeted

A lawsuit challenges President Obama's efforts to further limit greenhouse gas emissions by seeking to block the waiver the EPA gave California under the Clean Air Act.

By Jim Tankersley, staff writer

L.A.Times, Friday, Sept. 11, 2009

Reporting from Washington - A federal lawsuit by two industry groups aims to halt the U.S. government and the state of California from moving ahead with new greenhouse gas emissions rules for cars and trucks -- an action that, if successful, could scuttle a key piece of the Obama administration's plans to set stricter nationwide standards for vehicles.

The lawsuit may be the first of many legal challenges targeting President Obama's efforts to limit the heat-trapping emissions that scientists blame for global warming. Some industry groups, for instance, already contend that his efforts could damage the domestic economy.

The suit filed Tuesday by the U.S. Chamber of Commerce and the National Automobile Dealers Assn. seeks to block the waiver that the Environmental Protection Agency granted to California under the Clean Air Act to set vehicle emissions standards.

That waiver was the subject of years of legal battles before the EPA officially granted it in July. The Bush administration initially rejected the request, but soon after Obama's inauguration, the new president asked the EPA to reconsider.

At issue was how to interpret the Clean Air Act, which allows California to ask the agency for permission to set stricter pollution standards than the federal government's. The state had sued to compel the EPA under the Bush administration to grant the waiver.

In May, Obama announced an agreement with California officials, environmental groups and major automakers that would lead to the creation of a national vehicle emissions standard, which would have the effect of boosting fuel-economy requirements 40% over the current 25-miles-per-gallon level. The national standards would largely mimic California's.

The lawsuit isn't challenging the standard directly. Rather, it argues that the waiver sets a dangerous precedent of allowing a state to regulate what should be a national issue: global warming.

The Chamber of Commerce made a similar argument in a past court case, filing a brief in support of the Bush administration's decision to deny California's waiver request.

On Thursday, EPA officials defended their decision to grant the waiver, saying they acted "after a comprehensive analysis of the science and in adherence to the rule of law."

The agency said it "believes strongly" that it was right and that the court would find its decision was "entirely consistent with the law."

California officials criticized the lawsuit.

"We are very disappointed that these parties continue to pursue an outdated course of action designed to obstruct and oppose efforts to move us toward a cleaner environment and greater energy security," said Mary Nichols, chairwoman of the California Air Resources Board.

The waiver lawsuit is probably the "leading edge" of a "hurricane of corporate challenges" to climate-related policies from Obama's EPA, said Frank O'Donnell, president of the environmental group Clean Air Watch.

"This may just be a delaying action by the chamber," he said. "But it does raise the stakes in this issue right away."

The Chamber of Commerce also has threatened to sue to stop a proposed climate-related ruling by the EPA: the "endangerment finding."

The proposed finding declares greenhouse gases to be a threat to human health because of their contributions to global warming, and therefore to be subject to regulation under the Clean Air Act.

Plan to dump California trash draws fire

By Associated Press

In the S.F. Chronicle and other papers, Sunday, Sept. 13, 2009

Reno, Nev. (AP) -- A plan from a waste management firm to dump millions of tons of California trash in a proposed landfill near Winnemucca is drawing protests from Nevada residents.

Recology wants to send 20,000-ton shipments of Bay Area waste each week to the Humboldt County landfill about 28 miles west of Winnemucca. The garbage would include household trash, asbestos, rubber tires and dried sewage sludge.

Estimates place the total annual volume of trash at about 1 million tons each year for 95 years. That could generate about \$1 million annually in "host fees" for the county.

Eventually the landfill's mountain of trash would grow to about 20 stories.

Opponents of the plan say the trash would trash the desert and create an environmental nightmare of water pollution and foul smells.

"Shipping 4,000 tons a day of California's trash to Humboldt County for 95 years is ludicrous," said Humboldt County Commissioner Tom Fransway, the only member of five commissioners to publicly oppose the plan. "This is my home. I don't want to see California's garbage come here. It would be degrading to our community and to the state of Nevada."

Some residents support the proposal because it provides a guaranteed future revenue stream for the county.

The county has already given Recology the OK to seek the state permits to complete the project. The company needs air, water and waste permits to satisfy environmental regulations.

The project has been public for two years, but Recology does not yet have contracts in place to ship waste, company spokesman Adam Alberti said. The firm, he said, is preparing for the future as existing California landfills fill up and space for new dumps becomes hard to find.

The Winnemucca landfill would be double-lined to insure waste material would not pollute ground water.

But Jim French, of Nevadans Against Garbage, said neither the firm nor state regulators have offered any specifics that would show the plan is safe.

"From a regulatory perspective, I've never seen anything that has flown under the radar as this project has done," said French, a biologist and Winnemucca resident who worked for the Nevada Department of Wildlife.

"As far as I can tell, no one has looked into the impacts of this or seen specific engineering plans or any of the things you would see if you proposed a mine or a gravel pit or even a septic tank on private land."

Last week, U.S. Senate Majority Leader Harry Reid, D-Nev., urged Gov. Jim Gibbons to direct state agencies to block what he called "this threat Nevada's sovereignty and dignity." Gibbons told the Reno Gazette-Journal last week that the interstate transportation of trash is a federal matter and that Reid should talk to Democrats in Congress about regulating it.

S.F. power plant can't be closed until 2010

By Marisa Lagos, staff writer

S.F. Chronicle, Saturday, Sept. 12, 2009

A heavily polluting power plant on San Francisco's waterfront will remain open through 2010, state regulators decided Friday, but they indicated its closure is not too far off.

The vote to require the continued operation of Mirant Corp.'s 40-year-old fossil fuel plant, located on the city's southeastern waterfront, comes only a month after city officials and the plant's owners announced a deal to shutter the polluting behemoth by the end of 2010. But regulators at the California Independent System Operator, which ensures energy will be provided even in the case of a major infrastructure failure, said Friday that two transmission projects must still come online before they can approve its complete closure. Stephanie McCorkle, a Cal-ISO spokeswoman, stressed that Friday's decision was "all about 2010, not beyond."

"At the end of the day, the ISO is governed by national reliability rules. We could be exposed to fines of \$1 million a day if there's an imbalance that could lead to blackouts," she said, but noted the 2006 closure of another polluting plant in Hunters Point. "We closed Hunters Point and we're going to get there with Potrero Hill as well, but we want to keep the lights on along the way."

McCorkle said the agency is optimistic that two large transmission projects - a transbay cable slated to come online in March and a citywide Pacific Gas & Electric Co. re-cabling project - will at the least allow large portions of the plant to shut down in 2010.

The largest generator, known as Unit 3, will be permitted to go offline once the transbay cable is completed, she said. And while the PG&E project won't be done until October 2010, the utility is already working with

Cal-ISO on a preliminary analysis of the project, which could give strong indications of whether the upgrades, when completed, will be enough to allow the plant's entire closure.

"That will tell us what is available to serve San Francisco and if we need the remaining units after 2010," she said.

The decision won't be formally made until the project is complete and the final analysis is done, McCorkle added.

Nathan Ballard, a spokesman for Mayor Gavin Newsom, said the city "looks forward to working with regulators to shut down the power plant as soon as possible," and added that Newsom will "roll up his sleeves and fight" for a quick resolution.

Placer County expects tough questions on Tahoe power plant

By Ed Fletcher, staff writer

Sacramento Bee, Saturday, Sept. 12, 2009

Placer County officials are inching forward with plans to build a power plant in the environmentally sensitive Lake Tahoe basin.

Officials expect plenty of tough questions and likely some vocal opposition, but they're convinced the proposed, one- to three-megawatt biomass plant would be good for the local environment.

The plant would run on plentiful wood scraps from nearby forest thinning and maintenance projects.

"There is always someone out there that isn't sure about it," said Brett Storey, the project manager for Placer County. "We try to answer that with information."

As efforts to thin area forests progress, mountains of limbs, wood scrap and brush are left behind. Most of the material has routinely been burned or trucked away to a biomass plant 30 miles away.

Storey argues that by building a plant within the Tahoe basin, the impact on air quality from current forest thinning operations would be reduced. Storey said about 30 tons of wood scraps would generate a megawatt of power.

"Instead of (burning it), we can grind that up and make energy out of it," he said.

The biomass process also requires burning, but with dramatically less pollution, Storey said.

Biomass power plants utilize organic materials, in this case tree limbs, pine cones and small trees, to create power – traditionally by heating water through a boiler. The process emits far less pollution than burning the wood out in the open, and the hot water can be used to create either biogas or electricity. The hot water byproduct could also be used to melt ice and snow on nearby roads.

If approved, the earliest the project could begin operations would be early 2012. But the timeline doesn't concern Storey; he first wants to make sure the community comes around to seeing the project as an asset, not a problem.

He said Placer County officials have already met with the Sierra Club and the League to Save Lake Tahoe. Officials from those groups were not available for comment.

Officials are looking at building the facility on property in Kings Beach owned by NV Energy – the county's private-industry partner in the project.

Although still in the planning stages, the project has already attracted significant government backing. It received federal grants of \$500,000 in 2007, \$1.5 million in 2008 and an additional \$1 million this year.

The project also has backing from state and federal energy agencies, the U.S. Environmental Protection Agency, the U.S. Forest Service and the California Department of Forestry and Fire Protection.

"This is a big-ticket item in the environmental improvement program," said Dennis Oliver, spokesman for the Tahoe Regional Planning Agency, another key oversight agency in the basin.

The plant fits into a larger effort to rid the forest of woodpiles left by forest thinning, Oliver said. TRPA would like to see 125,000 tons of slash left by the thinning turned into fuel, rather than disposed of in controlled burns.

He said the region really got serious about fuels reduction after the 2007 Angora fire.

"By reducing the threat of catastrophic wildfire we are not only protecting life, we are protecting the lake," Oliver said.

Cheva Heck, a spokeswoman for the U.S. Forest Service, said that not all the slash piles can be turned into biomass. But, she said, having a facility nearby could make it more cost-effective for contractors logging on behalf of the Forest Service.

Forest Service contracts with logging outfits don't say how slash piles must be dealt with.

"If we had something in the basin," Heck said, "it would reduce transportation costs and might make it a more attractive option."

Peter Ashcroft, an analyst for the Environmental Defense Fund, said there are reasons biomass makes sense, beyond fuels reduction.

"As a general rule there is a need to diversify our energy sources," Ashcroft said. "Diversity is something that people are pursuing."

L.A. County Sheriff's Department to get a fleet of electric Mini Coopers

Daily News Wire Services

L.A. Daily News, Monday, Sept. 14, 2009

The Los Angeles County Sheriff's Department is getting a fleet of zero-emission, electric-powered Mini Coopers this week, according to KABC-TV. Seventeen Mini Coopers are being leased for \$10 per month each, in exchange for feedback, according to the television station.

Charging stations will be installed at sheriff's facilities by the car company.

Specialized units of the department including volunteer programs will get to use the minis.

The electric Mini is still in its trial phase.

Anaheim trucking company fined \$85,000

By Serena Maria Daniels, staff writer

O.C. Register, Saturday, September 12, 2009

ANAHEIM-An Anaheim trucking company must pay \$85,000 to the California Air Resources Board for diesel emissions violations.

The regulatory agency found that Anaheim Trucking failed to properly inspect its diesel vehicles in 2005 and 2006, the board noted.

The company also failed to install proper emission-reduction devices, required by law, officials said.

Anaheim Trucking reportedly rejected an initial settlement of \$50,500 offered by the air resources board, which led to a complaint filed with the state Attorney General's Office, and the eventual \$85,000 settlement, officials said.

If the company fails to comply with regulations, an additional \$115,000 will be added to the penalty, the board noted.

As part of the settlement, Anaheim Trucking must guarantee that some employees attend training on diesel emissions compliance testing and show proof of completion within 120 days, outfit the company's vehicles with the best equipment, and comply with requirements applicable to solid waste collection vehicles.

About \$68,000 of the penalties will go to the California Air Pollution Control Fund, \$8,500 to the Peralta Community College District for emissions education classes, and another \$8,500 to the California Pollution Control Financing Authority, which gives loans to off-road vehicle fleets that need to retrofit their vehicles to comply with state regulations, officials said.

Tribe prevails in air quality fight with Mich.

By John Flesher, The Associated Press
In the Washington Post, Friday, Sept. 11, 2009

TRAVERSE CITY, Mich. -- A federal appeals court has ruled against Michigan in a nearly 15-year dispute with a Wisconsin-based Indian tribe over air quality standards.

Michigan challenged the U.S. Environmental Protection Agency's decision in 2008 to give the Forest County Potawatomi Community's reservation the highest level of protection against air pollution.

The EPA's action followed years of fruitless negotiations between Michigan and the tribe, although the tribe reached a separate deal with Wisconsin.

Michigan officials say the EPA used a flawed process of making the air quality designation, which they contend will create complications for the state's air quality control programs.

But the 7th U.S. Circuit Court of Appeals dismissed Michigan's complaint Wednesday, saying the state lacked standing to contest the case.

Testing for toxics at schools sparks questions, lawsuits

By Blake Morrison and Brad Heath, USA TODAY
Monday, Sept. 14, 2009

NATRONA HEIGHTS, Pa. — On crisp fall mornings in the Allegheny River valley, the fog that hangs over Highlands High School usually burns off by the first bell. What remains in the air is the question.

Almost a year after tests by USA TODAY found significant levels of two potentially toxic metals in the air outside the school, local health officials expanded their own monitoring efforts here. The reason: Air samples taken by the county earlier this year showed even higher levels of the metals than what USA TODAY found — on two days, at least nine times more.

Highlands, flanked by two metals plants, is among scores of schools where regulators — local, state or federal — are monitoring outdoor air for toxic chemicals, many that pose unique dangers to kids. The monitoring is not required by law but came in response to the USA TODAY investigation that identified hundreds of schools where chemicals from nearby industries may permeate the air.

Since Allegheny County health officials here found high levels of chromium and manganese in monitoring during January and February, they have urged patience. Air samples gathered in the past few months seem to offer some reassurance. Health officials say the most recent samples,

made available to USA TODAY last week, indicate lower levels of the most dangerous type of chromium than their earlier estimates. That news is likely to come as a relief to parents who have children at Highlands, a school of about 950.

Even so, questions remain about dangers from long-term exposures to the other metal found: manganese, which may affect brain development, behavior and the ability to learn, especially in children.

"We don't know enough to say it's a problem, but we don't know enough to say it's not a problem," says Keeve Nachman, an environmental toxicologist with Johns Hopkins University who examined the county's findings for USA TODAY. He says the county's findings reflect "potentially concerning exposures."

Such unanswered questions have prompted action across the nation. Residents in Indiana and South Carolina have filed lawsuits against industries in their communities. Activists in Pennsylvania, Texas and Ohio continue to fight construction of facilities they believe would threaten the health of children in the area.

The government also has responded. In an unprecedented step, the U.S. Environmental Protection Agency launched a \$2.25 million program to examine air quality outside 63 schools in 22 states. In addition, EPA administrator Lisa Jackson appointed a new director for the agency's Office of Children's Health Protection soon after the Obama administration took office. Ruth McCully, the former director, told USA TODAY last year that examining air quality outside schools was "not my responsibility."

To date, the EPA has begun monitoring at 60 of the 63 locations. As at Highlands, officials stress that the first samples are intended to discern whether students face any immediate dangers from toxic chemicals, not to evaluate chronic health risks, which often requires longer monitoring periods.

At a few schools, preliminary results indicate chemicals at levels that generally are considered safe for short-term exposures. At other locations, monitoring continues. At Stevens Creek Elementary in Cupertino, Calif., for example, regulators plan to monitor for at least a year because a nearby cement kiln wasn't operating when the first samples were taken in July. Such facilities typically release chromium.

"This is a really important effort. We see this first and foremost as an effort to help us understand the broader issues we might be dealing with," says Peter Grevatt, who replaced McCully as the director of the EPA's children's health office.

"By no means do we think that the focus is just on these" 63 schools. "It's really an effort to try to understand broadly the scope of the issues we might be looking at nationwide."

'We're concerned'

At Highlands, local officials took the lead in monitoring. What they found in this small town outside Pittsburgh offers an example of how complicated and frustrating the process can be.

In January and February, regulators with the county health department found elevated concentrations of chromium and manganese during about 10 days of testing. On Feb. 6, health department documents show levels of manganese at seven times above the federal government's safety threshold for long-term exposure.

Precisely what danger students at Highlands and three nearby schools might face from the metals is far less clear.

Airborne chromium can take two forms. The more dangerous form, known as hexavalent chromium or chromium 6, can cause cancer. It can be released during steelmaking and cement production. The other, chromium 3, is relatively harmless.

Results from the recent samples indicate most of the chromium is of the benign variety, health department spokesman Guillermo Cole said Friday. "Parents should have no concerns about chromium 6 levels posing any significant cancer risk," he says.

The high levels of manganese appear more troubling. The EPA has not determined whether manganese causes cancer, but high exposures can cause mental disabilities and emotional problems. Children — who breathe more air in proportion to their weight than adults do — may be more vulnerable.

Philip Landrigan, a pediatrician who leads a unit on children and the environment at Mount Sinai School of Medicine in New York, says manganese acts as a neurotoxin. Exposures early in life, he says, can cause "loss of IQ, dulling of intelligence — basically the same types of effects as lead." Moreover, Landrigan says, children may be at least 10 times more susceptible than adults.

Cole acknowledges that manganese levels were above what the EPA considers safe for long-term exposure. "Fortunately," Cole says, "the children spend most of their time inside the school and the levels found there earlier this year were well below" safety thresholds.

Officials need to know more before they can pronounce the air safe, says Hopkins toxicologist Nachman. In part, that's because the readings changed dramatically from one sample to the next, and the highest level was more than seven times above the EPA's long-term safety threshold. Those thresholds generally are based on studies of adults. Nachman says officials need to understand how often — and why — that happens before they can assess long-term health risks that children here face.

Meantime, the school has taken steps of its own. Besides working with the county to monitor the air outside and in the school's library, Highlands principal Tom Shirey says the school replaced "every door and window in this building since this summer. This place is sealed up tighter than a snare drum."

Shirey says "there's no readily apparent sign" of pollution from the two plants near the school, each within a mile.

The largest of the two, a steel mill operated by Allegheny Ludlum Corp., reported to the EPA that it released at least 1,280 pounds of chromium and 2,602 pounds of manganese into the air last year. Reporting laws do not require that the company differentiate between the types of chromium, but company spokesman Dan Greenfield says the emissions aren't harmful.

"Let's not go through this scaring people again by calling something dangerous which isn't dangerous," Greenfield says.

Greenfield also took issue with USA TODAY's findings late last year, when the newspaper recorded elevated levels of chromium outside a school in nearby Midland, Pa. An Allegheny Ludlum mill there was one of three industrial facilities nearby that reported releasing chromium into the air. Greenfield said that the chromium there was not the carcinogenic form.

The superintendent of Midland's schools immediately asked the Pennsylvania Department of Environmental Protection to begin monitoring there. Department spokeswoman Teresa Candori says air samples taken over six months in Midland — and over shorter periods outside six other schools in the state — "did not detect any hazardous levels of pollution."

Because of the recession, the steel mill in Midland was not operating during most of the state's monitoring; it was last year, when USA TODAY found elevated chromium levels.

Battles continue

Battles about the impact of pollution and the dangers residents might face continue across the nation. In some cases, concerned parents have asked courts to intervene. In at least one case, the government has reached a settlement with a polluter. Among the controversies:

- In South Carolina, a group of Georgetown residents is suing International Paper, claiming its emissions were to blame for birth defects and other health problems. Tests in past years have found elevated dioxin levels in several homes around the plant, says J. Edward Bell, a Georgetown lawyer who represents the residents. "I'm amazed at what we found," Bell says. "It affects everyone in this community, our families and our friends."

A spokeswoman for International Paper, Kathleen Bark, says that the mill has "a longstanding commitment to operating in a safe and environmentally responsible manner" but that she could not comment on the specifics of the suit.

- In Ohio, the current and former owners of a plastics plant outside Cincinnati agreed to pay a \$3.1 million civil penalty for violating several environmental laws. In 2005, pollution from the plant — then owned by Lanxess Corp. — prompted school officials to close a school across the street. The closure of Meredith Hitchens Elementary came after seven months of air monitoring by the Ohio EPA. The agency found such high levels of carcinogens that it concluded the risk of getting cancer there was 50 times higher than what the state considers acceptable. INEOS, which currently operates the plant in Addyston, Ohio, also agreed to spend up to \$2 million to improve environmental controls. The agreement among the company, Justice Department and EPA became final this month.

- In Indiana, a group of parents in Gary filed suit against 11 area companies, alleging that their emissions of toxic chemicals and other substances could put children at risk. Lawmakers there also passed a measure this year that allows the state health department to investigate complaints from parents and teachers about air quality inside schools. But legislators shelved a second measure that would have recommended school officials in the state test the outdoor air and water for pollution before they start construction on any school buildings. "We wanted to make sure that we didn't locate new schools in areas that have poor air quality," state Rep. John Barnes says.

The EPA's Grevatt says the agency continues to work on guidelines to help school districts determine what to consider when identifying sites for new schools. Although Congress had ordered the agency to finish by June, Grevatt says the guidelines likely won't be completed until late this year or early next.

The EPA also says it likely will offer guidance about whether certain industries should be sited near existing schools, an issue that continues to trouble activists in Erie, Pa.; Corpus Christi, Texas; and Middletown, Ohio, where industries that release toxic chemicals want to build near schools.

'Not panicked'

In Natrona Heights and adjacent Natrona, the metal industry's role in shaping the town is apparent — especially at Highlands, the school where the county continues to monitor the air. There, Jamee Bonnett teaches science. She's also the mother of a student, senior Zach, and the wife of an Allegheny Ludlum employee, David.

Years back, her stepfather worked at the steel mill. So did her grandfather. And her uncles. "I even worked there two summers to get through college," she says. Now, at 41, she tries to help students sort through the USA TODAY investigation, the county's subsequent air monitoring — and their own suspicions. Among the most skeptical: her 17-year-old son.

Zach says he and his friends believe school officials "try to hide" how bad the air is. "It feels like they don't care," he says during a study hall this month. "They're worried about metal detectors and mesh bags but not the air we breathe."

His mother listens patiently. She strongly disagrees with her son's perspective, as do her science students, she says. "We all concluded that until more extensive study was done, we were comfortable leaving the classroom not panicked," she says.

Still, she says, she welcomes more monitoring. "It's nice to be proactive," she says, "and if everything is fine, great."

Argentina accuses Uruguay of int'l law breach

By Mike Corder, Associated Press

In the Contra Costa Times, Tri-Valley Herald and other papers, Monday, Sept. 14, 2009

THE HAGUE, Netherlands—Argentina argued Monday at the U.N.'s highest court that Uruguay "flagrantly breached" international law by authorizing the construction of two pulp mills on the river that separates the two countries.

One of the mills has already been built and Argentina's chief representative at the International Court of Justice, Susana Ruiz Cerutti, called it "a bad mill in a bad place."

She told judges the mill that turns eucalyptus trees into pulp, the base ingredient for paper, already is pumping pollution into the waters of the River Uruguay and releasing foul-smelling gas into the air close to an Argentine tourist town.

The dispute has strained historically amicable relations between the South American neighbors and led to blockades by Argentine protesters of key bridges over the river.

Cerutti told judges at the world court that Montevideo's authorization of construction of two pulp mills breached the terms of a 1975 treaty between Argentina and Uruguay that governs use of the river.

Argentina says the Finnish-built mill is responsible for a huge toxic algae bloom in the river and hydrogen sulfide gas drifting over nearby towns and villages.

"It smells like rotten eggs," Cerutti said. "It is a disgusting, nauseating odor."

Argentina lawyer Philippe Sands showed the court a satellite photo of the bloom that occurred in February.

Sands told the court that pollution is exacerbated because the river flows so slowly near the pulp mill—sometimes even being driven backward by strong winds—meaning that pollutants disperse downstream very slowly.

He said that underestimating the river's capacity to absorb pollutants and nutrients was inviting "a potential environmental disaster."

Uruguay says the \$1.2 billion plant—the biggest foreign investment project in the country's history—should boost Uruguay's exports by 15 percent.

Argentina has five days to make its case before Uruguay starts its defense on Sept 21. Both countries then have two more days each to make final arguments before the court begins deliberating. It will likely take months to issue a ruling.

Uruguay's lead representative at the court, Carlos Mora, told reporters he had no comment on Argentina's claims Monday.

The court earlier refused to order a halt to construction of the mills and turned down a Uruguayan request to order Argentina to end the bridge blockades.

Its decision in this case will boil down to whether or not Uruguay breached the 1975 treaty on the river's management by authorizing the construction of pulp mills.

World court rulings are final and binding, though they are not always obeyed. The court, which is the highest judicial body of the United Nations, adjudicates disputes between nations.

Dealers Give Clunkers a Mixed Grade

By Miles Shuper

Valley Voice Newspaper (Visalia) Monday, Sept. 14, 2009

Tulare County - Local new car dealers have given the federal "Cash for Clunkers" program a mixed grade, but not honor roll material.

Overall, it appears that dealers were excited with increased sales, pleased with interest shown by shoppers, frustrated by federal red tape and downright upset about waiting to get their money from Uncle Sam.

Putting all factors on a grading curve, the report card would not be one for framing, yet not bad enough for the trash can. Buyers got \$3,500 or \$4,500 for their clunkers – money off sales prices of new cars meeting specific increased fuel efficiency and other requirements. The federal government is then to repay the dealers providing required documentation.

An incomplete survey indicates local dealers are due hundreds of thousands of dollars, with only 20 to 25 percent received so far. Federal officials have announced dealers will be paid by the end of September, but dealers haven't made out their deposit slips just yet.

Area dealers struggled in marking an overall grade but the consensus seemed to teeter between B and C-plus. Most broke down their grading into certain factors much like teachers grading students in various subjects. And they all say September is off to a slow start as they expected it would be when the Clunkers program stopped.

Government reports show about 690,000 customers took part in the program which ran from July 24 through Aug. 24. Most sales were in August.

Don Groppetti said his dealerships sold 330 new cars under the program but by this week, he had only received money for about 30 to 35 of the deals, about 10 percent of the total. Groppetti gave the program a C-minus, noting that like other dealers, the program brought in lots of traffic and also some non-clunker related sales.

James Manning of Jim Manning Dodge, Chrysler and Jeep in Dinuba that sold 18 new cars in the clunkers program, gave an overall grade of B. "It would have been an A if we sold cars and been paid for them right away," he said. He would have marked an overall C if there had been no significant sales increase.

Like other dealers, Manning's dealership saw an increase in overall sales due to traffic generated by the clunkers program. The dealership sold 33 new cars during the program.

Like other dealers, Manning saw a spurt in sales of new vehicles by customers whose vehicles didn't qualify. Manning said about half of the non-clunker sales were cash deals, something which surprised him.

Surroz Dodge, Chrysler and Jeep in Visalia had increases in sales but Vic Surroz said the dealership has only received federal payments due on 14 of the 37 new car sales linked to the clunkers program. He gave the program a non-passing grade mainly because of the apparent lack of organization and problems with the filing of documentation and reports and, of course, the lagging federal payments.

Ed Dena, who has a Chevrolet/GMC dealership in Dinuba, gave the program a C overall, explaining that it earned an A in boosting sales, but flunked in getting money to the dealerships. He has only a few payments but explained that GM has loaned the money to its dealers. That money is to be repaid when the dealers get their vouchers. He would not take on the challenge of doing all the paper and computer work again if the program were somehow to be resurrected.

Dena said August was his best month in two years with just over 100 new car sales.

Will Tiesiera Ford in Tulare sold about 30 vehicles under the program and like other dealers gave it an overall C. "For the consumer it would have been an A," Lonnie Tiesiera said. But the administering of the program was more like an F, he added.

[Sacramento Bee editorial, Sunday, Sept. 13, 2009:](#)

Is public transit poised for a comeback?

Virtually no public service has been spared in California's fiscal crisis. Schools, law enforcement, health and human services, parks, environmental protection have all taken hits. Transit is no exception.

Compared with other states with large urban populations, California's support for public bus, train and ferry systems has always been deficient. But the last budget approved by the Legislature eliminated support for local transit systems entirely.

Transit districts have sued to force the state to resume support payments districts think they are entitled to. Until the courts sort out the dispute, transit statewide will have to get along with a lot less. And even if the state loses, most observers doubt the courts will force the state to repay what it withheld. They will merely require the state to make payments going forward.

Over the last three budget cycles, legislators have slashed state support for transit agencies by \$4.8 billion, opting to eliminate all state support for transit this year. Locally Sacramento Regional Transit has lost \$66.2 million in state funds since 2006. In addition, the recession has reduced local sales tax support for bus, subway and light-rail systems dramatically. RT's sales tax revenues are expected to be down at least \$24 million this fiscal year from last.

To cope with losses of that magnitude, RT and districts around the state have had to cut service and raise fares. As the editorial board's commuter race notes on the front page of Forum, RT's \$2.50 basic fare, which went up another quarter this month, is now among the highest in the state. In addition, another 8 percent in bus service cuts over the past two years have reduced the region's largest bus system to pre-2004 levels.

In some ways the funding crisis has forced transit to make adjustments that needed to be made. For example, many of the bus routes RT canceled were unproductive and should have been eliminated long ago.

(Editorial writer Ginger Rutland's experience on a nearly empty No. 28 bus through Fair Oaks and Rancho Cordova suggests there may be more unproductive routes RT could cut.)

Beginning two years ago, the district developed a list of 51 things it could do to reduce expenditures without hurting the public. They included everything from cutting janitorial service at RT offices from seven to five days a week, to eliminating nonessential jobs, from eliminating ineligible dependents from the districts medical insurance coverage to reducing nonessential travel.

Other transit districts have been forced to make similar adjustments. Most notably, the Bay Area Rapid Transit District risked a strike to push through new labor contracts that eliminated time- and money-wasting work rules.

While gas-price hikes last year increased demand for transit, the rise in unemployment and local and state government furloughs have cut ridership dramatically. RT's July ridership was down 13.4 percent compared to July last year – largely the result of three-day-a-month state furloughs. But when the economy recovers and gas prices begin to rise again – economic forecasters predict both will happen – transit ridership will grow, too.

When it does, the government funding crisis is not going to evaporate. Transit districts cannot afford to become complacent about cutting costs. They also need to be more aggressive and more effective at telling their own story.

A robust public transit system is essential if California is ever going to responsibly absorb the population growth that is coming, reduce demand for oil and cut air pollution.

[Letter to the Fresno Bee, Sat., Sept. 12, 2009:](#)

Sidesteps reality

Jonah Goldberg's writing on climate change sidesteps the reality [column Sept. 4]. He should write about this: The level of carbon dioxide was constant, then rose with growth of technologies that burn of coal, petroleum and natural gas, shown by measurements of glacial ice-cores and at observatories.

The chemical bonds of CO2 molecules do not resonate with visible light, thus CO2 is invisible, letting sun energy onto the earth. Its bonds do resonate with the energy radiating off of land heated by sunlight. The CO2 warms, which warms the whole atmosphere, which re-warms the whole earth.

Plants grow in the climates of the millennia of earth's consistent atmospheric temperature. If and when it gets hotter, now-fertile regions will no longer support plant growth. Desert is spreading.

No programs humans could devise would be able to reverse the atmospheric content and temperature once the CO2 is back up in the sky, as it was before blue-green algae sequestered the earth's original CO2 underground.

When the oceans and bogs are full of the CO2 they now absorb, they will release it back into the air. This will accelerate the CO2 build-up — even after we completely stop burning all

Ron Martin, Fresno

[Letter to th Visalia Times-Delta and Tulare Advance-Register, Monday, September 14, 2009:](#)

Thumbs up: Sequoia park shuttle a great deal in Visalia

Thumbs up to the city of Visalia and Sequoia National Park for providing the "Sequoia Shuttle."

Recently, three friends and I took the shuttle to Giant Forest.

Then, we rode in-park shuttles to points of interest — Sherman tree, Wolverton, Lodgepole and on to lunch at Wuksachi Lodge.

We had a fine time enjoying the sights, a little hiking and the excellent museum at Giant Forest.

The trip up by bus was comfortable, it minimized the pollution of our cars if all 16 of us had driven and was very reasonably priced.

Our driver, Eddie Crawford, was friendly, courteous to us as well as to other drivers on the road and was an excellent mountain driver.

In the future, whenever I have guests during the summer, we are going to Sequoia National Park via the shuttle.

Keep up this great service.

Carolyn Pendery, Visalia

[Note: The following clip in Spanish discusses Gov. Schwarzenegger will veto a renewable energy bill. For more information on this or other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

Schwarzenegger vetará ley de energía renovable

El gobernador opta por emitir orden ejecutiva menos proteccionista

By Juliet Williams / Associated Press

La Opinión, Sunday, Sept. 13, 2009

SACRAMENTO.— La oficina del gobernador Arnold Schwarzenegger anunció ayer que vetará la legislación que requiere que un tercio de energía para California provenga de fuentes renovables para 2020, y optará por exigir el cambio a través de una orden ejecutiva.

Los proyectos de ley de los demócratas aprobados por la Legislatura estatal justo antes de que concluyera la sesión legislativa el viernes habría fijado los estándares más agresivos de energía renovable en la nación.

Pero éstas también limitan la cantidad de energía de fuentes tales como el viento, solares y geotérmicas que podrían venir de fuera del estado.

Schwarzenegger y los productores de energía dijeron que la legislación establecería muchas trabas regulatorias.

"Los proyectos de ley, redactados de una manera muy pobre y demasiado complejos por la Legislatura son estafas proteccionistas que matarían la industria solar en California y elevaría los precios como la fallida deregulación de energía de finales de los 1990s", dijo el director de comunicaciones de Schwarzenegger, Matt David, en un comunicado enviado ayer.

Productores Independientes de Energía, grupo que representa a las compañías que proveen un 80% de la energía renovable a California, se opuso a la legislación.

Los defensores de los consumidores y los grupos protectores del medio ambiente demandan que los estándares más altos también se apliquen a las compañías de otros estados que venden energía a California con el objetivo de que este tipo de energía se produzca dentro del estado para generar empleos.

Los grupos ambientalistas pidieron a Schwarzenegger reconsiderar su decisión diciendo que la ley permitiría crear unos 200,000 empleos 'verdes' en el estado.

[Note: The following clip in Spanish reports that a lawsuit against carbon plants in Illinois has been filed alleging violation of the Clean Air Act.](#)

Meten demanda contra plantas de carbón

By Fabiola Pomareda

La Raza, Sunday, Sept. 13, 2009

Autoridades federales y estatales interpusieron una demanda contra la empresa Midwest Generation, en la que señalan que sus seis plantas de generación eléctrica a base de carbón en Illinois -dos de ellas en La Villita y Pilsen- siguen contaminando el ambiente y violando la ley Clean Air Act.

La demanda es otro capítulo en la historia de estas gigantescas plantas, sus controversiales chimeneas y apilamientos de carbón; y tanto la compañía como grupos ambientalistas de Chicago y de salud pública coinciden en que existe una falta de información en la comunidad.

Para Susan Olavarria, directora de comunicaciones y asuntos gubernamentales de Midwest Generation, la gente necesita informarse y educarse más sobre lo que sucede tras las rejas que circundan las plantas y dijo que ella ha invitado a las personas a visitarlas.

"Estas acusaciones que la comunidad y muchos de los grupos ambientalistas nos siguen haciendo están basadas nada más en el hecho de que somos una corporación, que somos grandes y es muy fácil decir 'ah, ellos son responsables' y no mirar todas las cosas que causan enfermedades en la comunidad", afirmó.

En opinión de Brian Urbaszewski, director de programas de salud ambiental en la Health Respiratory Association, el que haya otras fuentes de contaminación no significa que la empresa tenga inmunidad para violar la ley y salirse con la suya.

PILSEN

Si bien hay vecinos involucrados con los grupos ambientalistas, la gran mayoría desconoce qué son las plantas y si tienen alguna incidencia en su salud. Así lo comentó María Chávez, quien ha vivido en Pilsen durante 30 años, durante una vigilia-protesta frente a la planta Fisk, en el 1111 al oeste de la Cermak, en Pilsen, en abril pasado.

"Cuando vivía en la 21 place y la Paulina, si abría la ventana en la mañana y tocaba con mi dedo, podía levantar plomo negro; igual si tocaba el carro. Hasta mi hijo tenía alergias a los cinco años", contó la mujer, quien se mudó a dos millas de distancia.

"El doctor me dijo: 'es que donde vives hay mucha contaminación, no lo dejes jugar afuera; cierra tus ventanas y pon aire central'", agregó, mientras junto a unas 30 personas trataba de encender unas velas apostadas junto a cruces de madera, como parte del acto de protesta convocado por PERRO (Pilsen Environmental Rights and Reform Organization).

Chávez reconoció que la comunidad no está reaccionando como debería, tal vez porque las personas con dos o más trabajos no tienen tiempo para involucrarse o simplemente... porque ya se han acostumbrado.

LA VILLITA

En la esquina de la Pulaski y la 28, un señor ofrece tomates, melones, piñas y hasta papayas al mejor postor. A pleno sol de las tres de la tarde tiene varios clientes, mientras los carros zumban por la Pulaski. Al fondo se yerguen las dos chimeneas de la planta Crawford, a la altura de la calle 35.

El tráfico es pesado. Conforme nos acercamos, los comercios se transforman en casitas de un piso y de repente surge gigantesca la planta, frente a una explanada con las estaciones transformadoras. Al tomar un camino que la bordea en su lado norte vemos el apilamiento de carbón, cubierto con una especie de manto negro y una zona verde con varios árboles jóvenes.

ACCIONES CONCRETAS

La siembra de estos árboles es precisamente una de las acciones mencionadas por Olavarria, como parte de la estrategia ambiental de la compañía.

Midwest Generation adquirió las plantas Fisk y Crawford en 1999 e inmediatamente invirtió \$250 millones en mejorarlas, según Olavarria, lo cual resultó en una reducción inmediata de un 30% de las emisiones de dióxido sulfúrico (causa lluvia ácida) y de un 50% de las de óxido nitroso (niebla).

También informó de la implementación de controles para disminuir la contaminación con mercurio, mucho antes de que entraran en vigencia reglas estatales al respecto. "Ha sido una reducción constante de mercurio de casi un 80%", dijo.

Apuntó que recientemente se cubrió el apilamiento de carbón con una especie de líquido que al secarse se endurece y funciona como una cobertura plástica, que previene que el viento disperse el carbón. Y finalmente, dijo que en conjunto con la ciudad de Chicago se crearon pequeñas colinas alrededor del apilamiento -como barrera natural-, y sembraron los árboles mencionados.

SE TRATA DE LA SALUD

Lo que preocupa a los grupos citados y a otros como el Environmental Law & Policy Center (ELPC) y la Little Village Environmental Justice Organization sigue siendo los efectos en la salud, debido a la contaminación que genera la combustión del carbón.

El reporte "Estimated Public Health Impacts of Criteria Pollutant Air Emissions from Nine Fossil-Fueled Power Plants in Illinois", de los científicos John Spengler y Jonathan Levy de la Harvard School of Public Health estimó este impacto en el 2001.

Allí concluyen que las emisiones de las plantas de Illinois contribuyen a 300 muertes tempranas, 14,000 ataques de asma y más de 400,000 incidentes diarios de problemas respiratorios.

Urbaszewski lo explicó así. Las chimeneas de las plantas emiten ceniza que cae cerca y es aspirada por la gente, y puede causar todo tipo de problemas, desde ataques de asma hasta ataques al corazón y derrames. Pero los químicos que emiten los gases son llevados por el viento y esparcidos en la distancia.

Así que el efecto de la Fisk y la Crawford está impactando no sólo a estos barrios sino a la mitad inferior del Lago Michigan, dijo.

LA OPACIDAD

Olavarria comentó que es cierto que han tenido problemas con la opacidad (oscuridad del humo emitido) pero dijo que han reportado todo.

"Cada vez que tenemos un incidente de opacidad lo reportamos e inmediatamente tomamos medidas para arreglarlo. Lo que generamos en la electricidad es todo basado en la demanda. Entre más electricidad se use, más carbón se tiene que quemar para cubrir la demanda. Todo el mundo tiene que ver en esto", explicó.

"En los últimos 10 años hemos reducido los incidentes de opacidad en un 65% y ni una vez hemos tenido un caso de violación por opacidad dado por la Agencia de Protección Ambiental (EPA) de Illinois. No tenemos ni una violación", dijo.

Sin embargo, la EPA Region 5 les envió una notificación de violación por opacidad y emisiones en julio de 2007.

"Ese fue un incidente que todavía estamos evaluando y no hizo que nos quitaran la licencia para seguir operando estas plantas", indicó Olavarria.

VINO LA DEMANDA

Se le consultó a la EPA Region 5 qué seguimiento se le había dado a esta violación. Mick Hans, vocero de la oficina, informó que ese fue el primer paso en su proceso de hacer cumplir la ley y que la notificación aún no se resuelve, por lo que el 27 de agosto pasado se interpuso la demanda, junto con el Departamento de Justicia y la Oficina de la Fiscalía General de Illinois.

"Nosotros no vamos a decir que no estamos emitiendo, porque estamos quemando carbón para generar electricidad; pero pensamos que el caso que tiene el Departamento de Justicia es verdaderamente una campaña contra nosotros, es un empuje de los grupos ambientalistas", puntualizó Olavarria, citando el buen récord que tiene la empresa y las varias medidas adoptadas.

La funcionaria también recordó el acuerdo firmado entre la empresa y el Gobierno de Illinois en el 2006, en el que se comprometieron a reducir las emisiones de óxido nitroso en un 66% para el

2012 y el dióxido sulfúrico en un 78%, entre el 2012 y el 2018. "Y si no podemos lograr estas reducciones, pues las cerramos, cerramos las plantas", señaló.

JUSTICIA AMBIENTAL

Con respecto al argumento de justicia ambiental, Brian Urbaszewski, director de programas de salud ambiental en la Health Respiratory Association, explicó que si bien estas plantas de generación eléctrica a base de carbón no fueron construidas en Pilsen y La Villita porque estos son barrios con alta población de inmigrantes mexicanos o con muchas personas de bajos ingresos, eso no significa que este factor podría estar beneficiando a la compañía que las opera en la actualidad.

Citó, por ejemplo, el hecho de que mucha gente no habla inglés, conoce poco las leyes o tiene limitados recursos económicos o poder político para defender su derecho a un ambiente sano, "a diferencia de lo que pasaría si estas plantas estuvieran, por decir, en Winnetka o Lake Forest, donde habría mucha más protesta y más recursos dirigidos a que cumplieran la ley".

Según el reporte "Air of Injustice: How Air Pollution Affects the Health of Latinos", elaborado por LULAC en 2004, 39% de la población latina en EE.UU. vive a 30 millas o menos de una planta de energía a base de carbón.

Esta es la distancia en la que hay un impacto importante sobre la salud y para muchos la situación es peor, por la falta de seguro médico y las barreras del idioma, indica el estudio.

Asimismo, un 35% de los hispanos en EE.UU. viven en áreas en las que se violan los estándares federales de contaminación del aire.