

Pollution officer sees cleaner future

Agency head expresses optimism that valley air headed in right direction

By SARAH RUBY, Californian staff writer
Bakersfield Californian, March 16, 2005

The San Joaquin Valley's top air pollution control officer said he's more optimistic about cleaning the valley's air than he was five years ago.

There's still much to be done -- air experts estimate they could spend \$1.4 billion replacing outdated and dirty technology. But the San Joaquin Valley Air Pollution Control District's David Crow said his agency has spent wisely, maximizing the \$100 million it's spent on emissions reductions in its 13-year history.

"Instead of everyone saying, 'Shoot the messenger,' today people are focused very constructively" on fixing the problem, Crow said.

One of the district's biggest challenges will be to regulate "indirect sources" of pollution, he said. The Sierra Club raised the issue when it began suing home developers for the air pollution they inadvertently cause -- dust during construction, diesel fumes from trucks and future car traffic.

He said developers have approached the district asking what they can do to offset their contribution to pollution, and thereby avoid a lawsuit.

In the long term the district will likely pass a rule requiring developers to pay for their pollution. Until then it looks as if builders will design air quality-friendly communities and pay a fee for what they can't offset. That fee would then be used to purchase cleaner school buses, diesel trucks and other new technology.

This rule would be the first of its kind nationwide. Crow said he will say more about it at the district's board meeting Thursday.

"We're getting closer," he said. "It's immensely complicated."

Ever-tightening air quality mandates from the state and federal government aren't enough to get Crow down.

He believes the valley can improve air quality enough to comply with new ozone and dust particle rules, acknowledging it will be difficult. The valley has cut pollution significantly, but now it must further cut fine particle pollution by 2010, and ozone pollution by 2013.

Next month the district will reopen discussions of dairies and their air pollution potential. A committee is sifting through the science of dairies and air pollution, and will discuss its findings with the air board April 15.

The San Joaquin Valley Air Pollution Control District's next meeting is at 9 a.m. Thursday. The meeting is based in Fresno, but Bakersfield residents can participate via videoconference at 2700 M St.

New Hybrid Locomotive's Emissions Are Clean As a Whistle

By Wendy Thermos and Deborah Schoch
Los Angeles Times, March 16, 2005

Union Pacific Railroad put into service one of the nation's first locomotives using environmentally friendly hybrid technology Tuesday, and the company called it an important step toward cutting air pollution generated by the ports of Los Angeles and Long Beach.

"It's a very efficient technology," said Michael E. Iden, the Union Pacific executive overseeing the company's conversion to a lower-emission fleet. The new breed of rail locomotive combines electric and diesel power and runs almost noiselessly.

"Typically, for about eight hours at a time, you won't even hear the engine running because it's using electricity from the batteries," Iden said.

Air regulators called the new engine a positive move, but said railroads must do more.

Union Pacific and its chief competitor in California, Burlington Northern Santa Fe, are under increasing scrutiny from regulators, who want the rail lines to move more swiftly to reduce toxic emissions, especially in the Los Angeles Basin.

"This general technology, it's great. We support this," said Barry Wallerstein, executive officer of the South Coast Air Quality Management District. "The problem is, they're moving too slow to implement this technology."

Growing imports have helped make the ports of Los Angeles and Long Beach the single largest source of air pollution in Southern California.

The \$800,000 locomotive displayed Tuesday at Union Pacific's rail yard in the City of Commerce is a switch engine that moves cars at slow speeds to hook them up to trains pulled by larger, conventional locomotives.

A hybrid capable of hauling freight cross-country is being developed and might be in use within three years, Union Pacific officials said.

The engine unveiled Tuesday is the first hybrid switching locomotive to be permanently put into service by a large U.S. railroad, Iden said. At least three other hybrids around the country are being used in demonstration projects.

Omaha-based Union Pacific will evaluate the hybrid's performance and decide in coming months whether to order more to begin replacing its older, less-efficient locomotives.

"This is not an idle investment," Iden said, predicting the technology would be a success.

Preliminary data showed the hybrid emits 80% to 90% less nitrous oxide, a precursor of smog, than conventional equipment. It also uses 40% to 70% less diesel fuel. The hybrid runs on electricity until its onboard battery bank, which occupies most of the locomotive, runs low. A 290-horsepower diesel engine then kicks in to recharge the batteries.

The technology is slightly different from that used in automobile hybrids. Vehicles such as the Toyota Prius recharge the battery while braking, but the rail hybrid "does not have that recapture capability," Iden said.

Emissions from diesel-burning locomotives are prompting heightened concerns among residents close to the ports and along rail lines stretching east through Riverside and San Bernardino counties. Diesel fumes, a probable carcinogen, have been linked to asthma and other respiratory illnesses.

Gail Ruderman Feuer, senior attorney with the Natural Resources Defense Council, joined Wallerstein's call for the railroads to move more quickly.

AQMD officials say the total emissions of nitrous oxides from railroad operations in the South Coast air district are equivalent to the total emissions from the 350 largest stationary sources, including all refineries and power plants.

EPA Targets Mercury 'Hot Spots' at Power Plants

A rule giving utilities market incentives will reduce emissions of the neurotoxin, officials say. One critic says it may make things worse.

By Tom Hamburger and Alan C. Miller
Los Angeles Times, March 16, 2005

WASHINGTON - Environmental Protection Agency officials hailed a controversial new mercury rule Tuesday as the best way to rapidly reduce power plant emissions of the neurotoxin, including large, local concentrations that pose particular health threats.

Jeffrey R. Holmstead, head of the EPA's Office of Air and Radiation, said the rule would eliminate "hot spots," or high mercury levels, in lakes and streams near big power plants. "We don't believe there will be any utility hot spots after this rule has gone into place," he said at a news conference to mark its signing.

But the regulation does not include any specific steps to address such hot spots, one of the most persistent mercury concerns among environmentalists, public health officials and many lawmakers. Rather, EPA officials say, the agency will "monitor this situation closely," and if new information confirms the existence of hot spots, it will "take action as needed."

The federal government and 45 states have issued warnings about fish consumption, particularly for women of childbearing age. Mercury that falls in lakes, rivers and oceans has been linked to neurological and developmental damage - especially in newborns who were exposed to mercury in the womb, primarily from mothers who had eaten canned tuna and other fish. Coal-fired power plants are the largest source of mercury emissions in the U.S., producing 48 tons a year.

Holmstead said the rule - along with a related regulation signed last week to reduce nitrogen oxides and sulfur dioxide - would set national caps of 38 tons of mercury emissions from power plants in 2010, a 21% reduction from 1999 levels, and 15 tons beginning in 2018, or nearly 70% lower. Scrubbers required to remove the other two pollutants will decrease mercury emissions as well.

Because of market incentives in the rule, EPA officials said, there would be more rapid reductions initially, to 31 tons in 2010. But the 70% goal won't be reached until sometime after 2018, they said.

The EPA's plan is market-based, giving companies the option of cutting their own emissions of mercury or buying "credits" from other companies that do. That means some power plants won't reduce mercury emissions at all. Many critics seek emission ceilings at all plants, and argue that far deeper reductions are possible with current technology.

The market approach has proved effective in reducing the gases that contribute to acid rain, but even some advocates of that program say it won't work with mercury. Mercury is heavier than the acid rain gases, so it tends to fall out of the air near the power plant that emits it, creating the hot spots that could be dangerous.

"Hot spots are a concern with me," said John A. Paul, a Republican environmental regulator and fisherman in Ohio who served as co-chairman of an EPA advisory committee on mercury. "I advise anyone who eats fish caught in a lake or a stream near a power plant that they are at risk, and that this rule will do nothing to protect them - and might make things worse."

The EPA's inspector general and the Government Accountability Office, the investigative arm of Congress - as well as numerous EPA career employees - have criticized the mercury rule-making process as distorting or manipulating scientific analysis. EPA officials have denied those assertions.

In a prepared statement, acting EPA Administrator Steve Johnson said that nearly 80% of fish consumed by Americans comes from overseas, "from waters beyond our reach and control." EPA officials say this means that domestic reductions of mercury will have limited health benefits and that the public should follow advisories on fish consumption.

Holmstead said the U.S. was "the first nation to take a leadership role in addressing the problem of mercury from power plants." He said the government was committed to working with individual countries to reduce pollution internationally, where most of the mercury deposited in the U.S. originates.

The U.S. last month opposed a binding international treaty to reduce mercury in favor of voluntary partnerships between governments.

Studies circulated this week by one organization, Environmental Defense, said that some states - including Colorado, Utah and Nevada - could see significant increases in emissions, and

increased local deposits of mercury, as a result of new and expanded coal-fired power plants coming online to supply California and other areas.

EPA spokeswoman Cynthia Bergman said, "We're talking in pounds, not tons. These are insignificant increases."

Holmstead said the rule's market incentives would reduce mercury enough that the agency was "quite confident" that any hot spots would be eliminated.

The EPA rule defines hot spots as mercury levels in a body of water that "are solely attributable to utility emissions."

Frank Maisano, a spokesman for the Electric Reliability Coordinating Council, a coalition of coal-fired utility companies, also said the rule's market incentives would ensure that hot spots did not occur. And states, he pointed out, still have the power to regulate mercury.

EPA officials said the cost to industry to implement the new mercury controls would reach \$750 million annually by 2020.

Even as the EPA was promoting its rule, environmentalists and their allies in Congress vowed to overturn it.

"The administration has just endorsed the continued poisoning of children and pregnant women with mercury," said Sen. James M. Jeffords (I-Vt.). "We will fight it in the courts, we will fight it here in Congress, and we will fight it in statehouses across the nation."

Lawmakers ignoring transportation crisis

Dan Walters

Published in the TriValley Herald, March 16, 2005

BOB Balgenorth, a member of the California Transportation Commission, succinctly described the states transportation mess recently to a legislative committee: We dont have any money. Since 2001, when the states chronic budget crisis first emerged, the Legislature and two governors have shifted more than \$4 billion from funds that were supposed to build transportation projects, highways mostly, into the states General Fund to staunch the flow of red ink.

Gov. Arnold Schwarzenegger touted highway construction in his State of the State address in January, saying, Californians cant get from place to place on little fairy wings. This is a car-centered state. We need roads. Nevertheless, he wants to continue the diversions in 2005-06, tapping another \$1.1 billion in transportation money to shore up the General Fund.

It leaves us in very dire straits, Balgenorth told lawmakers, adding that 6,000 state and local projects have been stalled since diversions began.

Were California a stagnant society, putting transportation projects on hold might be tolerable, but were adding about 600,000 people to our population and about 500,000 vehicles to our roadways every year. And actual vehicle-miles of travel are increasing even faster.

Even before the diversions began, California was not keeping up with transportation demand. Highway construction slowed to a near-halt in the 1970s and has never resumed a vigorous pace. Meanwhile, as cars became more fuel-efficient, revenues from gas taxes, based on gallonage, stagnated and increasingly, those taxes were shifted into maintenance as the highway system aged and was pounded by ever-heavier traffic.

In the 1990s, Republican lawmakers began agitating for shifting the sales taxes on fuel from the states General Fund into transportation to generate badly needed construction funds, and after years of partisan squabbling, voters approved the shift in 2002.

Proposition 42, however, contained an escape clause allowing the Legislature and the governor to suspend its provisions if the money was needed to cover budget deficits, and ever since, virtually all of the Proposition 42 money has been diverted back into the General Fund.

The answer is more money somehow, Balgenorth told lawmakers. But the politics of transportation financing are, to put it mildly, tricky.

Democratic lawmakers have tagged Proposition 42 diversions as a major issue this year and are criticizing Schwarzenegger for proposing another \$1.1 billion raid - notwithstanding the fact that Democrats didn't like Proposition 42 in the first place, and notwithstanding their votes for diversion in previous years. This year's newly found affection for Proposition 42, then, is mostly a political ploy. Democrats want to rough up Schwarzenegger for other reasons and believe that congestion is a popular cause.

That said, Schwarzenegger can be fairly criticized for not putting money where his mouth has been, not only because he wants to continue the diversions for another year, but because last year's gimmick - tapping revenues from Indian gambling casinos to restore highway funds - turned out to be a nonstarter.

As long as the Proposition 42 diversions continue, they poison the atmosphere for raising gasoline taxes, or reconfiguring the gas tax to account for rising fuel-efficiency. And voters are also becoming resistant to local sales taxes for transportation - a program that began two decades ago because of the state's abdication of responsibility. Seventeen of the state's 58 counties now levy special sales taxes for transportation, but overall, only 13 of 53 recent local sales tax proposals have garnered the necessary two-thirds support from voters.

The ever-growing backlog of projects is not static. In many cases, they are ready to go to bid but their environmental impact reports expire after a few years, and if they remain on the shelf when their EIRs expire, the whole process must begin anew, adding more cost and delay.

This is a genuine crisis, one that affects virtually every Californian and that threatens the state's economic viability. Why it's not getting the serious, bipartisan political attention it deserves is an unfathomable mystery.

A TALK ON AGRICULTURE AND AIR QUALITY

Modesto Bee, Around the Region, March 16, 2005

Air quality challenges and opportunities for Central Valley agriculture is the subject of a talk by California Air Resources Board member Dorene D'Adamo at 6:30 p.m. April 14 in Turlock. D'Adamo, who chairs the board's Agricultural Advisory Committee for Air Quality, will speak at California State University, Stanislaus, in Demergasso-Bava Hall, Room P166. Admission is free, and so is parking in lot No. 4, off Crowell Road. Refreshments will be provided. Appointed in August 1999 by Gov. Davis and reappointed in August 2004 by Gov. Schwarzenegger, D'Adamo also serves as a member of the board's Northern District Regional Coordination Committee. And she is senior policy adviser to Rep. Dennis Cardoza, D-Merced. For more information on the Turlock event, call Lori Gerhardt, 664-6648.

Bakersfield Californian, Letter to the Editor, March 16, 2005

Dairy loans absurd

Making low interest, tax-exempt loans to mega-dairies through the California Pollution Control Financing Authority is absurd. While the Valley Air District is spending millions of taxpayer dollars to improve air quality, the State Treasurer's Office is facilitating low interest loans to dairies -- known polluters -- for their relocation to the valley and construction projects.

Dairies qualify for the loans by saying they will control pollution by diverting manure away from landfills, which, in fact, have never been used for disposal of dairy manure. This makes as much sense as saying I'll give you a low interest loan if you promise not to walk to Fresno. Understand, you have never walked to Fresno, nor do you contemplate walking there. Yet, you would qualify for the low interest loan.

Such absurdity further erodes the public's confidence in those we trust to represent us and to conduct our business. What is more disturbing is despite the treasurer's recognition of a program

gone amuck, representatives of the state controller and Gov. Schwarzenegger on the Financing Authority Board, will not vote for a moratorium on approving loans until new rules are implemented. While this is outrageous, it reflects shrewd lobbying by the dairy industry.

Legislation proposed by Sen. Florez will require dairies to demonstrate a "public benefit" in order to qualify for loans which is normally required in issuing low interest, tax-exempt debt. We can only hope enough legislators will recognize the problem, resist the powerful dairy lobby and pass the much-needed legislation.

BILL DESCARY, Bakersfield