

## Fireplace regulations looming

### **Sacramento area could face new rules under a federal proposal to limit wood-burning pollution.**

By Chris Bowman, staff writer  
Sacramento Bee, Wednesday, December 21, 2005

The fireplaces and wood stoves warming so many hearts and homes this time of year likely would be regulated for the first time in the Sacramento region under a new federal pollution rule proposed Tuesday, the local air-quality enforcement chief said.

The U.S. Environmental Protection Agency proposed a stricter daily limit on the amount of microscopic particles of air pollution, or soot, safe to breathe from the nation's chimneys, smokestacks and tailpipes.

At stake are millions of lives scientists say are at risk of heart failure and premature death from breathing the currently allowable concentrations of airborne particles, mostly from combustion of fossil fuels such as wood, coal, diesel and gasoline.

The proposal could force some states to make industries spend billions of dollars more on cleaning up coal-burning power plants, diesel-powered trucks and industrial boilers.

California has several rules already in place for vehicles, off-road construction equipment and agricultural burning that will clean up soot faster than elsewhere in the country.

But the proposed stricter rules would force even the Golden State to do more cleanup because it also suffers some of the worst soot pollution in the nation, particularly in San Joaquin Valley cities like Fresno and Bakersfield.

In the better-ventilated and less-industrial Sacramento area, the soot proposal likely would bring wood-burning stoves and fireplaces under regulation for the first time, said Larry Greene, executive officer of the Sacramento Metropolitan Air Quality Management District.

"They'll be regulated at some level," Greene said.

Future measures could range from requiring EPA-certified, low-polluting fireplace inserts and wood stoves to prohibiting fires altogether when the air is cold and stagnant.

San Joaquin Valley communities already have such bans, with first-time violators issued \$50 tickets. The bans went into effect earlier this month as temperatures dropped and fog moved in.

At the same time, air pollution monitors in the city of Sacramento showed particle levels bumping right up against the current federal daily limit of 65 micrograms per cubic meter, Greene said. This week's spate of storms diminished the particle pollution considerably, he said.

Wood-burning contributes about one-third of the soot in urban Sacramento, with particles from vehicle exhausts and cooking stoves being the major sources, Greene said.

Soot levels peak under the same conditions that produce fog: cold temperatures, low wind and an inversion layer that forms at night when a blanket of warm air covers and traps the cooler air at ground level.

While the summertime inversion typically occurs around 1,500 feet, the thermal ceiling in the winter can form within a few hundred feet of the ground, air regulators say. The smaller volume of trapped air creates denser concentrations of particles.

For now, air district officials ask residents to voluntarily avoid wood fires on nights when the air is cold and stagnant.

To minimize pollution, the air district suggests manufactured fireplace logs made from fine sawdust and wax; they burn slower and hotter, producing less smoke. Moist wood burns poorly and creates thick smoke.

In announcing the proposal, Stephen Johnson, the EPA administrator, said his decisions were based on "the best science available to date ... particularly for the most vulnerable among us."

Johnson, however, did not follow recommendations of the agency's own staff scientists and scientific consultants that more stringent standards be adopted.

While tightening the daily soot limit, the proposed rule leaves in place a 1997 Clinton administration standard limiting the annual average concentration of fine particles to no more than 15 micrograms per cubic meter per day.

The daily and annual soot limits are based on scientists' estimates of the number of premature deaths, heart attacks, lung cancers, asthma attacks and other illnesses attributable to the pollution. The EPA administrator makes the final call, accounting for both health and the costs of tougher pollution controls.

The particles of concern are specks of soot and dust 2.5 micrometers or smaller. They are so small that it would take about 1 billion to fill the period at the end of this sentence. That means they can slip past the body's defenses, lodge deep in the lungs and possibly pass into the bloodstream to invade and weaken the heart.

The proposed standards now face a 90-day public comment period, leading to a final rule from the EPA by next September.

Once new standards are finalized, states with counties not in compliance are required to submit remediation plans. The final regulations also become subject to legal challenge, a virtual certainty, given objections to the proposed levels raised by health and environmental groups.

These groups have accused the administration of caving in to demands of industry groups to keep the proposed standards as close to current levels as possible so they would not have to spend money on upgrades.

#### **CLEAN AIR RULES: HOW THEY COMPARE**

**Current:** In a year, industry can't release soot averaging more than 15 micrograms per cubic meter per day. Its releases can't exceed 65 micrograms per cubic meter in a 24-hour period.

**Proposed:** Keep the annual limit at 15 micrograms per cubic meter per day but lower the daily limit to 35 micrograms per cubic meter.

#### **WHAT'S NEXT**

- The proposed federal standards on soot, the first change since 1997, now face a 90-day public comment period.
- Final rule from the agency is expected by September 2006.

#### **Chem Waste asks for new refuse site**

By Seth Nidever, Sentinel Reporter  
Hanford Sentinel, Tuesday, December 20, 2005

HANFORD - The company that buries most of Kings County's trash at a Kettleman Hills disposal site wants to build a new landfill there.

Chemical Waste Management Inc. is seeking the county's approval to build B-17, a new solid waste site, at its 1,600-acre facility 3 1/2 miles southwest of Kettleman City.

The facility originally accepted only hazardous waste but expanded operations in 1997 to include regular refuse.

At a Kings County Planning Agency meeting Monday to hear public comment on the project's environmental impact, nobody spoke out for or against the project.

The 45-day comment period on the draft environmental impact report - the state-required review to ensure that all harmful environmental effects are dealt with - closed at 5 p.m. Monday.

Written comments were submitted by the Kings County Department of Public Health -

Environmental Health Services, CalTrans and Greenaction/People for Clean Air and Water in Kettleman City, according to Sandy Roper, an assistant zoning administrator for the county.

Greenaction, a San Francisco-based advocacy organization, joined with the Kettleman City group to criticize the environmental report.

The document fails to account for the cumulative impact of a variety of projects near Kettleman City already in the pipeline, said Erica Swinney, a community organizer for Greenaction.

These projects include sludge from a sewage composting plant a few miles to the southwest that will go on surrounding farmland, a new hazardous waste landfill at the Kettleman Hills site and an experimental proposal by Chem Waste to soak trash with wastewater to break it down faster.

The sludge composting plant will be built by the Los Angeles County Sanitation District.

The combined impact of all three projects was accounted for in the environmental review, according to Bill Zumwalt, county planning director.

Zumwalt said researchers studied whether all of the projects, when taken together, would push various pollutants over the limit.

"My recollection is that there is no exceedence of criteria in any area where anyone is located," he said.

The sludge plant and the experimental trash-soaking proposal have already been approved by the county. Chem Waste is currently seeking permits from different regional and state agencies.

The sludge plant generated its share of controversy, with county residents coming out for and against, before it was ultimately approved. Lately, the hazardous waste proposal has been the main target of Kettleman City residents and Greenaction activists.

"Ultimately, I would love to see (the Kettleman Hills site) close," Swinney said.

All the written comments on B-17 still have to be evaluated and incorporated into a final version of the environmental report. After that, the Kings County Planning Agency will recommend that the Kings County Planning Commission either accept or reject the document.

"If there is a hole in the analysis, of course we'll redo it," Zumwalt said.

Central Valley wineries face new air regulations  
Capitol Press Weekly Fri., Dec. 16, 2005

Air regulators in California approved the first air quality controls on wineries in the nation Thursday in an attempt to fight smog, according to an Associated Press report.

The San Joaquin Valley Air Pollution Control District rule will call on the 18 largest wine makers in eight counties to cut pollution coming from their plants by 35 percent.

The rules will allow wineries to pay another industry to reduce a similar amount of pollution if wine makers find that meeting the requirements become too costly.

**EPA may tighten pollutant rule**  
**Standards for another type may be loosened**

Warren Lutz, Record Staff Writer  
Stockton Record, Wednesday, December 21, 2005

STOCKTON -- Just as local officials are closing in on cleaner air, the federal government appears ready to change the rules.

The U.S. Environmental Protection Agency has announced it may tighten standards for one type of pollutant that's sending many Valley residents running to their doctors. Meanwhile, the agency may loosen the rules for another type of pollutant that officials have spent years fighting -- with some recent success.

"About the time we get close to crossing the goal line, (it) gets moved farther away from us," said Don Hunsaker, a plan development director for the San Joaquin Valley Air Pollution Control District.

Air pollution is a huge problem in the San Joaquin Valley. Its bowl-like shape traps tiny bits of dust, soot and vapor that easily become lodged in human lungs and cause serious health problems, such as heart attacks and lung cancer. Thanks to rules limiting wood burning and activities that stir up dust, the Valley is close to meeting a three-year benchmark for reducing pollutants that are 10 microns or smaller, or about one-tenth the width of a human hair.

Yet the EPA plans to get rid of the annual standards for these pollutants while increasing standards for pollutants 2.5 microns or smaller. Such matter, which consists of vehicle smog and ash, can get lodged in human lungs and even enter the bloodstream.

The EPA's proposal, disclosed to journalists Tuesday, has no immediate impact on the Valley, which faces even more-stringent air-quality rules set by the state. Even if the EPA plan eventually is approved, it won't take effect for at least a year.

Yet the air district can't meet even the EPA's standards, let alone the state's. It also continually runs the risk of losing federal dollars if officials don't show progress or meet deadlines for submitting plans to improve air quality, spokeswoman Kelly Hogan Malay said.

"If you don't make attainment, you're not necessarily subject to sanctions," Malay said. "The sanctions kick in when you don't meet a plan deadline."

Some industry and environmental groups that have heard about the proposals are expressing concern.

Brent Newell, an attorney with the nonprofit Center on Race, Poverty and the Environment, said he was concerned the EPA wants to loosen rules for larger particles tied to agriculture.

Rural communities "deserve the same protection that someone in Detroit gets," he said. "It raises fundamental questions about equal protection under the law."

But the agricultural community is concerned, too, according to Cynthia Cory, environmental-affairs director for the California Farm Bureau.

Farmers played a large role in helping the Valley meet current pollution standards, Cory said.

"Our concern is it might require us to do twice as much (as) we're doing now," she said. "And are we even sure it's going to get us anywhere?"

## **EPA dodges calls for tighter rules on sooty pollutants**

Michael Janofsky, New York Times

in the S.F. Chronicle, Wednesday, December 21, 2005

Washington -- The Bush administration proposed on Tuesday new air quality regulations intended to reduce modestly sooty pollutants that health officials blame for thousands of premature deaths and illnesses each year.

But in proposing the first change since 1997 in federal standards on the pollutants, called particulate matter, the Environmental Protection Agency largely ignored recommendations for tighter controls from its own scientists and from an independent panel of outside experts.

Both groups generally favored standards that they said would better prevent human health problems from particulates, which are produced by sources as diverse as factories, cars and forest fires.

The particles, some so small that they can penetrate deep into the lungs, pose especially serious risks to children with asthma, frail older people and other vulnerable people. The Clean Air Act requires scientific reviews every five years of particulate matter and other pollutants to ensure that the standards are fully protecting public health, although they are often delayed by litigation, as the 1997 regulations were.

The proposed standards -- one for annual exposure based on a daily average and the other for exposure within 24 hours -- now face a 90-day public comment period, leading to a final rule from the agency by next September.

Once new standards are finalized, states with counties not in compliance are required to submit remediation plans. The final regulations also become subject to legal challenge, a virtual certainty, given objections to the proposed levels raised by health and environmental groups. These groups have accused the administration of caving in to demands of industry groups to keep the proposed standards as close to current levels as possible so they would not have to spend money on upgrades.

Agency officials said the proposed annual standard for the smallest of particles, those nearly invisible to the eye, would remain at the level set in 1997, 15 micrograms per cubic meter, and the 24-hour standard would drop to 35 from 65.

The agency also proposed eliminating the annual standard for larger particles and lowering the daily standard to 70 from 150. Agency officials said those changes were intended to improve air in urban centers but would ignore agricultural and mining areas because studies had not proved that soot from farms and mines affected human health.

Stephen Johnson, the agency administrator who took office this year as the first career scientist to lead the EPA, said in a telephone conference call with reporters that the proposed standards reflected "the best available science" through 2002, when the five-year period for the 1997 regulations ended.

He sidestepped a question about what level of science was available to his staff and the outside experts, who serve on a panel known as the Clean Air Scientific Advisory Committee, saying: "This is a proposal. There are divergent views, and the ultimate decision will be based on the best available science."

Johnson said that more recent scientific studies would be considered in the comment period.

## **EPA Issues New Plan to Limit Soot**

**Critics say the revised standard is too weak to properly protect the public from health dangers caused by breathing particulates.**

By Miguel Bustillo and Marla Cone, staff writers  
L.A. Times, Wednesday, December 21, 2005

Federal air quality officials on Tuesday proposed tighter limits on a pollutant especially prevalent in the Los Angeles region, but environmentalists and some scientists said the changes would do

little to prevent thousands of Americans from dying prematurely from breathing the tiny particles of soot.

The U.S. Environmental Protection Agency's proposed new standards for fine particulate matter are substantially weaker than what the agency's own staffers and a scientific advisory panel recommended after reviewing about 2,000 new studies on the pollutant's health effects.

Many environmental scientists say there is overwhelming evidence that particulates are making people susceptible to heart disease and triggering deadly heart attacks, asthma attacks and strokes in those who already have cardiac or respiratory diseases.

On the day the EPA's proposal was announced, scientists reported new research offering some of the most compelling evidence yet that long-term exposure to particulates at levels that satisfy federal health standards causes heart disease.

In a study published Tuesday in the Journal of the American Medical Assn., lab mice developed clogged arteries when they breathed amounts of particulates that are commonly found throughout the Los Angeles region and other urban areas. Heart disease was particularly severe in mice fed a high-fat diet, though all mice that breathed the fine particles developed more plaque in their arteries than those breathing purified air.

The Los Angeles Basin, especially the Riverside area, has the worst particulate pollution in the nation, largely due to exhaust from trucks and other diesel-powered vehicles.

Even coastal areas of the Los Angeles region regularly exceed the particulate levels that caused heart disease in the mice.

The EPA's proposed rules, which would take effect next year, target fine particles of 2.5 micrometers - roughly onethirtieth the diameter of a human hair. Current standards adopted in 1997 that limit annual average concentrations to 15 micrograms per cubic meter of air would remain intact. But standards limiting daily concentrations would be tightened from 65 micrograms to 35 micrograms.

In June, the EPA's Clean Air Scientific Advisory Committee recommended stronger fine-particulate standards than those the agency wound up proposing: a daily limit of 35 to 30 micrograms and an annual limit of 14 to 13 micrograms.

EPA officials estimated Tuesday that 191 counties around the country would be in violation of the new standards, up from 116 that violate existing limits. Nearly all of Southern California is already in violation. In Riverside, the pollution reached a daily peak of 93.8 micrograms per cubic meter of air in 2004 - almost three times the amount that would be allowed under the new proposal.

Under the new standards, EPA staff estimated that 1,265 Los Angeles residents would still die prematurely every year from prolonged exposure to particle-laden air. Under the current standard, 1,507 would die earlier than normal.

Nevertheless, EPA Administrator Stephen L. Johnson said Tuesday that the total body of scientific evidence does not clearly support a standard tougher than the one the agency has proposed.

"What I need to consider is, is there a clear basis, or clear evidence, to make a decision, and this choice requires an interpretation of the evidence," Johnson said.

Environmental and public health organizations, which had sued the EPA to force a revision of fine-particle rules based on updated science as required by law, immediately condemned the agency's new rules, calling them far too weak and an early Christmas present to polluting industries.

"This may be the most important decision that the Bush administration makes on air pollution, but the White House has chosen to disregard its own science advisors under pressure from the electric-power industry and other special interests," said Emily Figdor of the U.S. Public Interest Research Group.

Industry organizations opposed the change, contending that they already have made substantial cuts in particulate emissions from industrial plants and vehicles.

"New particulate matter standards may be premature in that EPA and the states are just now implementing the revisions from 1997," the Electric Reliability Coordinating Council, a group representing coal-fired power plants, said in a statement. "It is hard to see the justification for ratcheting the national particulate matter standard lower at this point."

Counties are supposed to clean up particle pollution by 2015 or face federal penalties, including possibly losing transportation money.

"It will be a significant challenge in Southern California ... but we should not allow difficulty to set the bar," said Barry Wallerstein, executive officer of the South Coast Air Quality Management District, the region's main air pollution regulator. "We should set the bar wherever it needs to be to protect public health."

Though the Los Angeles region has made great progress in reducing some types of air pollution - most notably ozone, the main ingredient of smog - improvement has been slower with particulates. That is due in large part to the steady growth of cargo shipments in the region, particularly at the twin ports of Los Angeles and Long Beach, and the diesel exhaust emitted by ships, loading machinery, and truck and rail traffic in and around the ports.

Experts have estimated that particulate pollution may cause thousands of deaths per year in the United States from heart attacks, strokes, asthma attacks and other respiratory diseases. Dozens of studies around the world have documented increased hospitalization and death rates among people with heart and lung diseases on days when particulate levels rose.

The research released Tuesday suggests that long-term, chronic exposure can be dangerous too, with years of exposure making people susceptible to developing cardiovascular disease.

The scientists, from the New York University School of Medicine, Mount Sinai School of Medicine and University of Michigan, said they found a clear cause and effect between breathing particulates and atherosclerosis, the hardening and clogging of blood vessels. Long-term exposure to the microscopic bits of soot and smoke spewed by vehicles and industries causes immune cells to build up and inflame vital arteries, they reported.

For six months, mice that were bred to be susceptible to developing cardiovascular disease breathed air containing 15 micrograms of fine particles per cubic meter, the same as the federal standard. Last year, most of Los Angeles, Orange, Riverside and San Bernardino counties averaged 16 to 22 micrograms.

Overall, the mice that breathed the polluted air fared worse in an array of cardiovascular tests than those that breathed filtered, particulate-free air. But mice that were fed a high-fat diet showed even more dramatic effects.

On normal diets, aortas of the exposed mice were 19.2% filled with plaque, compared with 13.2% for those breathing the particulate-free air. Among those fed high-fat diets, the exposed mice had arteries that were 41.5% obstructed by plaque, compared with 26.2% for the mice breathing the filtered air.

Eating a high-fat diet and breathing particulate pollution in places such as Los Angeles "is a really bad combination," said Dr. Nino Kuenzli, a USC associate professor and environmental epidemiologist. Last year Kuenzli reported similar findings in people living in the Los Angeles region. Those who lived in areas with the highest particulate levels had more constricted arteries.

The mouse study is "very important because it confirms that the type of air pollution we inhale on an everyday basis has definite effects and it occurs at levels we accept as a given," Kuenzli said.

"It is very clear that we do not have standards yet that would protect everyone's health," he added. "That is the opinion probably of the vast majority of scientists."

## **Proposed Standards for Air Quality Criticized**

By Juliet Eilperin, staff writer  
The Washington Post  
Wednesday, December 21, 2005

The Bush administration proposed a modest tightening of federal air-quality standards yesterday for the first time in eight years, drawing protests from both public health and industry officials.

Environmental Protection Agency Administrator Stephen L. Johnson said he has decided to maintain the current annual standard for fine particulate matter, or soot, while reducing the daily soot limit from 65 micrograms per cubic meter of air to 35. The annual air standard would remain unchanged at 15 micrograms per cubic meter of air.

The proposal -- which is subject to public comment for three months and would not become final until September 2006 -- fell short of what the EPA's scientific advisory board proposed earlier this year. That group suggested lowering the annual fine particulate level to 13 or 14 micrograms per cubic meter, and setting daily exposure level to between 30 and 35 micrograms.

The fine particles in soot -- which comes from automobiles, power plants and other industrial sources -- can cause inflammation and arterial damage after entering the bloodstream and lungs. According to the American Lung Association, about 60,000 Americans die prematurely each year because of air pollution. Under federal law, every county must take steps to meet national standards or risk losing federal funds.

"This proposal is yet another step in ensuring Americans have cleaner air and healthier lives," Johnson said in a telephone conference with reporters yesterday. "I made my decision based on the best available science."

But environmental and public health advocates criticized the new standards as inadequate, saying that since 1997, when the EPA first set particle standards, more than 2,000 studies have shown links between fine particles and a host of illnesses. The EPA was supposed to have revised the air-quality standards after five years, in 2002. The agency issued the current proposal after being sued by environmental groups.

"EPA set [the current] standards in 1997, when we knew so much less than we do now about the health impact of particle pollution. We now know better," said John L. Kirkwood, president of the American Lung Association. "There is no excuse to set the new standards at levels that still do not meet the basic legal requirement outlined in the Clean Air Act, to protect the lives and health of the public."

Environmentalists had pushed for recommended levels that, according to a recent EPA analysis, would have reduced air pollution-related deaths in nine U.S. cities by 48 percent. By contrast, yesterday's proposal would cut those deaths by 22 percent.

EPA officials would not elaborate on how they reached their proposed limits, which would have to be met by 2015.

Electric utility officials attacked the administration's proposal as too stringent. They noted that in 2003, fine-particle pollution dropped to its lowest level since nationwide monitoring began in 1999, and that they are already spending to meet federal rules aimed at reducing sulfur dioxide and nitrogen oxide emissions.

John D. Kinsman, director of air-quality programs for the Edison Electric Institute, said the proposal "will force us to make even greater reductions than we were already planning." He added that the EPA did not take into account many studies indicating that fine particles are not a problem for public health.

Right now, nearly 90 million Americans are breathing unhealthy air, according to federal officials.

Some communities -- such as the District and Baltimore -- have struggled to meet the 1997 standards, in part because they are downwind of polluting power plants. But other areas have achieved greater success. On Nov. 30, Washington Gov. Christine Gregoire (D) announced that

her entire state meets the current air standards; it had encouraged farmers to change their agricultural practices and had provided financial incentives for citizens to stop using wood stoves.

"I'm proud that Washington was the first state west of the Dakotas to meet air-quality standards," Gregoire said yesterday. "Clean air standards should be based on good science. Otherwise, we risk losing public support when standards go against sound advice."

## **EPA Proposes New Health-Based Soot Limits**

By John Heilprin, The Associated Press

In the S.F. Chronicle, Washington Post, Tri-Valley Herald and other papers

Wednesday, December 21, 2005

WASHINGTON -- The Environmental Protection Agency proposed stricter daily limits Tuesday for how many microscopic particles of air pollution, or soot, are safe for all Americans to breathe from the nation's smokestacks and tailpipes.

The proposed new health-based air standards represent one of government's most far-reaching decisions. They affect millions of lives, and could force states to make industries spend billions of dollars to clean up coal-burning power plants, diesel-powered equipment, trucks and industrial boilers.

Health and environmental groups had sued the government to force it to tighten its limits. Meeting a court-ordered deadline of midnight Tuesday, EPA ignored the recommendations of an expert clean air scientific advisory committee, which in June called for even tougher limits.

Once the EPA finishes its rule-making next September, states must order cleanups in at least 50 counties, mainly in southern California, the Midwest, the South and the Northwest, EPA studies show.

Stephen Johnson, the EPA administrator, said his decisions were based on "the best science available to date ... particularly for the most vulnerable among us," despite the science advisers' recommendation for a tougher standard. He did not elaborate.

Johnson said he recognizes the science continues to evolve, so his agency would continue to review new scientific findings before it issues a final rule. The EPA also will allow for 90 days of public comment. "This proposal is yet another step to ensure that Americans have cleaner air and healthier lives," he said.

At stake are public health standards addressing fine pollution particles 2.5 micrometers or smaller, which lodge in people's lungs and blood vessels. The EPA said in 1997 that cutting fine particle pollution would save 15,000 people a year from dying prematurely from heart and lung diseases aggravated by soot-filled air.

The 1997 standards currently in use say that industry annually can't release air pollution with fine particles averaging greater than 15 micrograms per cubic meter. On a daily basis, its releases of soot can't exceed 65 micrograms per cubic meter.

The two sets of limits, one for daily exposure to soot and one for annual exposure, are based on scientists' measures of the number of premature deaths, heart attacks, lung cancer, asthma attacks and other illnesses that might result. Then EPA policy-makers decide what's acceptable.

The expert advisory panel had recommended tightening the annual standard to 14 micrograms per cubic meter and the daily limit to 30 micrograms per cubic meter. Health and environmental groups pushed for an annual standard of 12 micrograms per cubic meter \_ which was adopted by California and also recommended by some Northeast states.

Instead, the EPA said Tuesday it was proposing to keep the annual limit at 15 micrograms per cubic meter and adopt a new daily limit of 35 micrograms per cubic meter. An EPA staff paper said that would result in 22 percent fewer premature deaths in nine cities.

It also said it was rescinding a broader rule aimed at reducing fine particle pollution 10 micrometers or smaller, because the rules for smaller-sized soot are more effective. The EPA is considering replacing it with a standard that might exempt agribusiness.

Critics said, however, that the differences in the numbers for the current and proposed EPA standards are not as small as they seem. They said the new limits are too soft and show EPA catered to intense lobbying from electric utilities, rather than satisfy the health and environmental groups who had sued the agency in March 2003.

The nine groups, led by the American Lung Association, Environmental Defense, Natural Resources Defense Council and the Sierra Club, wanted EPA to update its eight-year-old standards by proposing the highest levels of soot that could be allowed in the air and still protect public health.

The Clean Air Act requires the EPA to review the adequacy of its health-based national air quality standards every five years to ensure they are up-to-date in reflecting the best available medical science.

"The old standard was so weak that there was room to lower the number without actually making big improvements on the ground," said Dr. John Balbus, an internist and health program director for Environmental Defense. "And what really matters here is reducing people's exposures to fine particles, not just changing numbers."

If the EPA had set the tougher limits a panel of scientists recommended, at least 147 counties \_ most of them scattered throughout the East \_ would have been affected, according to EPA data. That would help address sooty air in large urban centers like Houston and in some of the larger cities in the interior West.

Dan Riedinger, a spokesman for the Edison Electric Institute, representing utilities, said stricter regulations "may yield limited, if any, tangible benefit to public health" because soot pollution is not as great a threat as it was eight years ago.

In contrast, he said, the costs to industry "can hurt local businesses, drive away new ones, and inflict severe penalties on areas unable to quickly reach compliance."

## **7 States Join Forces to Cut Gas Emissions**

By Francis X. Quinn, Associated Press Writer

in the S.F. Chronicle, Tuesday, December 20, 2005

Augusta, Maine (AP) -- Seven Northeast states have agreed to set up a first-of-its-kind system designed to cut greenhouse gas emissions from power plants, governors around the region said Tuesday.

The so-called cap-and-trade system to reduce carbon dioxide emissions would cover electric generating units with a capacity of 25 megawatts or more, according to New York Gov. George E. Pataki.

Emissions of carbon dioxide would be capped at current levels — about 121 million tons annually — from 2009 to 2015. Incremental reductions over four years would then aim to curb emissions by 10 percent by 2019.

"Under this program, we will use a market-based system to curtail harmful CO2 emissions and spur the development of innovative technologies that will reduce our dependence on foreign energy, strengthen our economy, and take meaningful steps in the fight against climate change," Pataki said in a statement.

Other states signing the regional memorandum of understanding for a Regional Greenhouse Gas Initiative are Connecticut, Delaware, Maine, New Hampshire, New Jersey and Vermont.

A news conference that had been planned for last Thursday to announce a pact was canceled amid expressions of concern by some southern New England state officials over its potential economic effects. Rhode Island and Massachusetts balked at signing the agreement.

Numerous environmental activists praised the pact Tuesday.

A number of business leaders also hailed the accord.

"The Regional Greenhouse Gas Initiative marks an important step forward for the Northeastern states in their efforts to address climate change," said Theodore Roosevelt IV, managing director of Lehman Brothers Inc. and chairman of Strategies for the Global Environment.

"These states know from their experience with the sulfur dioxide and nitrogen oxides trading programs that cap-and-trade programs can reduce emissions at lower costs to both industry and government," Roosevelt said.

There also was criticism.

"We're not opponents of the idea, but we can't support something so poorly designed," said Anthony Buxton, counsel to the Industrial Energy Consumer Group, representing Maine's largest consumers of electricity.

Buxton complained that state-of-the-art power generators and states that have made substantial advances in combatting pollution would effectively be penalized under the plan for having taken action already.

He also said market effects could pass on unnecessarily higher rates to consumers.

According to Pataki's office, estimates project that average household bills could increase by approximately \$3 to \$21 annually.

The Regional Greenhouse Gas Initiative began in 2003. Its plan calls for states to issue one allowance, or permit, for each ton of CO2 emissions allowed by the cap. Companies that do not have enough allowances to cover CO2 emissions must either reduce their emissions or purchase allowances from sources able to keep their emissions below their prescribed cap, officials said.

The agreement would let power plants claim offsetting emission reduction projects — such as landfill gas recovery, reforestation, and methane capture from farming or natural gas transmission facilities — to account for up to 3.3 percent of overall emissions.

"By including offsets, we are providing power plant owners the flexibility to meet their commitments in the most cost-effective way possible," said Robert Scott, head of the New Hampshire Department of Environmental Services Air Program.

## **Setting it Straight**

Modesto Bee, Wednesday, December 21, 2005

Since Dec. 9, the San Joaquin Valley Air Pollution Control District has issued "notices of violation" to 10 people in Stanislaus County and six in San Joaquin County who didn't observe the district's ban on burning wood. Incomplete totals were reported in a story Tuesday on Page B-1.

[Letter to the Modesto Bee, Wednesday, December 21, 2005](#)

## **New air rules are step in right direction**

I am pleased to see the San Joaquin Valley Air Pollution Control District adopt rules and fees regarding the building industry and wineries.

I work the regulatory side of land development and can attest that even when fees remain stable, housing prices will continue to climb to whatever the market will bear.

As a progressive and iterative step of ratcheting up measures to clean air, allowing one industry to pay another to achieve an overall reduction in emissions is OK for now. In time, tighter regulations will make this impractical.

I encourage the air district to provide more linkage in its regulations. If housing developers can reduce their fees by providing an outside electrical outlet, then allow them to further reduce their fees by providing each home with its first electric lawn mower. The air district has a program to provide electric lawn mowers at less than half price. Link the two programs together - multiply the benefits.

One area that is missing is that of renewable energies. Though it is recognized that renewable energies, and in particular solar electricity, significantly reduce air pollutants, there are no incentives from the air quality regulators to invest in renewable energies.

Frederic Clark, Salida

[Letter to the Fresno Bee, Wednesday, December 21, 2005:](#)

### **We need even more accountability for dirty air**

Dec. 17 was the first time we had visible sun for more than 12 days. The air index reading that day indicated unhealthy for sensitive groups.

However, the air index previous to this was over 150 every day except one, when it was 149. That means the air was unhealthy for all of us. That means you oughtn't even be walking the dog.

The San Joaquin Valley Air Pollution Control District took a positive step in voting for accountability from builders on Dec. 15. I'd like to suggest further accountability for all those who use gas-powered gardening machines.

Next to vehicles, gas-powered gardening machines are the nation's biggest producers of smog causing hydrocarbons and nitrogen oxides. A gas-powered lawn mower in an hour produces as much pollution as a car driven 50 miles. A gas-powered leaf blower produces as much pollution in an hour as a car driven 100 miles.

I'd hope radio and TV stations will begin to announce the mandatory no-burn, very unhealthy days and the voluntary no-burn unhealthy days. We have too many of both.

Joan Poss, Fresno

[Letter to the Merced Sun-Star, Wednesday, December 21, 2005:](#)

### **Merced is loser with RMP**

I am deeply concerned about Riverside Motorsports Park building in Merced County. To paraphrase the words on RMP's Web site, "Why Merced?"

They are building in Merced because within a 60-mile radius, there are 3.3 million people and within a 100-mile radius, there are 9 million people.

I do not believe the economic "benefits" will outweigh the money the citizens of Merced County will have to pay when the health and well being of our citizens begin to decline even more rapidly than is currently the case. The citizens will have to pay more in taxes to offset the health problems in the community. They will also have to pick up the slack when RMP fails to pay for the rebuilding of the roads that will be taking a beating with all the traffic RMP plans to route into Castle Air Force Base.

Merced citizens are on the losing end of this battle. The only "winners" if RMP is allowed to build will be the CEO and "top-dogs" of the RMP. Everyone else loses! (Part-time, seasonal jobs; worse air quality; road degradation; noise pollution; possible loss of Foster Farms facility; loss of agricultural land; possible water pollution; the list goes on.)

The quality of air is already so bad children are told to not play outside on certain days. It is so bad, my friend's children wake up three or four times a night with difficulty breathing. There is a serious problem with the air in the Valley and the RMP will only add more pollutants and more problems.

I am adamantly against the RMP building in Merced County.

Melissa Kelly-Ortega, Merced