

Talk on blown pollution may boost air pressure

Scientist revisits debate on Bay Area role in Valley smog.

By Mark Grossi
The Fresno Bee

Thurs., Sept. 30, 2004

BAKERSFIELD -- Atmospheric scientist Tom Cahill may have stirred an old argument Wednesday about how badly San Francisco's wind-blown pollution fouls Fresno's air.

Cahill, a retired professor from the University of California at Davis, said he used a sophisticated computer program to backtrack plumes of bad air from Fresno. The program led him to the Carquinez Straits, where ocean breezes flow from the Bay Area to the Central Valley.

"High-altitude wind transports from Bay Area refineries and power plants plumes that go to the Sierra during the day and come back to Fresno at night, when the evening winds move downslope," Cahill said.

"My theory is that this is an unknown source putting ozone precursors into Fresno's air on some summer mornings."

The idea, delivered Wednesday to a packed house at an air symposium hosted by the San Joaquin Valley Air Pollution Control District, turned attention to a once widely debated view that the Bay Area causes much of the Valley's smog problem. The argument between politicians from the two areas has died down in the past few years, largely because state and local air pollution officials say it's not a huge issue. In addition, San Francisco recently has started new controls on pollution from refineries and power plants.

"Bay Area transport is a pollution source for us, but most of our problem is right here in the Valley," said air district official Dave Jones, who attended the symposium.

The gathering, which continues today, brought together businesses, civic leaders, pollution experts, community activists and health officials to discuss the Valley's continuing fight for healthy air.

Many speakers told the symposium audience that science and government needed new approaches and innovation.

Cahill preached the same idea. He is the researcher who provided eye-opening findings on fine-particle pollution that threatened rescue workers at the World Trade Center site after the Sept. 11, 2001, disaster. He also studied air problems at Mono Lake, Owens Lake and Lake Tahoe.

Cahill pointed to the 1990s research that estimated about 10% of Fresno's ozone or smog comes from the Bay Area.

He said the research, which will be updated next year, focused on ground monitors, not on plumes thousands of feet in the air.

He said the high-elevation pollution -- ranging from 2,000 to 6,000 feet up -- should be thoroughly investigated.

Bay Area refineries and power plants have very tall stacks to push emissions high into the sky away from residents.

Up in the air, they ride the wind into the Sierra where they hover until evening when the wind shifts and goes back downhill to mix the pollution with Valley air, Cahill said.

He said he thinks it could be the missing link in explaining why the Valley's stubborn smog problems have not diminished as quickly as they have in the Los Angeles area.

In terms of the eight-hour or daylong smog measurement, the Valley has more health violations than any other place in the country. The Valley has reduced pollution by many tons per day since 1990, but ozone concentrations have changed very little over many years.

"Something else is happening here that isn't happening in Los Angeles and San Francisco," he said.

He started studying the Valley's ozone problem in March after speaking in Fresno about air pollution. Cahill said he has approached the California Air Resources Board and believes state officials are interested in further study.

State officials confirmed Cahill approached them, but they say they need more information to form an opinion.

Grant to retrofit 10 train engines

By Barbara Anderson
The Fresno Bee

Thurs., Sept. 30, 2004

A \$75,000 grant to upgrade aging diesel locomotives in the San Joaquin Valley is only the beginning of a voluntary program to clean up the sooty air, say federal environmental officials.

"We're really trying to use it to build momentum," said Kerry Drake, associate director of the U.S. Environmental Protection Agency in San Francisco.

The grant to Union Pacific and the Burlington Northern and Santa Fe Railway is part of \$6 million in West Coast voluntary emission reduction projects that the U.S. Environmental Protection Agency announced Thursday.

None of the funding so far relates to agriculture, a prime source of the Valley's pollution.

The rail companies will use the grant to retrofit 10 switcher locomotives in the Valley to reduce emissions of nitrogen oxides, sulfur dioxide and diesel particulate emissions. The new technology switches engines off when they are not needed. It should result in engines idling about 2,500 fewer hours per year, which is significant, Drake said.

The EPA said in a written statement that each railroad will contribute \$45,000 along with the \$75,000 EPA grant.

"This partnership will allow us to accelerate our efforts to reduce diesel air emissions and to specifically improve air quality for people in the San Joaquin Valley," said Bob Grimailia, Union Pacific's senior assistant vice president for safety, environment and security.

Keith Nilmeier, a Fresno grape farmer and owner of a trucking firm, said leaving agriculture out of the picture could be a mistake.

"If there is any grant money, ag should get some portion so we can continue to change out of older motors to new technology and clean up our act," he said. "We're doing everything we can but need a continuing, progressive program."

Drake said the farming industry is discussing proposals that could be presented for future grants.

Nilmeier said he is pleased that the grants announced Thursday include a plan to take a closer look at the effects of Mexican trucks on U.S. roadways, which some farm leaders believe could be a source of significant pollution.

Citizens challenge dairy air settlement

Group says agreement with air district contains loopholes that skirt law

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Thurs., Sept. 30, 2004

A settlement announced last week between the dairy industry and valley air regulators is facing a legal challenge from an environmental group.

The Shafter-based Association of Irrigated Residents wants the agreement blocked, saying loopholes give dairies exemptions from clean air rules that amount to a violation of federal law.

Air officials say the settlement still lets them require pollution-cutting equipment at new facilities. Such decisions will be made on a case-by-case basis until permanent rules are in place, they say.

Fresno County Superior Court Judge Wayne Ellison is expected to decide the matter today.

The disputed settlement came out of a lawsuit against the San Joaquin Valley Air Pollution Control District by industry groups Western United Dairymen and Alliance of Western Milk Producers.

Dave Warner, who heads permitting operations for the air district, said Wednesday the new dairies proposed for Kern County will still come under the district's scrutiny.

"It changes things very little from our original proposition," Warner said.

The air district expects data from new studies on dairy emissions over the next year or so. Those results should provide reliable numbers showing how much air pollution dairies cause.

By next April, Warner said, the district should have a new "emissions factor" finalized. That number will provide a firm starting point for figuring what size dairies will need air permits as well as what equipment will be required to cut emissions.

In the meantime, he said, the district will still require new dairies with about 2,000 or more cows to install whatever technology is considered state-of-the-art when the dairy is built.

And dairies still need to get permits from the district.

Some two dozen dairy-related proposals are on the books for Kern. If all facilities are built, that could mean more than 214,000 new cows here.

County planners estimate there are currently 290,000 animals here at 55 dairies.

Ted James, the county's chief planner, said air officials have assured him they will be involved in Kern's permitting process for new dairy operations even if the settlement is approved.

Phil Jay, a lawyer for the air district, disputed reports that the settlement represents a roll-over-and-play-dead stance for regulators.

But the settlement does give existing dairies "some breathing room," he said.

That's because existing dairies won't be required to retrofit facilities with up-to-date equipment in the near future.

Brent Newell, attorney for the irritated residents group, said loopholes mean the district is under "no obligation" to make dairies put in pollution-cutting gear.

"Dairies are getting an exemption by way of the settlement," Newell said, adding that the settlement violates federal clean air laws.

The lawsuit itself was the industry's response to new state laws requiring air permits and pollution control for large farming operations.

Dairymen have argued that the air district's proposed rules are based on outdated research done in 1938.

They say the district's use of ancient data means they'd end up paying millions for expensive equipment that doesn't actually clean the valley's badly polluted air.

Dairies, like other farming operations, came under the scope of air regulations this year after a decades-old exemption for the state's agriculture industry.

State Senate Bill 700, authored by Dean Florez, a Shafter Democrat, yanked that exemption for large ag operations.

Government, rail industry pull load for cleaner air

Coalition provides funds to install technology meant to reduce diesel pollution

By MATT WEISER, Californian staff writer

Bakersfield Californian, Thurs., Sept. 30, 2004

They might not look any different, but some of the trains you're seeing around Bakersfield are now helping to clean the air you breathe.

The U.S. Environmental Protection Agency expects to announce a \$75,000 grant today to help the valley's major freight railroads install new idle-stop devices that make switching locomotives shut down when not in use. This will mean less harmful diesel pollution in densely populated neighborhoods surrounding local rail yards.

The grant will be officially announced at Bakersfield's Amtrak station today at noon. It is among the first efforts by a new coalition of Pacific states and industry groups to voluntarily reduce diesel pollution earlier than federal rules require.

"We're trying to find ways that we can accelerate the achievement of cleaner air," said Wayne Nastri, EPA regional administrator. "Everyone is unified in the view that whatever we can do to accelerate the diesel (emission) reductions is worthwhile."

The new group is known as the West Coast Diesel Emissions Reduction Collaborative. Its members include government representatives from California, Oregon, Washington and Alaska, as well as the federal government, Canada and Mexico. Industry groups and nonprofits are also participating.

For the local grant, Union Pacific and Burlington Northern Santa Fe railroads will each add \$45,000 to install shut-down technology on switching locomotives. This is expected to reduce nitrogen oxide emissions by 2.5 tons annually.

The combined funding will retrofit 10 locomotives in the valley with the idle control devices. Railroad officials said most of the switching engines operating in Bakersfield already use the systems.

"This partnership will allow us to accelerate our efforts to reduce diesel air emissions and to specifically improve air quality for people in the San Joaquin Valley," said Bob Grimailia, Union Pacific senior assistant for safety, environment and security.

New federal rules are expected to cut emissions from commercial diesel engines by 99 percent. But these rules don't kick in until 2008, and because most diesel engines have a long service life, many won't be upgraded until years later.

The coalition hopes to award \$100 million in government grants over the next few years to get a jump on those rules. Programs will address emissions from diesel trucks, ships and trains. Diesel engines used in construction and agriculture, recognized as the biggest offenders, also will be targeted.

Bay Area refineries suspect in valley smog

By MATT WEISER, Californian staff writer
Bakersfield Californian, Thurs., Sept. 30, 2004

Valley air pollution officials have long stated that the Bay Area can't be blamed for our air quality problems, that pollution blown into the valley from elsewhere is only a small percentage of our problem.

But Thomas Cahill, a respected atmospheric scientist at UC Davis, said that's because we've been looking in the wrong places. It's not a problem of low-altitude pollution drift, he said.

"It turns out it's a different issue than we think," he said. "We have to start thinking in three dimensions."

Cahill presented new research Wednesday suggesting that refinery and power plant pollution in the Bay Area is a bigger problem for the San Joaquin Valley than anyone has thought before.

He said that pollution, particularly from facilities in the Carquinez Strait, are carried aloft at high altitude, then "pile up" against the Sierra Nevada. Evening winds flowing downslope from the

mountains then drop that pollution into the valley, causing up to 20 days of ozone violations in Fresno -- potentially up to one-fourth of the region's problem.

"It turns out the biggest source is the petroleum industry in the Carquinez Strait," he said. "This is an area that should be heavily researched."

Cahill said the problem is not as pronounced in Bakersfield, accounting for maybe half that number of violations.

But he also cautioned that his work is still a "hypothesis."

He presented the research for the first time at the 2004 Air Quality Symposium, hosted in Bakersfield by the San Joaquin Valley Air Pollution Control District. The event continues today at the Holiday Inn Select Convention Center downtown.

The Carquinez Strait is a narrow natural channel through which the Sacramento and San Joaquin rivers flow out to San Francisco Bay and the ocean. The strait also happens to be a significant funnel for westerly winds.

There are three major oil refineries along the strait in Martinez and Benicia, plus two major power plants in Pittsburg and Antioch. Two more refineries lie near the mouth of the strait in Richmond and Rodeo. All have very tall exhaust stacks.

Cahill said these stacks serve a purpose: They keep pollution away from local residents. But they also succeed in sending those emissions high into the upper atmosphere, he said, where they are held aloft until they run into the Sierra Nevada.

The valley's progress in controlling ozone concentration has been relatively flat over the past 10 years, despite huge strides in reducing local sources of pollution that cause it.

"Considering all the effort you've made, there's not a whole lot of progress," he said. "Why aren't you getting better ozone control?"

The answer, he said, is nitrogen oxide pollution from Bay Area refineries. Both the Bay Area and San Joaquin Valley have reduced this pollutant at equal rates, but Cahill said those Bay Area emissions haven't been examined in the past as a direct cause of valley ozone.

He used advanced new computer models to show that prevailing winds and geography directly transfer those emissions to the valley, especially in Fresno. But he cautioned that in Bakersfield, local pollution sources such as farming may be a bigger factor.

"Bakersfield is somewhat blessed by the fact that it's further away from the Bay Area," he said.

Roger Christy, an air quality specialist with ChevronTexaco in Bakersfield, said Cahill's work deserves further study. But he said Bay Area refineries are heavily regulated, just like those in the valley. He doubted they are to blame for the valley's smog.

"They do have a lot of controls on refineries in the Bay Area, so I was surprised to hear that," he said. "It's not like that stuff hasn't been regulated."

ChevronTexaco owns a refinery in Richmond, at the mouth of the Carquinez Strait.

The valley air district has reported for years that pollution transported from outside the district accounts for only 11 percent of Fresno's air problem, and only 9 percent in the Bakersfield area.

David Crow, air pollution control officer for the district, said it is too early to revise those numbers. But he said Cahill's work deserves further scrutiny.

"What he's illustrated is that we need a better scientific understanding of not only those emissions, but the totality," Crow said. "We are not an island. We are absolutely inter-related to our neighbors."

Valley breathes easy after season

Spare the Air concludes for San Joaquin, continues throughout the Bay Area

By Dave Myhra - SAN JOAQUIN BUREAU

TriValley Herald, Thurs., Sept. 30, 2004

Lay back and smell the fresh air -- there was more for everyone this summer.

Today marks the end of the San Joaquin Valley Air Pollution Control District's "Spare the Air" season," which began on June 8.

In San Joaquin County, the air showed significant improvement during June and now. During the 2003 season, there were 15 "Spare the Air" days; this year, there were only three.

And there was a 34 percent air-pollution decrease overall in the district, which encompasses eight counties.

"It was quite a dramatic decrease, it was definitely the best spare the air year since the district formed in 1992," said Anthony Presto, public educator for the district.

"There's no way of telling if this is going to continue," Presto said.

In the Bay Area, air officials have declared three Spare the Air days since this year's program got under way on June 21. On two of those days -- Sept. 7 and 8 -- BART offered free morning rides to minimize unhealthy air conditions.

The Spare the Air season will finish in the Bay Area on Oct. 15, officials said. BART is offering free service from 4:30 to 9 a.m. on the first five Spare the Air days, providing such days land on a weekday.

BART's first two free days saw a large increase in riders, spokesman Linton Johnson said.

"On (Sept. 7), we saw an increase of 16,000 riders. On the second day, we saw an increase of 24,000 riders," Johnson said. "Normally, we average between 310,000 and 315,000 riders a day."

The rides are subsidized by \$2 million in grants from the Metropolitan Transportation Commission, Johnson said.

WHEELS bus service in the Amador-Livermore Valley also offers free rides on the Spare the Air days in the hopes more people will use the bus and preserve air quality, officials said.

The San Joaquin Valley Air Pollution Control district is looking into several areas that may have helped with the exceptionally clean air this year.

The top reason it is considering is that the district's message is getting through to people in the area.

"We definitely believe that people have begun to become aware and are making changes in their daily lives," Presto said.

Other reasons include programs the district has been running, such as the lawn mower trade-in program, in which people could get discounted, environmentally friendly mowers.

But out of its control were the gas prices, which also could have had an effect.

"The fact that gasoline has been over \$2 a gallon all summer, that could have made somewhat of a difference," Presto said.

"Spare the Air" is the district's volunteer education and action program, where residents are asked to change certain practices, such as barbecuing and using their fireplaces, when the air is becoming unhealthy.

For more information, visit the San Joaquin Valley Air Pollution Control District's Web site at www.valleyair.org <<http://www.valleyair.org>>

Air spared in '04

Modesto Bee, Thurs., Sept. 30, 2004

The air we breathe was cleaner this summer than it was a year ago, the San Joaquin Valley Air Pollution Control District announced Wednesday. There were 27 Spare the Air days in the eight -

county district between June 8 and Sept. 30 compared with 41 in 2003. Stanislaus and San Joaquin counties posted just three Spare the Air days while Merced had five. Last year, Stanislaus and San Joaquin counties posted 15 such days and Merced had 37. Spare the Air is the district's voluntary program asking residents to curtail activities that contribute to summertime smog on days when air-quality levels are forecast to be unhealthy or deteriorating.

Wal-Mart arguments continue in court

Retailer and Turlock battle over supercenter ordinance

Modesto Bee, Thurs., Sept. 30, 2004

A judge suggested Wednesday it wasn't wrong for Turlock city officials to meet with Wal-Mart's grocery competitors before the City Council passed an ordinance blocking a Wal-Mart supercenter.

"Aren't they supposed to meet with constituents?" Judge Roger Beauchesne asked during a 2½-hour hearing in Stanislaus County Superior Court.

He has 90 days to rule on Wal-Mart's lawsuit challenging the ordinance, and said he did not think his decision would take that long.

Two Fresno-based attorneys representing Wal-Mart argued that grocery executives, in their meetings with Turlock officials, persuaded the city to enact the ordinance.

The attorneys argued that the ordinance unfairly targets Wal-Mart. The law does not mention the company by name. Instead, the ordinance sets a limit of 100,000 square feet on store size when at least 5 percent of the space is devoted to groceries and other nontaxable goods.

Wal-Mart supercenters combine traditional Wal-Mart discount stores with full grocery stores. The company proposed a 225,000-square-foot supercenter on Fulkerth Road just west of Highway 99.

"The mind-set was this was about precluding a Wal-Mart supercenter," said Timothy Jones, a Wal-Mart attorney.

Rick Jarvis, an Oakland-based attorney retained by Turlock, said the ordinance also applies to supermarket-discount store combinations operated by other retailers, such as Target and Kmart, if those companies have designs to build supercenters in Turlock.

He said Wal-Mart is free to sell groceries in a store that meets city standards.

The city argued that it needed the ordinance to prevent crosstown traffic jams and keep neighborhood grocers in business. "It prohibits a specific type of land use that the council found would have adverse impacts on the community," Jarvis said.

Wednesday morning's oral arguments covered the same legal points as the written briefs that have piled up since Wal-Mart sued the city in February, a month after the council adopted the ordinance.

Across the nation, Wal-Mart has more than 1,200 supercenters. The first in the Northern San Joaquin Valley is scheduled to open in Stockton next month. In Lodi, voters are due to decide Nov. 2 whether to ban such stores.

Concerns about supercenters also have emerged in Riverbank and Oakdale, although no such project has been proposed, while in Manteca, rumors of a store have generated no public protest.

In court Wednesday, the Wal-Mart attorneys criticized the Turlock ordinance's exemption for membership discount stores, such as Costco Wholesale, which opened a 136,565-square-foot store last month near the junction of Monte Vista Avenue and Highway 99.

"It allows big and bigger," Jones said. "It just doesn't allow us."

City officials have said the ordinance exempts Costco because its customers tend to shop infrequently and buy in bulk, thus not causing traffic jams.

The Wal-Mart attorneys said the council violated a state law requiring detailed study of the environmental effects of major actions, such as the ordinance limiting store size.

They said the supercenter, by providing one-stop shopping, would generate less traffic and [air pollution](#) than if shoppers continue shopping at multiple stores.

Jarvis said traffic studies have shown that the type of store proposed by Wal-Mart would have an especially severe effect on traffic, as shoppers make frequent, often long trips for groceries and other items.

Jarvis said that with neighborhood stores, some customers can visit on foot or bicycle. This is preferable to driving "to the outskirts of town, where these supercenters would be located," he said.

Beauchesne made a comment that seemed to sum up the entire case: "Is it within the authority of a city body to decide when big is just too big?"

Wal-Mart also has sued Turlock in federal court, claiming violations of the company's constitutional right to conduct commerce. Oral arguments in this case are not expected until next year.

Lodi bakery fined by EPA

By Audrey Cooper

Stockton Record, Thurs., Sept. 30, 2004

LODI -- A wholesale bakery in Lodi has been told to pay more than \$31,000 to the U.S. Environmental Protection Agency, which claimed the business failed to file reports on possible releases of ammonia.

But officials at Cottage Bakery Inc. say they are frustrated that the EPA never notified the company about the missing paperwork. The EPA originally had planned to fine the company more money but agreed on the \$31,403 settlement after company officials worked with the EPA to file the necessary reports, said Bart Spence, the company's director of human resources.

"There was no ammonia release. This only has to do with reporting. We've never admitted any guilt in this settlement. It was about paperwork that the EPA required but never told us that it was needed," Spence said.

Cottage Bakery has an ammonia system used in refrigeration. The company makes partly baked and frozen breads, cakes and other food products.

Federal law requires certain facilities that use toxic chemicals to file annual reports of their chemical releases with the EPA and the state. In a statement issued Wednesday, EPA officials said Cottage Bakery failed to file those reports that would have been included in the 2000, 2001 and 2003 toxic-release inventory report. The report is released each year to the public.

"These reports provide the public with valuable information about the toxic chemicals being released into their communities," said EPA spokesman Enrique Manzanilla in the statement.

The EPA has been examining Central Valley businesses to determine whether companies are complying with federal laws. The agency commended Cottage Bakery for making improvements to its ammonia record-keeping practices and hiring additional staff to help with the records.

Valley breathes easy after season

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By Dave Myhra, Tri-Valley Herald

Thursday, Sept. 30, 2004

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News from the San Joaquin Valley

S.F. Chronicle, Thurs., Sept. 30, 2004

GLENNVILLE, Calif. (AP) --

After years of having to rely on water trucks because their well water was contaminated by the gasoline additive MTBE, the residents of Glennville have formed a nonprofit mutual water company that will drill a new community water well.

The new well could deliver safe water to about 40 customers, but not everyone is happy. Some town residents want to continue using their private wells, in spite of the contamination, to avoid the cost of a monthly water bill.

"We've definitely got a big split right down the middle: those that want it and those that don't," said Mike Littrell, president of the new Glennville Mutual Water Co.

Glennville's problems began in 1997, when its only gas station let gasoline containing the additive methyl tertiary butyl ether -- designed to reduce air pollution -- leak into the underground water table.

The chemical, which causes cancer, contaminated local wells, which smelled strongly like turpentine.

Many local residents thought a new water company, and new well, were the solution to their problems. But others liked having their own sources of water.

Some of those residents wanted to install filters in their homes to keep their water clean for now, and wait for the day that the wells clear themselves out naturally.

"Part of the reason I like living here is I like being independent," said Pete Iverson. "I don't really want to be forced into something that probably isn't going to be necessary 10 years down the road."

Bills are expected to be about \$30 to \$35 a month. The company intends to have a well built in about a year.

Judge delays decision on EPA settlement in Wisconsin utility's air pollution case

S.F. Chronicle, Thurs., Sept. 30, 2004

MILWAUKEE (AP) -- A federal judge has refused to approve a proposed \$600 million settlement between Wisconsin Energy Corp.'s We Energies utility and the U.S. Environmental Protection Agency over air pollution from five power plants.

U.S. District Judge Charles Clevert Jr. issued an order Wednesday allowing more inquiries into whether the settlement is sufficient, according to We Energies and three citizens groups that intervened in the case.

The time frame for discovery of new information lasts until Dec. 23, with briefs to be filed by Feb. 4.

Under the proposed settlement announced in April 2003, We Energies agreed to spend \$600 million to install emissions-reducing equipment at four Wisconsin coal-fired power plants and one in Marquette, Mich.

Two environmental groups -- the Sierra Club and Clean Wisconsin -- later joined the Citizens' Utility Board, a utility watchdog group, in the settlement.

The groups welcomed Clevert's decision, saying it will allow more time to investigate pollution from two of the five power plants -- the Valley plant in downtown Milwaukee and the Presque Isle plant on the shore of Lake Superior in Michigan.

The proposed settlement did not require pollution reductions at those plants.

We Energies spokeswoman Wendy Parks said the Milwaukee-based utility is pleased at the short time frame Clevert set for gathering more information.

Illinois EPA rejects tougher pollution rules for coal-burning plants

CHRISTOPHER WILLIS, Associated Press Writer

S.F. Chronicle, Thurs., Sept. 30, 2004

SPRINGFIELD, Ill. (AP) -- The state Environmental Protection Agency has concluded it would be "irresponsible" for Illinois to act on its own and order coal-burning power plants to reduce the amount of soot and mercury they release into the air.

It recommends that Gov. Rod Blagojevich put aside the idea of imposing tougher standards on 21 older power plants that are now exempt from the strictest federal regulations. Instead, the focus should be on getting the federal government to tighten standards nationwide, according to a summary of the agency's findings released Wednesday.

The study says it's not clear how much air quality would be improved by tighter regulations in just one state. Meanwhile, standards that go beyond what the federal government already imposes might hurt the state's economy, drive up consumer costs and endanger reliability of the electricity supply, the summary said.

"Moving forward with a state-specific regulatory or legislation strategy without fully understanding all of the critical impacts ... would be irresponsible," the agency concludes. It recommends that the governor continue demanding that the federal government act nationally to reduce power plant emissions.

Environmental activists and health organizations say the old plants endanger Illinois residents, causing 1,700 premature deaths each year, triggering thousands of asthma attacks and contaminating fish with mercury.

Rebecca Stanfield, staff attorney with the Illinois Public Interest Research Group, called the report disappointing.

"This resembles the industry's talking points and it does not at all resemble what this agency has said on the topic in the past," she said. "It seems like they have substituted the judgment of scientists and experts with that of the industry."

Blagojevich agrees with the report's conclusion that it would be a mistake for Illinois to act before answering all the questions spelled out in the EPA report, spokeswoman Rebecca Rausch said.

EPA launches partnership to clean up West Coast diesel emissions

SETH HETTENA, Associated Press Writer

S. F. Chronicle, Thurs., Sept. 30, 2004

SAN DIEGO (AP) -- Environmental officials launched a partnership with industry Wednesday to curb cancer-causing diesel emissions spewing into the West Coast's skies.

The U.S. Environmental Protection Agency announced \$6 million worth of voluntary projects in California, Oregon and Washington, with most of the money coming from the federal government. The EPA said it hoped to ultimately secure \$100 million over five years for future projects.

"The goal is to replace the older engines with newer equipment, newer fuels and get that done as soon as possible," said Wayne Nastri, EPA's administrator for the Pacific region. "It benefits all of us, those at the border and up and down the state."

The initiative targets sources of diesel pollution bombarding the West Coast, from long-haul trucks to cargo ships pulling into port, not to mention locomotives, farm equipment and earth-moving construction equipment.

The initial projects include plans to cut emissions by replacing aging diesel locomotives in the San Joaquin Valley and a \$1.8 million plan to plug two Princess Cruises ships into Seattle's electric grid when in port.

In addition, nearly \$1.7 million will be spent to clean up emissions from idling long-haul trucks along the Interstate 5 corridor in Oregon and California.

When fully funded at the goal of \$100 million, EPA officials estimated the program could remove roughly 8,000 tons of particulate pollutants and save more than \$2 billion in associated health care costs.

Tiny soot particles found in diesel exhaust have been linked to lung and other types of cancer and account for thousands of premature deaths in the United States each year as well as increased cases of asthma and other respiratory ailments, according to the American Lung Association of California.

"We're very mindful of the fact that thousands of people die from diesel pollution each year," said Terry Tamminen, secretary of the California Environmental Protection Agency.

New regulations are aimed at cutting diesel pollution nationwide, beginning in 2007, and the U.S. EPA said it hoped the voluntary program would speed those goals.

Bonnie Holmes-Gen, a lobbyist for the American Lung Association in California, said the money was helpful but fell far short of what is needed.

"They should set the bar a lot higher," Holmes-Gen said. "We have a need for \$2 to \$3 billion over the next five to 10 years in California alone."

California has earmarked up to \$140 million this year to cut diesel emissions through similar voluntary programs, but the federal program can address pollution sources that the state can't -- namely, construction and farm equipment, said Gennet Paauwe, a spokeswoman for the California Air Resources Board.

Diesel-powered vehicles from huge earth movers to harvesting combines used in agriculture account for more pollution, especially microscopic soot linked to respiratory problems, than the trucks and buses on the nation's highways.

None of the products announced Wednesday, however, addressed farm or construction equipment. Nasti said the initial round of programs focussed on regional, multistate efforts and did not signal a problem bringing farm and construction equipment users to the table.

The program included a \$150,000 grant to study the impact of Mexican trucks, which are expected to be a significant new source of diesel pollution when they are granted broad access to U.S. roads beginning next year. The grant will examine the costs and effectiveness of diesel retrofit technologies on vehicles crossing the U.S.-Mexico border.

"There isn't a lot of information known about the emissions that come from trucks and other diesel sources in Mexico," said the EPA's Amy Zimpfer.

EPA chief cites Indiana plant as example of getting tough on air polluters

JOHN HEILPRIN, Associated Press Writer

in the S.F. Chronicle, Thurs., Sept. 30, 2004

WASHINGTON (AP) -- An Indiana public utility was told Wednesday by the Environmental Protection Agency that it has violated air pollution laws at four coal-fire power plants.

Northern Indiana Public Service Co. received a notice from the EPA saying it had improved those plants between 1985 and 1995 without the proper permits and additional pollution controls.

The EPA plans to refer the case to the Justice Department for prosecution. EPA Administrator Mike Leavitt cast it as a sign the Bush administration is tough on polluters.

"They are for increases in pollution that occurred in the '90s," Leavitt said in a telephone interview from Cincinnati. "This is the fourth such enforcement action I've authorized in just under 300 days."

Larry Graham, spokesman for the utility in Fort Wayne, Ind., had no comment other than to confirm it had received the notice. "We are currently reviewing the order," he said.

The EPA said the Indiana utility's plants where the violations occurred are in Bailly, Lake County, Michigan City and Merrillville.

The action falls under a provision in the 1977 Clean Air Act that has long drawn controversy and complaints from businesses. The provision requires older plants to install expensive new pollution controls when they undergo major modifications or improvements.

The Bush administration has issued new rules making it easier for plants to avoid having to meet those requirements. Environmentalists, Democrats and a group of states that filed suit against the rules have bitterly complained that they let the dirtiest industrial plants off the hook at the cost of thousands of premature deaths and respiratory illnesses.

The Clinton administration began vigorously enforcing the law in 1999 with a series of enforcement actions against nine utilities, claiming that they violated the law under the guise of routine maintenance by making changes at 43 power plants that added to pollution.

One of those cases was settled by the Clinton administration, six by the Bush administration, resulting in 200,000 to 600,000 fewer tons of pollution from nitrous oxides and sulfur dioxide, according to EPA and Justice Department figures.

Leavitt said he has been told that successfully prosecuting all of the cases already begun by his agency could reduce that pollution by 1.7 million to 2.2 million tons.

But he emphasized that a new rule to be issued later this year would triple those reductions. The rule is meant to cut long-distance, interstate air pollution.

According to the Justice Department, the Bush administration is "aggressively" using the 1977 law, filing six new lawsuits based on it so far and bringing three such cases to trial.

A look at bills signed and vetoed Wednesday by Gov. Schwarzenegger

The Associated Press

S.F. Chronicle, Thursday, September 30, 2004

Some of the 52 bills signed into law Wednesday by Gov. Arnold Schwarzenegger:

AIR POLLUTION:

* Requires big rig operators to provide evidence that the engine meets federal air quality standards. AB1009 from Assemblywoman Fran Pavley from D-Agoura Hills.

their workers if they monitor their telephone calls, Internet use or e-mails. SB1841, by Sen. Debra Bowen, D-Marina del Rey.

* Regional air quality officials would establish a baseline measurement of Southern California smog in 2005 and prohibit growth at the ports of Long Beach and Los Angeles if it pushes smog beyond that level. AB2042, by Assemblyman Alan Lowenthal, D-Long Beach.

Expansion of Port Faces Vote

Long Beach officials to consider rescinding approval of the Pier J environmental review.

By Deborah Schoch, Times Staff Writer

L.A. Times, Thurs., Sept. 30, 2004

Confronted with opposition from air quality officials, the Long Beach port staff has recommended reversing a key decision that allowed a controversial expansion project to move forward.

The port's commissioners are scheduled to vote in a special session today on whether to take the unusual step of withdrawing the final environmental review of plans to expand Pier J.

The hastily called meeting comes two weeks after dozens of area residents confronted the Long Beach City Council, claiming the nation's second-largest port seriously erred in approving a project that they said would worsen air pollution and increase health problems.

And it follows a strongly worded Sept. 22 letter to the port from the South Coast Air Quality Management District calling into question for a third time the port's calculation on the amount of air pollution that the project would create.

The port staff is asking the five commissioners to rescind their Aug. 2 approval of the final environmental documents.

News of the recommendation drew praise from residents, clean-air groups and regional air quality officials who said they are encouraged that the port may be starting to acknowledge public concerns about air pollution from ships, trucks, trains and port equipment.

The port plans to conduct a new review of the project's potential environmental effects, said Geraldine Knatz, the port's managing director of development. She estimates that the action could delay the project at least six to eight months.

"Our feeling is that we want to have the best document that we can have," Knatz said Tuesday.

Long Beach City Atty. Robert E. Shannon said that his office conferred with port officials before today's special meeting was scheduled but he could not divulge what he advised his clients.

"If they do rescind the certification, I will assume that they will make the environmental document better," he said.

One of the project's critics, Gail Ruderman Feuer, senior attorney at the Natural Resources Defense Council, said Tuesday that she hopes commissioners direct the staff to look at all issues raised by the project's opponents. "I am seriously concerned port staff thinks they only need to tinker with the document when it needs a complete overhaul," she said.

The port staff's recommendation comes amid mounting concern about air contamination from ships, trucks and trains serving the Los Angeles-Long Beach port complex, the largest air polluter in Southern California. Two recent studies from USC experts found evidence of elevated health problems downwind of the ports: one reporting on unexplained pockets of cancer, and the other on the loss of lung function in children in cities with dirty air, including Long Beach.

Some clean-air activists said the port may be trying to avoid a lawsuit such as the one that residents and environmental groups brought against Los Angeles and its port in 2001 over alleged inadequacies in the review of a new China Shipping pier. That suit ended with a settlement that forced the city and port to pay \$60 million, primarily for projects to clean up the air.

Two experts on the California Environmental Quality Act said they are not familiar with any situation in which a public agency has chosen to rescind its approval or "certification" of an environmental impact report, particularly since no lawsuit has been filed.

"That would be quite extraordinary, especially a sophisticated agency well-represented like the port," said Antonio Rossmann, a San Francisco-based attorney who is one of the state's most respected environmental attorneys. "On major issues, I'd be surprised if there were more than a handful of cases around the state or the country where an agency has withdrawn its certification."

Typically, an agency weighs the legal risks of such a document before certifying it, said David Nawi, an environmental attorney who formerly served as the West Coast regional solicitor for the U.S. Department of the Interior and as general counsel for the California Air Resources Board.

But if an agency has learned new information about a project, withdrawing certification would make sense, he said.

"A certifying agency ignores at its great peril comments from an air district on air issues," he said.

The 115-acre expansion is the first major project in the Los Angeles-Long Beach port complex to undergo review since the 2003 China Shipping settlement, heightening interest in its potential impacts.

In fact, the lead plaintiffs in the China Shipping case — the Natural Resources Defense Council and the Coalition for Clean Air — both scrutinized the Pier J draft documents and submitted criticisms.

So did the South Coast Air Quality Management District, which wrote two letters to the port, in October 2003 and again this July, stating that the port was underestimating how much air pollution the project would create.

Despite those concerns, harbor commissioners voted unanimously to approve the documents.

Residents appealed that decision to the City Council, which planned to decide Nov. 23 whether to ask the port to redo its review.

During a grueling five-hour Sept. 14 meeting, council members heard a litany of criticisms from residents, clean-air groups and an air district representative who again questioned the Pier J pollution calculations.

Port officials had rebutted those criticisms in a Sept. 9 letter addressed to the air district that they distributed to council members before the meeting. In that letter, port officials said their calculation methods were approved by the air district staff.

AQMD officials say they never received the Sept. 9 letter.

After they learned about the document from a Times reporter, air district Executive Officer Barry R. Wallerstein wrote a letter to port Planning Director Robert Kanter, stating that the district "strongly disagreed with numerous statements" in the port's letter.

Wallerstein labeled as "simply untrue" the port's contention that AQMD staff had supported the port's calculations of emissions.

"The ports are the only large source in the basin where emissions are significantly increasing," he wrote.

"The need for implementing mitigation measures to reduce or eliminate air quality impacts and exposure to diesel particulate is imperative."

Knatz said the new environmental review will look at all issues raised by the air district and clean-air groups.

Governor Vetoes Port Smog Curbs

Environmentalists say big business wins out over clean air. Also killed are bills to curb outsourcing and allow importation of drugs.

By Deborah Schoch and Nancy Vogel, Times Staff Writers

L.A. Times, Thurs., Sept. 30, 2004

SACRAMENTO — Gov. Arnold Schwarzenegger on Wednesday vetoed a bill to force the ports of Los Angeles and Long Beach to limit air pollution, angering environmentalists who said the health of surrounding residents was being threatened by dirty air from ships, trucks, trains and wharf equipment.

One of the most closely watched environmental bills of the session, the legislation would have required the ports to keep air pollution at or below 2004 levels. The fast-growing Los Angeles-Long Beach port complex is the largest air polluter in Southern California.

John McLaurin, president of the Pacific Merchant Shipping Assn., welcomed the veto, calling the bill "clearly well-intended" but "vague in how it was to be implemented and flawed in its construction."

He vowed that the shipping lines and terminal operators his group represents would continue to make changes to improve air quality in Long Beach and Los Angeles.

Environmentalists, however, accused the governor of turning his back on the cause of clean air.

"I think he had a choice between clean air and big business," said Bill Magavern, a senior lobbyist for the Sierra Club. "And he chose big business. The air in the L.A. and Long Beach regions is never going to be clean unless we get a handle on port emissions."

With just one day remaining for the governor to veto bills or see them automatically become law, Schwarzenegger took action on parts of two packages of legislation that have rallied consumer and labor groups:

- He vetoed three of five bills aimed at curbing and tracking the outsourcing of California jobs to foreign countries — a cost-saving practice some companies have turned to.
- He vetoed one of nine bills aimed at cutting prescription drug costs, some by easing access to cheaper Canadian prescription drugs.

Advocates for the disabled, elderly and consumers expect vetoes today on the remaining prescription drug bills, including one that would require the state to establish a website linking consumers to Canadian pharmacies. Drugs can be purchased there up to 40% cheaper than in the U.S.

Federal law bans the importation of prescription drugs from outside the U.S., but an estimated 1 million Americans have bought such drugs either in person or through the mail from Canada to avoid spiraling prices at home.

The governor "has consistently said that he will not sign legislation that is a violation of federal law," Schwarzenegger spokeswoman Ashley Snee said. She noted that the administration had warned authors of the prescription drug bills — all Democrats — that it would oppose the measures unless they were amended.

Snee refused to speculate on the fate of the two remaining outsourcing bills, including one to require large California companies to tell the state each year how many people they employ abroad.

The outsourcing bills killed by the governor included SB 888 by Sen. Joe Dunn (D-Santa Ana) and AB 1829 by Assemblywoman Carol Liu (D-La Cañada Flintridge), which together would have banned state agencies from contracting for work done by foreign employees.

Schwarzenegger also vetoed SB 1492 by Dunn, which would have required that healthcare providers get permission from patients before sending medical information overseas.

Democratic lawmakers and labor unions had lobbied hard for the bills, saying Schwarzenegger had accepted at least \$3.7 million in campaign contributions from firms that shipped jobs overseas to cut costs.

In a veto message on the port air-pollution measure, Schwarzenegger wrote that the bill, AB 2042 by Assemblyman Alan Lowenthal (D-Long Beach), "will not reduce pollution in any way."

"We need to focus our scarce resources on substantive, prompt action that will make real progress toward our shared air quality goals," wrote the governor, who campaigned on a promise to cut California's air pollution in half by 2010.

Lowenthal said he was disappointed but would persist.

"More people are going to die," he said. "More kids are going to develop diminished lung capacity. More kids are going to get asthma, and all we're going to do is talk."

Lowenthal called his bill a response to increasing public concerns about port pollution, particularly diesel fumes, a probable carcinogen.

The Los Angeles-Long Beach ports account for 24% of diesel emissions in the region. Cargo moving through the facilities is expected to quadruple by 2025.

Complaints from residents prompted Long Beach port commissioners Wednesday to rethink plans for expanding Pier J, citing health concerns.

More public outcry is expected today as officials resume talks on how to expand the Long Beach Freeway, the main truck conduit between the ports and inland areas.

The Lowenthal bill would have required the ports to work with local and state air regulators to stabilize pollution at 2004 levels or below. If they could not reach agreement, the ports would have been allowed to develop emission baselines, to be approved by local regulators.

The bill did not require the ports to follow specific anti-pollution measures.

Interest in the bill mounted among local residents in recent weeks after publication of a USC study showing that children in the Los Angeles area, including Long Beach, suffered permanent loss of lung capacity function in communities with dirty air.

A separate study by a USC epidemiologist found an unexplained increase in certain cancer rates downwind of the ports and the Long Beach Freeway.

The bill was strongly opposed by the Port of Long Beach, the California Chamber of Commerce and other business groups. They predicted the measure would discourage port growth and harm the economy.

"The bill imposes growth restrictions that will limit imports and exports, causing price increases for California consumers and cost increases for California exporters," opponents wrote in a Sept. 3 letter to Schwarzenegger.

Most port pollution comes from mobile sources such as ships and trucks, and the ports have no power to control them, opponents of the bill said.

Moreover, the bill would have given oversight to the South Coast Air Quality Management District, when such authority should be left to the U.S. Environmental Protection Agency or the state Air Resources Board, opponents said.

Some critics said the bill would have unfairly punished the Los Angeles-Long Beach port complex and sent business to other West Coast ports, boosting pollution there.

Supporters had argued that Los Angeles and Long Beach must be singled out, because they handled 70% of the West Coast's container trade last year and generated the most air pollution

"To say this bill would not reduce pollution when it would take steps to stop pollution from growing — that's just misleading," said Tim Carmichael, president of the Coalition for Clean Air, a statewide group that championed the measure.

"The bottom-line reason why it was vetoed is that there was a lot of pressure from industry," he said.

Schwarzenegger also weighed in on animal bills Wednesday, signing two measures that had been held up for ridicule as the type of "silly bills" the governor has said should be eliminated:

- He approved bans on the force-feeding of ducks and geese to fatten their livers for foie gras, making California the only state to have such a law. Passionately opposed by chefs, the bill was championed by animal rights activists, who enlisted Sen. John Burton (D-San Francisco) as sponsor of SB 1520.

Schwarzenegger noted that the ban — which also would prohibit the sale of pate made through force-feeding — does not kick in for another 7 1/2 years to give producers time to "perfect a humane way for a duck to consume grain to increase the size of its liver through natural processes."

"If agricultural producers are successful in this endeavor," he wrote, "the ban on foie gras sales and production in California will not occur."

- He also approved legislation, AB 1857 by Assemblyman Paul Koretz (D-West Hollywood), making it a crime to declaw exotic cats or native wild cats — a category that includes tigers, cougars, leopards, lynxes, bobcats, cheetahs and jaguars.
- He rejected a bill to allow ferrets to be kept as pets, even while saying: "I love ferrets. I co-starred with a ferret in 'Kindergarten Cop.'" He said the state needed more extensive study of the issues involved in the keeping of the animals. Vetoed was SB 89 by Sen. Dede Alpert (D-San Diego).

Schwarzenegger also moved to untangle California's maze of "categorical" programs for schools, by which lawmakers designate about \$12 billion a year to special education classes, class-size reduction, low-income students and more than 100 other needs. He signed AB 825 by Assemblyman Marco Firebaugh (D-Los Angeles), which consolidates 22 such programs into six block grants.

"Maybe most importantly, it reverses a generation worth of increasing micro-management from Sacramento," said Bob Blattner, vice president of School Services of California, a consulting and lobbying firm that represents school districts.

In other action:

- California will devote as much as \$1 billion over several years to 2,400 low-performing schools under a package of bills Schwarzenegger signed that carry out an August settlement between the state and the American Civil Liberties Union.

The ACLU had sued in May 2000, alleging the state failed to provide tens of thousands of poor students such educational basics as qualified teachers, working restrooms and up-to-date textbooks.

- The governor signed a bill, AB 2572 by Assemblywoman Christine Kehoe (D-San Diego), to force Sacramento, Modesto and several other Central Valley cities to use water meters like those long commonplace in Southern California.
- Schwarzenegger signed a bill, AB 2901 by Assemblywoman Fran Pavley (D-Agoura Hills), to require cellphone makers to take back their used products.

"It will give consumers a way to recycle their used cellphones so they don't end up in landfills," said the Sierra Club's Magavern.

- The governor signed AB 1009 by Pavley, a bill with widespread support that requires trucks entering California from Mexico to meet national emissions standards.

Times staff writers Schoch reported from Los Angeles and Vogel from Sacramento. Staff writer Jordan Rau contributed to this report.

Cities on 710 Push for Port Smog Clause

Panel's report says freeway expansion should not happen until air pollution is reduced.

By Deborah Schoch, Times Staff Writer

L.A. Times, Thurs., Sept. 30, 2004

In another sign of discontent with the region's two seaports, communities along the 710 Freeway will tell government officials tonight that plans to expand the truck-clogged route should not move forward unless air pollution is reduced.

Representatives of cities in the area will present the new report just one day after Long Beach port commissioners voted 5 to 0 to rescind their support of a major expansion so that air contaminant issues can be studied more carefully.

Port commissioners on Wednesday directed staff to redo environmental documents for the project after air quality officials and environmental groups challenged them as insufficient.

Worries about air pollution also underlie the report that a committee will present today to freeway planners. The report says construction should not begin until pollution from the ports and the trucks and railroads serving it is reduced below 2002 levels. The committee is made up of members appointed by cities in the 710 corridor, including health experts, labor representatives and community activists.

Although the report is simply a recommendation, several representatives of the committee say they believe transportation and port planners must take it seriously in view of increasing concerns about port-related air pollution in southeastern Los Angeles County.

"I think it could be political suicide if they straight-out reject these conditions," said Angelo Logan, a community activist from East Los Angeles who helped write the report.

Metropolitan Transportation Authority Chief Planning Officer James de la Loza said his agency was familiar with the report and did take the pollution issue seriously.

The MTA is spearheading the 710 expansion plans.

Gov. Arnold Schwarzenegger on Wednesday vetoed a bill that would have ordered the two ports to keep pollution at or below 2004 levels. The veto angered residents and activists, who charged that the governor sided with industry over neighborhoods near the ports.

The pollution debate is now shifting to the 710 Freeway, an 18-mile-long, 1950s-vintage highway that connects the ports with rail yards east of downtown Los Angeles. Big-rig trucks that jam the road are a major source of diesel fumes and other pollution, triggering widespread worries about health effects in cities from Long Beach to Commerce.

Current plans call for replacing the six- to eight-lane freeway with 10 lanes for both cars and trucks and an additional four lanes for trucks only. The project, which could cost \$6 billion or more, is seen as essential to keep goods moving in and out of Southern California ports. No construction start date has been set.

The community advisory group's report will be presented to the so-called Oversight Policy Committee, made up of officials overseeing improvement plans for the 710, in a meeting at 6:30 tonight at the Carson Community Center. The freeway expansion project has been on hold since spring 2003, when public outcry over potential air pollution increases and home demolitions forced the MTA board to rethink its planning efforts. That in turn led to creation of a community panel that has assessed how an expanded freeway would affect area residents.

The result is a 38-page report supported by all 35 members of the panel. A separate panel of city engineers and other technical experts endorsed the report earlier this month, but the two representatives of the ports opposed it.

The report says that the health of area residents must be the most important priority in 710 planning, and recommends that officials develop an action plan to reduce air pollution along the route.

It also recommends levying fees on cargo containers to finance clean-air improvements; subjecting all trucks to federal, state and local regulations; and requiring the Alameda rail corridor to prepare a plan to switch to electric locomotives.