Pollution agency seeks $319 million from BP Arco
Bakersfield Californian
The Associated Press
Wednesday March 12, 2003, 03:25:04 PM

LOS ANGELES (AP) - The South Coast Air Quality Management District filed a lawsuit Wednesday seeking more than $319 million in damages from BP Arco for alleged violations of emissions standards.

The suit, filed in Los Angeles Superior Court, alleges that 80 percent of the company's aboveground petroleum tanks violated district environmental regulations during court-ordered inspections. A dozen notices, documenting thousands of violations, were sent to the company, the suit states.

BP Arco is the name of the merged BP West Coast and Atlantic Richfield companies. Paula Barnett, the company's west coast manager of public affairs, called the $319 in requested damages a "disproportionate reaction."

"The emissions from the tanks were not significant," Barnett said. "At no time do we believe that there was any threat to the community or the environment."

The violations were discovered on 39 of 45 tanks at the company's Carson refinery after a judge ordered an inspection last year.

Sam Atwood, a spokesman for the air quality district, said the penalty demand was consistent with state law. He said the emissions could have aggravated asthma cases and other respiratory ailments.

"Los Angeles is the smog capital of the nation," Atwood said. "These excess emissions could have potentially created higher levels of (harmful) ozone."

BP Arco had been participating in a self-inspection program, according to the suit, and barred inspectors from the air pollution agency from verifying company claims that there had been no violations during the previous four years and "virtually no repairs."

Barnett said a disagreement ensued when air district inspectors refused to undergo a four-hour safety course before checking the site.

"The storage tanks were repaired within 72 hours of the initial investigation," Barnett said. "They are now in good repair and operating as designed."

Central Valley's air advocate

Legislator's bills, while irksome to agriculture, still a positive step

Published in The Record, Thursday, March 13, 2003

Valley residents could breathe fresher air someday if at least some part of a package of bills introduced last month by state Sen. Dean Florez, D-Shafter, makes its way into law.

Farmers, targeted in several Florez bills, should get on board and help shape the crop of proposed legislation. Florez's rules would be tougher than those endorsed in agriculture-industry-sponsored legislation.

The U.S. Environmental Protection Agency already has said an ag-industry-backed proposal to help clean the air doesn't go far enough. Farm lobbyists fear Florez's proposals go too far.

Agriculture, which contributes more than half the Valley's particulate pollution and about 20 percent of the smog-making pollutants, is also the economic lifeblood of the Valley.

"We can have a vibrant agriculture industry and air healthy enough for asthmatic children to breathe," Florez said Friday at a Bakersfield hearing, one in a series he's holding on Valley air pollution.

Pollution is blamed for at least some of the 300,000 cases of lung disease in the Valley. One in six Valley children has asthma, which can be triggered by air pollution. Lung diseases cost the Valley
$4 billion a year in medical care and $3 billion in lost productivity.

Also, Florez said, smog causes a 20 percent to 30 percent drop in crop production.

The EPA last year settled a lawsuit requiring California to repeal a permit loophole for farmers or face expensive statewide sanctions by Nov. 23, including the withholding of $2 billion in federal highway money.

Florez's package addresses the EPA concerns and more. Among the bills are measures that would:

* Prohibit open burning of agricultural waste.

* Repeal the exemptions growers enjoy from many clean-air rules.

* Offer farmers special deals on electricity to get them to stop using many of the 4,500 diesel-powered water pumps operating in the Valley.

* Require that developers install only low-emission fireplaces in new homes, essentially outlawing old-fashioned wood-burning fireplaces.

* Require any car built in the past 45 years to undergo smog testing. Current law exempts cars built before 1974.

* Prohibit placement or expansion of a dairy within three miles of a school.

At Friday's hearing, the open-burning issue provided two good examples of the expenses farmers may face complying with new rules:

* A Kern County farmer who chips and hauls wood needed to remove 80 acres of vineyard. Previously, it would have cost about $10,000 to rip out and dispose of the waste. With labor, transportation and landfill costs, the disposal price has grown to $80,000.

* The 50,000 acre Paramount Farms sent 2 million tons of orchard waste to clean, wood-burning electricity plants over the past decade rather than light open-field fires and pour dirty smoke into the sky despite the rising cost of disposal.

"We spend $250,000 a year now to do it," Rob Baker said; "a few years ago, we didn't spend anything." The California Farm Bureau Federation has challenged new EPA regulations, saying they are based on inadequate and outdated information.

However, Michele Dias, CFBF Natural Resources and Environmental Division attorney and air-quality specialist, suggested to farmers last month that they do what they can to prepare for the impact of the new requirements.

"Common sense says we do not belong in this program. We shouldn't be in this program. It was never intended to be applied to agriculture," Dias said. "The fact is, federal law does not allow for any exemptions from Title V, so either the agricultural community gets on board and has a say and try to bring some reasonableness to however this exemption is rewritten, or we can sit back and let the environmentalists to do it. This is going to happen, and we need to participate so we can minimize the effects."

Maybe that attitude will at least allow all sides to get together and hammer out a solution.

AIR POLLUTION VIOLATIONS

Bakersfield Californian
Wednesday March 12, 2003, 10:35:05 PM
Green Box Rentals in Visalia was cited Nov. 4 for painting metal storage containers, using up to 30 gallons of water-based paint per month.
Hondo Chemical Inc. in Bakersfield was cited Nov. 4 for violating PTO conditions and inability to comply with emissions limits.
Chevron USA Inc. in Bakersfield was cited Nov. 4 in Fellows for failure to operate the vapor control system as required by permit.
Clevenger Ford Lincoln Mercury in Porterville was cited Nov. 5 for a storage container with solvent-laden cloth, paper was not sealed at time of inspection violating permit conditions.

Aera Energy LLC in Bakersfield was cited Nov. 5 for having water/fuel ratio at 0.7 according to water injection rate monitor data. Permit requires ratio to be no less than 0.8.
Shell Bakersfield Refinery in Bakersfield was cited Nov. 5 in area 1 for having a 14,000 ppm leak on north side of man hole gasket.
Shell Oil Products in Bakersfield was cited Nov. 5 in area 2 for having a seal on a door not leak-tight and Wemco not controlled by vapor recovery system.
Bakersfield Imports in Bakersfield was cited Nov. 6 for painting automobiles without a district permit to operate.
Mitch Brown Construction Inc. in Porterville was cited Nov. 7 for having six confirmed odor complaints being received within a 24-hour period.
Lower Tule River Irrigation District in Woodville was cited Nov. 7 for operating without a valid permit.
Perez Auto & Truck Repair in Bakersfield was cited Nov. 7 for coatings usage records not being maintained since June 2002.
Crutcher-Tufts Production Co. in Bakersfield was cited Nov. 7 for a tank failing to be maintained in a gas-tight condition and leaking vapors being visible from the top edge of the tank.
Castle Peak Resources Inc. in Bakersfield was cited Nov. 7 for engine emissions exceeding Nox limits specified in permit.
S&S Body Shop in Bakersfield was cited Nov. 8 for not currently having a closed container for rag disposal, is currently using a noncompliant solvent for surface prep and is currently cleaning spray equipment outside of the GLN cleaner.
JTS Construction in Bakersfield was cited Nov. 8 for operating without a valid permit.
Crimson Resource Management in Bakersfield was cited Nov. 8 in Taft for exceeding Nox emission limits.
Aera Energy LLC in Fellows was cited Nov. 14 for a 50,000 ppm THC leak being discovered on the west net tank at the Anderson Goodwin Lease.
Dinuba Energy Inc. (CSUF Auxiliary Corp.) in Reedley was cited Nov. 14 for an occurrence of four minutes of 20 percent opacity or greater as measured by the CEM, in the hour beginning at 5 p.m. Breakdown relief was denied due to late notification.
Chevron USA Inc. in Bakersfield was cited Nov. 12 in McKittrick for incineration of sour gas at flare due to internal power outage.
Crimson Resource Management in Bakersfield was cited Nov. 8 in Taft for exceeding Nox emission limits.
Castle Peak Resources Inc. in Bakersfield was cited Nov. 14 for engine emissions exceeding Nox limits.
Wasco Unified High School in Wasco was cited Nov. 14 for having a bonfire involving prohibited materials.
Niagara Car Wash in Long Beach was cited Nov. 18 in Bakersfield for operating air pollution control equipment without a permit.
AAA Cleanup & Hauling in Bakersfield was cited Nov. 18 for demolishing a shed before being thoroughly inspected and without prior notification.
Energy Transfer - Hanover LP in Dallas was cited Nov. 19 in Fellows for source test results revealing energy transfer turbing operating in noncompliance with permitted emission limits.

Hicks Family Limited Partnership in Visalia was cited Nov. 19 in Tulare County for an emergency I.C. engine which was installed in 1969 which is required to have a permit to operate.

Another in a series of the Fresno Bee's Thursday editorials on the Valley's air.

Diesel damage

Popular engines are cheaper -- until we add the cost of pollution.

(Published Thursday, March 13, 2003, 4:27 AM)

Every day thousands of diesel-fueled trucks and cars move up and down the spine of the Valley -- double the number from two decades ago. They share those roads and highways with gasolinepowered vehicles, but there's another thing they don't share: the same set of regulations on their emissions.

The reasons for that are several: Diesel engines operate differently, and pollution controls that work on gas-powered engines won't necessarily help with diesels. Regulators have spent much more time and study on the problems caused by gas-powered vehicle emissions. And the kicker -- the trucking industry, the oil industry and the manufacturers of diesel engines have been a powerful consortium when it comes to fending off the attention of government regulators.

When a rudimentary inspection for trucks on California highways was started in 1991, the trucking industry tied it up in court. The program was suspended in 1993, and replaced in 1998 with a new program the industry helped create.

It doesn't help much. There are nearly 700,000 diesel vehicles on the state's roads; some 15,000 to 20,000 are inspected each year. And owner-operators of single diesel trucks are exempt from the program altogether.

Cars that skip or fail a Smog Check II test can't be registered. Uninspected diesels can.

Things are changing, but only very slowly. Too slowly, in fact. New standards for diesel engine emissions have been set, but won't take effect until 2007. New diesel technology promises cleaner engines -- though improvements aren't nearly as dramatic as those achieved with gas-burning engines.

Diesels are popular because they're cheaper to run -- partly because they are barely regulated -- and they deliver more power for less fuel. But there's a huge social cost to using diesels: They produce about one-sixth of the Valley's nitrogen oxides, a main component of smog, and huge amounts of particulates and soot.

It's going to be expensive to make improvements, but they must be made. And we've got to pick up the pace when it comes to diesel engine regulation. From now on, the bottom line on business as usual includes the human costs of air pollution.