

## **Valley air district names new chief**

### **Seyed Sadredin will lead the agency after David Crow retired.**

By Mark Grossi / The Fresno Bee

Friday, March 17, 2006

Seyed Sadredin, the No. 2 administrator at the San Joaquin Valley Air Pollution Control District, was named Thursday to take over as boss of the 25,000-square-mile district.

Sadredin, 45, becomes the district's third executive director/air pollution control officer, replacing David Crow. Crow retired last month after 14 years with the district. The district's first leader, Larry Odle, left after four months on the job at the end of 1991.

Sadredin has nearly 25 years of experience in the air-quality field in the San Joaquin Valley. He takes over a district that has improved air quality but still violates the smog standard as often as Southern California.

"My vision is to take the Valley to a place where we're leading the nation in air-quality improvements and that the work done here — our innovative, successful programs — will be a great source of pride for Valley residents," Sadredin said in a prepared statement.

District board chairman Mike Maggard, a Bakersfield City Council member, praised Sadredin.

"The board has absolute confidence in Seyed's skills and in his ability to create an even stronger partnership between the air district and the public," Maggard said.

One environmentalist, Kathryn Phillips of Environmental Defense, expressed disappointment.

She said the district missed the chance to find a leader who would emphasize science and health.

"We think the district had the opportunity to bring in someone with a deeper understanding of the effects of pollution," she said.

A farm representative, Manuel Cunha of the Nisei Farmers League, disagreed, saying the district now has a leader who knows the science.

He said Sadredin has been involved in landmark studies of the air basin.

"You don't have to train him," said Cunha. "I think the board made a very good selection. He knows this Valley, he knows the issues, the rule making, the science. I believe he will work with us in a professional way."

Sadredin, who lives in Fresno, will get an annual salary of \$144,000.

## **Around the county**

### **Longtime air-quality employee gets top job at agency**

Bakersfield Californian, Friday, March 17, 2006

The San Joaquin Valley Air Pollution Control District's second-in-command, Seyed Sadredin, has been appointed to the agency's top job.

Sadredin has worked on valley air-quality issues since 1981, when counties ran their own air quality agencies. He started out in San Joaquin County and became director of permit services when the air districts unified in 1992.

He was named deputy director in 2004, and the district's board made him executive director in a unanimous vote Thursday. Sadredin replaces David Crow, who retired in February.

## **Clearing the Air**

### **\$4.3m in state funds will pay to replace old Valley school buses with cleaner-burning models.**

By Mark Grossi / The Fresno Bee  
Friday, March 17, 2006

California's oldest and most-polluting school bus fleet — which is in the San Joaquin Valley — has attracted millions of state dollars to buy modern replacements.

The California Air Resources Board will spend \$4.3 million for 31 new buses to replace Valley "classics," two of which date back to 1959. The Valley's eight counties have more pre-1977 school buses on the road than anywhere else in the state.

Protecting children from toxic contaminants is the main reason to replace old buses, said Seyed Sadredin, air pollution control officer for the San Joaquin Valley Air Pollution Control District.

"There are studies that show children inside these buses are exposed to a toxic risk of about three times higher than an individual would face under worst-case conditions in an urban area," he said Thursday.

The Valley has 200 of the 300 oldest school buses on California's roads, district officials said. But for years, the state has replaced old buses based on population. Southern California has received a lot of money, while the Valley has received far less.

This year, state air board members decided the criteria would be based solely on the age of buses.

The Valley, one of the nation's dirtiest air basins, has more buses on the list than any other place, according to state air board figures. Porterville public schools will be able to buy six new buses, and Central Unified School District in Fresno is in line for five.

Air district board members accepted the state money Thursday, expressing their thanks to the state. An additional \$1.2 million in state money will be used to install pollution-reducing devices on other older buses.

The new buses run on modern diesel fuel or an alternative fuel, such as compressed natural gas.

Board member Sam Armentrout, who is a Madera City Council member, said he wanted more of a concerted push for compressed natural gas.

"If you look at the reduction in [pollutants], compressed natural gas far exceeds the reductions of clean diesel," he said. "When we start working on our rules here, I firmly believe we should consider at least a preference for compressed natural gas."

Board member J. Steven Worthley, a Tulare County supervisor, was curious about how much the old buses were actually used.

"If we have mothballed buses or buses that get used as fill-ins for breakdowns, then replacing these buses really does very little for air quality," he said.

The old buses are state-certified and used daily, said Jeff Findley, district manager of the emission reduction incentive program.

The Valley's two oldest buses scheduled for replacement are 47 years old and belong to the Central Unified School District.

The state's oldest bus in daily use is outside the Valley in the desert portion of Kern County. The 1951 bus is in California City, which is part of the Mojave Unified School District.

## **U.S research panel backs California smog rules**

### **Missouri senator pushed review for lawn mower firm**

Janet Wilson, Los Angeles Times

Also In the S.F. Chronicle and other papers, Friday, March 17, 2006

A National Research Council panel overwhelmingly endorsed California's tough air pollution regulations on Thursday, saying the state had served as "a proving ground for new emissions-control technologies that benefit California and the rest of the nation."

Sen. Kit Bond, R-Mo., persuaded Congress in 2003 to order the study of California's air regulatory track record, saying the nation's largest lawn mower engine manufacturer was threatening to move 22,000 jobs overseas because of the state's overreaching, costly requirements.

The panel not only found that California's unique legal right under the Clean Air Act to set stricter standards than the federal government was "scientifically valid" and "still needed because of persistent pollution," but recommended that the U.S. Environmental Protection Agency speed up its review of such regulations.

"As with any laboratory, there are some failures, and that has sometimes imposed financial burdens on the auto-manufacturing industry, for instance, but there have also been spectacular successes," said report co-author Gary Marchant, a law professor at Arizona State University. Marchant was one of 11 experts who prepared the report for the Research Council, a nonpartisan research arm of the National Academy of Sciences that advises Congress.

The results thrilled state air regulators, medical groups and environmentalists who have feared a weakening of states' powers to regulate smog.

"The study blew up in Sen. Bond's face. ... It's a complete vindication for California and its groundbreaking efforts to deal with the problem of pollution from cars and other moving sources," said Frank O'Donnell of Clean Air Watch, a Washington nonprofit organization. "The fact is breathers from coast to coast are breathing cleaner air today because of California."

Under the Clean Air Act, every other state must follow rules set by the EPA, unless California adopts stricter standards, which other states with smog problems can then follow

"We're very pleased," said California Air Resources Board spokesman Jerry Martin. "Clearly, the report justifies our position that we need to have separate standards."

On Thursday, Bond spokesman Rob Ostrander defended the study request, saying Bond acted after the nation's largest lawn-mower-engine manufacturer, Briggs & Stratton, threatened to move its factories overseas because of California's pending requirement to require catalytic converters in power mowers.

The panel of scientists said something needs to be done to stop lengthy lawsuits that often occur when other states try to emulate California's standards, but it could not agree on proposed measures. One option they mentioned would be for the EPA to have veto power over other states, as it does over California. Automobile manufacturers pushed for such a recommendation, which state air boards vehemently oppose.

Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, said that while auto manufacturers had never suggested California lose its special status, "we do believe that EPA's federal program provides states with comparable clean-air benefits. ... Bottom line, the NRC report emphasizes the benefits of everyone working toward a shared goal of clean air, instead of acting like adversaries."

California must seek waivers from the EPA for its rules, and such applications often languish for years. The panel recommended the EPA set a two-year limit for making such decisions. The state currently is awaiting federal approval of standards for reducing greenhouse-gas emissions from vehicles and for requiring catalytic converters on lawn mowers. Automakers have sued to stop California, Vermont, New York, Rhode Island and New York from implementing their own greenhouse-gas standards.

### **Study clears way for smog regulation**

Erica Werner -Associated Press

in the Modesto Bee and Tracy Press, Saturday, March 17, 2006

WASHINGTON — The Environmental Protection Agency cleared the way Friday for California to limit pollution from lawn mowers and other small-engine machines.

Devices that clean the engines' emissions do not pose a safety problem, the EPA said. Lawnmowers and similar small-engine machines under 25 horsepower now account for 7 percent of California's smog-forming emissions from mobile sources, the equivalent of over 3 million cars, according to the California Air Resources Board.

Opposition from Sen. Kit Bond, R-Mo., whose home state has two factories owned by lawn mower engine maker Briggs & Stratton Corp., has delayed rules to regulate small-engine pollution.

Bond first tried to bar California from implementing its own small-engine rules, backing down only after opposition from Sen. Dianne Feinstein, D-Calif. Last year he insisted on a study of whether adding pollution-reducing catalytic converters to small engines could create fire risks.

The EPA study released Friday concluded there are no such risks and said there can even be safety benefits from adding catalytic converters.

The conclusion means EPA can move forward to issue nationwide regulations for pollution from small engines. The agency also can grant California the waiver it is seeking to implement its own small-engine pollution rules.

EPA spokesman John Millett said the agency should be able to take both steps by the end of the year.

California hopes to enact its rules Jan. 1, 2007. Like other states with high pollution, California is under federal mandate to clean up its air. Tom Cackette, deputy director of the Air Resources Board, said that "this lawnmower rule is a key part of doing that."

EPA investigations indicate the pollution standards can be implemented "without an incremental increase in the risk of fire or burn to the consumer" and can even lead to "an incremental decrease in such risk," the study said.

"EPA's thorough safety study shows that not only will California's proposed small engine regulations significantly improve our air quality, but they also present no safety concerns whatsoever for consumers and in fact may improve the safety of lawnmowers and other small engines," said Feinstein, who has tangled with Bond over the issue for nearly three years.

Patricia Hanz, a spokeswoman for Briggs & Stratton in Milwaukee, called the EPA study "neither comprehensive nor complete" and said the company was waiting for results from a different safety study that includes participation by the Outdoor Power Equipment Institute, an industry trade association.

Briggs & Stratton officials have said that redesigning their engines to comply with tougher regulations would be so costly they might have to move production overseas. The company employs more than 1,000 workers in Missouri.

In a statement, Bond spokesman Rob Ostrander didn't comment on the study but said that as EPA develops its small-engine rule, "concerned stakeholders such as the National Association of State Fire Marshalls and others, whom EPA did not give a chance to comment on the safety study, can respond to this study and all the related issues such as potential job loss and plant closures."

California has the authority under the Clean Air Act to set its own pollution standards, and other states can put in place California's regulations. Bond tried to include language in a 2004 spending bill to block California from setting its own small-engine rules, but Feinstein and other state officials objected. Bond then agreed to language letting California implement its own small-engine rule but requiring a federal standard to be set for other states.

Friday's results came one day after a separate study, by the National Academies' National Research Council, said that California's role in setting tough standards on smog-forming emissions is scientifically valid and necessary in the quest for cleaner air. That study also was sought by Bond.

•Associated Press Writer Sam Hananel contributed to this report.

## **State smog controls backed**

**National research group says the public benefits outweigh cost to industry.**

By Chris Bowman -- Bee Staff Writer

Sacramento Bee, Friday, March 17, 2006

California has won scientific backing in its battles with automakers and engine manufacturers over adopting smog controls more protective - and often costlier - than federal standards.

In a study released Thursday, the independent National Research Council concluded that California's tougher tailpipe exhaust standards still are needed to combat chronic pollution in the Sacramento region, San Joaquin Valley and Los Angeles basin.

A council committee of 11 experts in engineering, health and public policy said the economic and public health gains from having the cleanest-in-the-nation cars, trucks and power equipment outweigh the "additional costs and complexity" those stricter rules impose on industry and consumers.

"California served as the laboratory for technologies that became available nationwide ... and the entire nation benefited from cleaner air," said David Allen, a University of Texas chemical engineering professor who headed the study committee.

At issue is California's unique authority under federal law to adopt fuel and engine emission standards more stringent than those the U.S. Environmental Protection Agency sets nationwide. Other states can piggyback on California standards but cannot adopt their own.

California attained the special power under the U.S. Air Quality Act of 1967, before the first federal standards for auto emissions took effect. Congress made the exception because Southern California's smog was "extreme," and because the state led the nation in requiring exhaust controls on new vehicles, effectively serving as a proving ground for technologies.

The double set of standards has frustrated national manufacturers for decades, most recently with California's first-in-the-nation rule to cut auto exhausts linked to global warming.

Congress mandated the Research Council report in 2003 in a deal between Sen. Dianne Feinstein, D-Calif., and Sen. Kit Bond, R-Mo.

Bond tried for years to block California's efforts to curtail exhausts from small engines, such as those powering lawn mowers, saying the costs of making the lower-polluting engines could force production overseas. The leading small-engine manufacturer, Briggs & Stratton Corp., has two plants in Missouri.

The committee was asked to assess the procedures used by California and other states to develop regulations that are tougher than federal rules and compare the health and economic effects of the different standards.

The committee found California's practices "scientifically and technically valid."

"Reasons for Congress giving California this waiver are still in existence," Allen said, speaking at a teleconference Thursday in Washington, D.C.

The committee found that the California Air Resources Board "often tightens mobile-source emissions standards earlier and to a greater extent than the Environmental Protection Agency." On small engines, the committee said, "California should continue its pioneering role."

Bond saw the report as an endorsement of his concerns over job layoffs, said his spokesman, Rob Ostrander.

"Senator Bond will continue to ensure that as California acts to clean up its own mess, that at a minimum their actions do not hurt Missouri workers and families," Ostrander said.

The California air board viewed the report differently.

"It vindicates our need for separate standards because of the magnitude of our air pollution problem," said Jerry Martin, board spokesman.

Environmentalists, public health advocates and associations of state and local air pollution regulators said they were pleased the research council did not recommend changes that would restrict the ability of states to follow California's standards.

"State initiatives were the kick in the pants automakers needed to produce the cleanest cars on the market today," said Michelle Robinson, an advocate with the Union of Concerned Scientists in Washington, D.C.

California asserted its special rights under the federal air pollution law beginning in the 1970s, becoming first in the nation to take toxic lead out of gasoline and require pollution-cutting catalytic converters on vehicles' exhaust systems.

Some of the air board's innovations have flopped, said Gary Marchant, an Arizona State University law professor and member of the study group. "But we also found there were spectacular successes ... and that the successes were spread to other states in the nation."

The research council said the report does not address the California greenhouse gas regulations because the state adopted them after the study was launched.

Last year, New York, Massachusetts, Vermont and Rhode Island adopted California's rule that clamps down on auto emissions of carbon dioxide, a gas linked to global warming.

The Alliance of Automobile Manufacturers is trying to win a court order to block the rule, which requires automakers to reduce the heat-trapping "greenhouse" gases from cars and light-duty trucks beginning with model year 2009.

## **Study supports California's role in setting emission standards**

By the Associated Press

In the Tri-Valley Herald, Fresno Bee and SF Chronicle  
Friday, March 17, 2006

WASHINGTON - A government-sponsored report backs California's role in setting tough standards on smog-forming emissions from cars, trucks and construction vehicles. The state's approach is scientifically valid and necessary in the quest for cleaner air, researchers said Thursday.

Acknowledging substantial progress in reducing emissions, the National Academies' National Research Council also said more needs to be done to meet federal air-quality standards in many parts of the country.

California began regulating pollution before the federal government. Under the Clean Air Act, the state has the power to set its own vehicle pollution standards. Among other states that have put in place California's rules are: Connecticut, Maine, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington.

"California has used its authority as Congress envisioned: to implement more aggressive measures than the rest of the country and to serve as a laboratory for technological innovation," the report said.

The auto industry and environmentalists, which have fought over California's strict requirements, kept close watch on the review, which Congress ordered in 2003.

Automakers have said the state's rules add considerable cost for consumers and that the federal standards for nitrogen oxide and hydrocarbons are stringent.

"State initiatives were the kick-in-the-pants automakers needed to produce the cleanest cars on the market today," said Michelle Robinson, Washington director of the Clean Vehicles Program for the Union of Concerned Scientists.

The report does not recommend giving the Environmental Protection Agency the power to stop states from following California's standards. Instead, it encourages the agency to give states more guidance on the benefits of the federal rules.

Automakers noted that the study recognized that vehicles have become cleaner since the 1970s. Charles Territo, a spokesman for the Alliance of Automobile Manufacturers, said it also recommended that the EPA "become more involved in helping states understand the complexities of the regulations and the benefit of the regulations."

David Allen, chairman of the council committee that produced the report, said manufacturers described the costs associated with complying with both California and federal standards. But it was difficult for the committee to quantify those costs, said Allen, a professor of chemical engineering professor at the University of Texas at Austin.

When the California Air Resources Board revises or sets an emission standard, it must seek a waiver from the EPA. The study recommended that the agency speed up waiver requests it considers routine and put a time limit on more contentious decisions.

The committee recommended that EPA reviews last no longer than two years.

While the study was under way, California air regulators in September 2004 approved the world's most stringent rules to reduce greenhouse gas emissions. The auto industry has challenged those standards in court; the report did not address the subject.

## **Small-engine pollution could be regulated**

### **EPA decision allows California to issue rules curbing smog from mowers, watercraft**

By Erica Werner, Associated Press

In the Tri-Valley Herald, the Fresno Bee and SF Chronicle  
Saturday, March 18, 2006

WASHINGTON - The Environmental Protection Agency cleared the way Friday for regulations to limit pollution from lawn mowers, personal watercraft and similar small machines.

Devices that clean the engines' emissions do not pose a safety problem, the EPA said. Without new pollution controls, engines under 50 horsepower would account for 18 percent of smog-forming emissions from mobile sources by 2020, the agency has estimated.

Sen. Kit Bond, R-Mo., whose home state has two factories owned by lawn mower engine maker Briggs & Stratton Corp., has delayed rules to regulate small-engine pollution.

After first trying to bar California from implementing its own small-engine rules, Bond last year insisted on a study of whether adding pollution-reducing catalytic converters to small engines could create fire risks.

The EPA study released Friday concluded there are no such risks and said there can even be safety benefits from adding catalytic converters.

The conclusion means EPA can move forward to issue nationwide regulations for pollution from small engines. The agency also can grant California the waiver it is seeking to implement its own small-engine pollution rules.

EPA spokesman John Millett said the agency should be able to take both steps by the end of the year.

Agency investigations indicate the pollution standards can be implemented "without an incremental increase in the risk of fire or burn to the consumer" and can even lead to "an incremental decrease in such risk," the study said.

"EPA's thorough safety study shows that not only will California's proposed small engine regulations significantly improve our air quality, but they also present no safety concerns whatsoever for consumers and in fact may improve the safety of lawn mowers and other small engines," said Sen. Dianne Feinstein, D-San Francisco, who has tangled with Bond over the issue for nearly three years.

Patricia Hanz, a Briggs & Stratton spokeswoman in Milwaukee, called the EPA study "neither comprehensive nor complete;" her company awaits a different study's findings.

Briggs & Stratton officials have said that redesigning their engines to comply with tougher regulations would be so costly they might have to move production overseas. The company employs more than 1,000 workers in Missouri.

In a statement, Bond spokesman Rob Ostrander didn't comment on the study but said that as the EPA develops its small-engine rule, "concerned stakeholders such as the National Association of State Fire Marshals and others, whom EPA did not give a chance to comment on the safety study, can respond to this study and all the related issues such as potential job loss and plant closures."

California has the authority under the Clean Air Act to set its own pollution standards, and other states can put in place California's regulations. Bond tried to include language in a 2004 spending bill to block California from setting its own small-engine rules, but Feinstein objected. Bond then agreed to language letting California implement its own small-engine rule but requiring a federal standard to be set for other states.

Friday's results came one day after a separate study, by the National Academies' National Research Council, said California's role in setting tough standards on smog-forming emissions is scientifically valid and necessary in the quest for cleaner air. That study also was sought by Bond.

## **States Win Suit to Stop New EPA Standards**

By MARK JOHNSON, The Associated Press

Published in the Washington Post, the Tri-Valley Herald and the SF Chronicle

Saturday, March 18, 2006; 3:40 AM



ALBANY, N.Y. -- A federal appeals court Friday blocked the Environmental Protection Agency from easing clean air rules on aging power plants, refineries and factories, one of the regulatory changes that had been among the top environmental priorities of the White House.

The new rules, strongly supported by industry representatives, would have allowed older plants to modernize without having to install the most advanced pollution controls.

The U.S. Court of Appeals in Washington declared that the EPA rules violate the Clean Air Act and that only Congress can authorize such changes.

Fourteen states and a number of cities, including New York, San Francisco and Washington, had sued to block the change in 2003, saying it would allow more air pollution.

"This is an enormous victory for clean air and for the enforcement of the law and an overwhelming rejection of the Bush administration's efforts to gut the law," said New York Attorney General Eliot Spitzer, who led the lawsuit for the states. "It is a rejection of a flawed policy."

Peter Lehner, Spitzer's top environmental lawyer, said the decision applies to about 800 power plants and up to 17,000 factories nationwide.

Under the Clean Air Act, operators who do anything more than routine maintenance are required to add more pollution-cutting devices. Under the proposed change, industrial facilities could have avoided paying for expensive emissions-cutting devices if they spent less than 20 percent of the plant's value, Lehner said.

The EPA had argued the rule change would not increase pollution.

The three-judge panel said that the EPA's reading of the Clean Air Act was "a Humpty Dumpty world" interpretation and that Congress had made clear it wanted older facilities to add pollution controls whenever they make modifications.

"We are disappointed that the court did not find in favor of the United States," said EPA spokesman John Millett. "We are reviewing and analyzing the opinion and cannot comment further at this time."

Industry groups have contended that the Clean Air Act, as now written, discourages plant operators from modernizing their equipment.

Friday's decision "is a step backward in the protection of air quality in the United States," said Scott Segal, director of the Electric Reliability Coordinating Council, a Washington-based group representing several power-generating companies. "What is it the environmental community thinks they've won? They've won the ability to place roadblocks in front of energy efficiency projects. This is terrible news."

The lawsuit was filed by New York, California, Connecticut, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, Pennsylvania, Rhode Island, Vermont and Wisconsin.

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On the Net:

U.S. Court of Appeals in Washington: <http://www.cadc.uscourts.gov/internet/internet.nsf>

Office of New York Attorney General: <http://www.oag.state.ny.us>

Environmental Protection Agency: <http://www.epa.gov>

## **Looser Emission Rules Rejected**

### **Court Says Changes By EPA Violated Clean Air Act**

By Juliet Eilperin, Washington Post Staff Writer

Published in the Washington Post and SF Chronicle

Saturday, March 18, 2006; A01

A federal appeals court blocked the Bush administration's four-year effort to loosen emission rules for aging coal-fired power plants, unanimously ruling yesterday that the changes violated the Clean Air Act and that only Congress could authorize such revisions.

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit sided with officials from 14 states, including New York, California and Maryland, who contended that the rule changes -- allowing older power plants, refineries and factories to upgrade their facilities without having to install the most advanced pollution controls -- were illegal and could increase the amount of health-threatening pollution in the atmosphere.

The Environmental Protection Agency's New Source Review policy was formally issued in 2003 but has never taken effect because of legal challenges by state officials and environmental groups. The administration has long argued that the existing standards are too stringent and have discouraged utility plants and other industries from upgrading and expanding their facilities. But opponents have characterized the rule changes as a favor to administration allies in the utility and coal-producing industries that would greatly add to public health problems.

New York Attorney General Eliot L. Spitzer, who led the court fight to block the administration's New Source Review policy, called yesterday's ruling "a major victory for clean air and public health" and a "rejection of a flawed policy."

"It will encourage industry to build new and cleaner facilities, instead of prolonging the life of old, dirty plants," Spitzer said.

In a statement, EPA spokesman John Millet said: "We are disappointed that the Court did not find in favor of the United States. We are reviewing and analyzing the opinion and cannot comment further at this time."

Some studies have linked pollution from coal-fired power plants to as many as 20,000 premature deaths in the United States every year. Environmental activists have made curbing this type of pollution one of their most pressing legislative and legal priorities, and yesterday they celebrated the ruling.

"Irish eyes are surely smiling -- and we all will be breathing easier -- with this green court ruling on St. Patrick's Day," said John Walke, director of the clean-air program at the Natural Resources Defense Council. "This is about as thorough a rebuke a court can give."

President Bush took office in 2001 promising to ease regulations on coal-fired power plants as part of a larger energy production initiative. Three successive administrators of the EPA have tried without success to alter the rules and policies adopted during the Clinton administration that cracked down on aging power plants and refineries that were not equipped with modern air pollution equipment when they were upgraded and when their output was expanded.

Under the revised policy that was rejected by the court yesterday, power plants and other industrial polluters would not have to install new pollution technology if they modernized less than 20 percent of their operations.

The central question in the case focused on what constitutes an industrial facility "modification," because that is what triggers the federal requirement to cut down on the smog or soot emitted by utilities, oil refineries, incinerators, chemical plants and manufacturing operations. Previous administrations, including Bill Clinton's, had interpreted that phrase to encompass any physical activity that increases pollution from a given facility, with the exception of routine maintenance.

EPA officials in the Bush administration sought to broaden this exemption by asserting that "routine maintenance" is any activity that amounts to less than 20 percent of a plant's value. But the ruling, written by Judge Judith W. Rogers, rejected that reasoning as illogical.

"EPA's approach would ostensibly require that the definition of 'modification' include a phrase such as 'regardless of size, cost, frequency, effect,' or other distinguishing characteristic," Rogers wrote. "Only in a Humpty Dumpty world would Congress be required to use superfluous words while an agency could ignore an expansive word that Congress did use. We decline to adopt such a world-view."

The other two judges on the panel were David S. Tatel and Janice Rogers Brown.

The EPA's statement did not indicate whether the administration intends to appeal the ruling. Both Walke and Scott Segal, a lobbyist for the utilities industry, said it would be difficult for the administration to forge ahead in light of the appeals court's strong ruling. Walke said the decision is tantamount to the court "burying the rule six feet under, where before it was just in a casket."

Segal said the ruling will make it more costly for plants to operate. "This is a missed opportunity for reform that would have made it easier to improve power plant efficiency and workplace safety, and that's bad news for consumers and the environment," he said. "We believe it is a step backwards for the protection of air quality in the United States."

## **Officials: EPA rules too lax**

### **Locals warn EPA air rules too lax**

By Kerry Cavanaugh, Staff Writer

LA Daily News

March 20, 2006

Southern California air regulators have warned that proposed national standards for soot don't go far enough to protect public health and could limit the region's ability to regulate dust from mining operations.

The U.S. Environmental Protection Agency has proposed new standards to cut the level of particulate matter - microscopic particles and droplets in the air.

As planned, the new particulate matter standards are stiffer than current pollution limits, but they're more relaxed than what the EPA's own scientific advisory council recommended.

That troubles the AQMD and other health organizations, that point to research that links low levels of particulate matter to decreased lung function in children and an increased risk of cardiovascular disease.

"We feel the proposed standards don't adequately protect public health within the margin of safety recommended," said Jean Ospital, health effects officer with the South Coast Air Quality Management District.

The AQMD is preparing a letter to the EPA outlining the agency's concerns.

Local air officials also are concerned that the EPA proposal would exempt mining and agriculture from regulations for coarse particulate matter, or PM10, which includes particles smaller than 10 microns in diameter that are formed from dirt, tire dust and gases.

That's a big concern in Santa Clarita, where residents and the city are fighting a 56.1 million-ton gravel mine planned in Soledad Canyon near Agua Dulce.

The potential increase in particulate matter is one of the main reasons Santa Clarita is opposed to the mining project as proposed, said Gail Ortiz, a city spokeswoman.

"Our studies have shown the air quality will be severely impacted, and anything that will limit the South Coast Air Quality Management District's ability to regulate mining is something we would be extremely concerned about," Ortiz said.

U.S. Environmental Protection Agency spokesman John Millet said the agency exempted mining and agriculture from being regulated under coarse particulate matter standards because there is no evidence that windblown dirt and dust kicked up in earth-moving activities is unhealthy.

"We determined that they don't pose a risk. People have dealt with windblown dust for a long time," Millet said.

But Ospital with the AQMD pointed to studies in the Coachella Valley, where the particulate matter is largely windblown dirt, that have shown an increased rate of hospital visits and death when coarse particulate matter levels are higher.

The EPA proposal would cut the level of daily fine particulate matter to 35 micrograms per cubic meter from 65 micrograms. The annual standard would stay the same. Fine particulate matter is smaller than 2.5 microns and can get trapped deep in the lungs and move into the blood stream.

For comparison, a human hair is about 70 microns.

The federal agency would limit coarser particles, or those between 2.5 and 10 microns at 70 micrograms per cubic meter per day.

The EPA is taking comments on its proposal until April 17. For information, visit [www.epa.gov/air/particlepollution/actions.html](http://www.epa.gov/air/particlepollution/actions.html).

## **Arm yourself with the facts on asthma**

### **Event seeks to get asthma info to the community**

By Jed Chernabaeff, Staff writer

Visalia Times-Delta and Tulare Advance-Register, Friday, March 17, 2006

A part of Andrew Dever's childhood is being stripped away because of asthma, his mother says.

The 4-year-old boy from Porterville can't play near dogs or cats, in the dirt or in sand. He can't eat peanuts, tomatoes, oranges or bananas.

"He coughs and clears his throat all the time," said his mother, Lisa Dever. "He only sleeps for six hours at night because the coughing fits are so bad."

Dever said at first she thought that Andrew's cough was a symptom of just being sick. It wasn't until taking Andrew to a doctor, she found that he had asthma.

Dr. A.M. Aminian, director of the Allergy Institute in Fresno and Visalia, said Dever is just one of many residents in the Central Valley who mistake symptoms associated with asthma for other sicknesses.

"Because of the lack of general knowledge, families might think a cough could be bronchitis or something else," Aminian said.

Aminian said it's important that Central Valley residents gain knowledge about asthma and the effects because of the risk that they face each day with air pollution.

Tulare County residents will have a chance to find out the latest information about asthma at the Asthma Adventure Fair sponsored by the Tulare County Asthma Coalition and other local organizations.

The asthma fair should educate children and their families about asthma and asthma management, said Barry Westling, past chairman of the asthma coalition.

"There is a lack of awareness throughout the community," Westling said. "Asthma is controllable, but lack of knowledge can hurt people."

At the fair, doctors, pharmacists, respiratory therapists and nurses will be available to speak with residents about asthma medications, symptoms and warning signs, Westling said.

The information will be made available in English and Spanish.

### **How to Attend**

- What: Tulare County Asthma Coalition's Asthma Adventure Fair
- When: 10 a.m. to 2 p.m., Saturday
- Where: Visalia Convention Center, 303 E. Acequia Ave.
- Information: 685-3494

## **Utility board approves \$5.18 million bid for co-generation plant**

Tulare Advance-Register, Saturday, March 18, 2006

The Board of Public Utilities approved a new co-generation project for the city's wastewater treatment plant this week, but not before taking a big gulp.

The low-bid on the project came from Alliance Power of Littleton, Colo., which will do the job for \$5.18 million.

"I'm recommending we go with the cutting edge of clean energy technology, regardless of the sticker shock that goes with it," Public Works Director Lew Nelson said.

While the price is hefty, the city expects a \$3.38 million grant from Southern California Edison once the project is complete and performing at the expected level.

The co-generation equipment will utilize fuel cell energy, instead of an internal combustion engine or microturbine, and the city expects to recover its costs in 5.6 years, Nelson said.

He also reported that because emissions from fuel cells are negligible, the city won't need a permit from the San Joaquin Valley Pollution Control Air District.

The city already has an co-generation engine at the industrial portion of the plant, which burns methane to general energy. That operation saves the city almost \$1,000 a day or \$365,000 a year in electricity.

The new system is expected to save an additional \$2,000 a day - \$730,000 a year - in electricity costs.

Despite those savings, the city will still be buying electricity from Southern California Edison, Nelson said.

"We buy \$125,000 worth of electricity a month," he said.

### **A newcomer in race**

VIC POLLARD, Californian Sacramento Bureau  
Bakersfield Californian, Sunday, March 19, 2006

Who is Stan Ellis? That's a question in many voters' minds after the Bakersfield businessman made a huge splash last week when he dived into big-time local politics, seemingly out of nowhere.

The short answer from most of Bakersfield's political elite is, "No clue."

But they're scrambling to find out what they can.

Ellis, in a thumbnail portrait painted by friends, is a successful, hard-working, honest businessman and basketball team co-owner. He's upset with the direction California is headed and wants to give back to the community that has nurtured him for most of his life.

Oh, and he plays lead guitar in the band Stampede that has a regular Saturday night gig at Buck Owens' Crystal Palace.

Ellis, a 53-year-old Republican who has never run for office before, announced his candidacy Tuesday for the state Assembly seat being vacated by Kevin McCarthy, who is running for Congress.

Ellis' decision to run for the Assembly came as a surprise to many, but it wasn't all that sudden for him and his wife, Bonnie, he said.

"I've thought about running in the past," he said. "I'm forever complaining at the TV about politicians and bureaucrats. And my wife would say, 'Why don't you do something about it?'"

Then he said he recently met Kent Price, a veteran campaign manager, and the two began talking about the political opportunity posed by Rep. Bill Thomas retiring and the seats that would open up as a result.

"What really made me do this," Ellis said, "was looking at a picture of my eight grandkids. My wife said, 'Are you sure about this? You're not young anymore.'"

"I said, 'Well, do I want them to grow up in the mess we've created?'"

Ellis caught himself and said, as a candidate, maybe he should put it positively.

"I guess I should say, 'Do I want to make the world better?'"

Either way, he said, Bonnie was game.

"She said, 'Let's go.'"

Political unknowns usually don't get much attention at this stage in an election year, but Ellis' announcement turned heads all over town.

He was immediately endorsed by some of the biggest names in the Kern County oil, agriculture, banking and real estate industries.

And he is not the candidate supported by political consultant Mark Abernathy and other officials of the Bill Thomas Republican political machine, long the dominant factor in local politics.

The machine is backing Jean Fuller, the superintendent of the Bakersfield City School District, currently on leave.

There are two other candidates in the race for the 32nd Assembly District: former GOP state legislator Phil Wyman of Tehachapi and Democrat Maribel Vega of Bakersfield.

Ellis may well represent the classic American success story. He tells of growing up on a struggling family farm in South Dakota. He worked his way through the South Dakota School of Mines and Technology, graduating in 1974 with a degree in mathematics.

He soon got a job in Kern County as a "mud engineer" managing the thick drilling fluids at oil well sites. By 1982 he started his own drilling fluid firm, West Coast Mud Co.

It didn't survive the oil price collapse in 1986, but he managed to start another firm. Called Global Environmental, it salvaged useful substances from oil refinery sludge. He then sold that firm and "retired for 30 days," he said.

But he was soon back in business with similar operations in Mexico, Malaysia, Indonesia and Japan.

In 1994, he started his current main business, Sierra Process Systems, Inc. He said it uses advanced technologies to minimize and create uses for oil refinery waste materials and [reduce air pollution](#).

It has about 70 employees, with offices in Bakersfield, the Bay Area, Los Angeles and Houston.

Ellis often flies his own plane back and forth between offices.

He is also a partner in some other local businesses, one that makes portable dance floors and an equipment rental firm.

His newest glamour venture is a partnership in the Bakersfield Jam, one of the teams in a new National Basketball Association farm system.

He and his wife have an adopted daughter. He has four children from a previous marriage.

Although Ellis is a mystery to many local politicians, some business people know him well.

"I've known him for a number of years," said Gene Voiland, who heads Aera Energy and did not hesitate to endorse Ellis for office.

"I was very impressed with his 'can-do' attitude and his problem-solving," Voiland said. "I think he's a high-integrity individual."

Gene Lundquist, a retired Calcot executive, said he had not met Ellis before last week.

But when the two got together, Lundquist was so impressed that he dropped out of the race for the same Assembly seat and endorsed Ellis.

"He has an attitude of going up to Sacramento and trying to get things moving," Lundquist said.

But many others are still trying to get a handle on Ellis. Although Ellis has spent most of a lifetime in the Kern County oil industry, he was a stranger to Les Clark, executive vice president of the Independent Oil Producers Agency.

Clark said that wasn't too unusual, but after learning of Ellis' candidacy, he quickly invited him to a meeting at his office in Taft Friday to get to know him better.

He said he would report his impressions to his members after he has talked to the other candidates in the race.

Mike Turnipseed, executive director of the Kern County Taxpayers Association, said he had never heard of Ellis before reading about his candidacy in The Californian.

Turnipseed said he is skeptical about the fact that Ellis' campaign is being managed by Democrat Price, who also teaches at Cal State Bakersfield. Price said he didn't know Ellis either, until recently.

"He just really impressed me with what he had done with his life," Price said. "I was also impressed that so many people said, 'Stan never asked me for anything in my life; whatever Stan wants, we'll give it to him. He's gold.'"

But Ellis insists that having a Democratic campaign manager doesn't mean he'll give up his principles.

"Some people call me a conservative and some people call me a moderate," he said in a telephone interview while he was flying his plane to Sacramento for a business meeting. "But it all depends on the issue."

On abortion, he said he is pro-life.

But he also wants to help break the policy gridlock in Sacramento and get the government moving again.

"California politics are stale and they need more voices, bold voices," he said.

[Fresno Bee editorial, Saturday, March 18, 2006:](#)

### **Park those old buses**

The Valley will get 31 new school buses with \$4.3 million.

Students who get to their classes on school buses — and the drivers who follow those big yellow buses on San Joaquin Valley roads — will soon be able to breath easier.

California's oldest and most-polluting school bus fleet — which is in the San Joaquin Valley — has attracted millions of state dollars to buy modern replacements.

The California Air Resources Board will spend \$4.3 million for 31 new buses to replace some of the Valley's oldest buses, including two that date back to 1959.

Seyed Sadredin, air pollution control officer for the San Joaquin Valley Air Pollution Control District, said the main reason to replace the old buses is to protect children from toxic contaminants.

"There are studies that show children inside these buses are exposed to a toxic risk of about three times higher than an individual would face under worst-case conditions in an urban area," he said.

The Valley's eight counties have more pre-1977 school buses on the road than anywhere else in the state. The Valley has 200 of the 300 oldest school buses on California's roads, district officials said.

For years, however, the state has replaced old buses based on population. Southern California has received a lot of money, while the Valley has received far less.

This year, state air board members decided the criteria would be based solely on the age of buses.

This change bodes well for us.

The Valley, one of the nation's dirtiest air basins, has more buses on the list than any other place, according to state air board figures. The Valley's two oldest buses scheduled for replacement, those 1959 models, belong to the Central Unified School District.

Porterville public schools will be able to buy six new buses, and Central Unified in Fresno is in line for five.

Jerry Martin, an air resources board spokesman, said that a pre-1987 bus emits 60 times as much particulate matter, or soot, as a 2007 model, the San Jose Mercury News reported last week.

Tiny bits of soot, dust and chemicals from diesel engine exhaust are a contributing factor in asthma, a huge health problem in our Valley.

A 2004 study by the UCLA Center for Health Policy Research confirmed that asthma rates here are among the worst in the state and nation.

Reducing air pollution is one way we can have a dramatic effect on the incidence of asthma.

It's a shame some of these buses have been polluting our air for so long — but some relief is finally in sight.

[Modesto Bee, Editorial, Monday, March 20, 2006](#)

### **Air quality debate is a work in progress**

Just about everybody has a problem with the new air pollution rules for dairies being proposed and discussed. The dairy industry claims that the rules are based on old or incomplete scientific research; environmentalists argue that important facets are being left out of the discussion.

The San Joaquin Valley Air Pollution Control District has another problem: It must come up with some sort of rule by July 1, or be in violation of state law.

That's why whatever emerges from the current debate — as unsatisfactory as it may prove to everyone involved — will be a work in progress. As new data are accumulated, we'll have a better handle on just how much pollution is caused by the growing number of dairies in the valley. We also should be able to refine our approach on other elements of the debate, such as the nature and scope of ammonia discharges from dairies, and what they do to our air quality.

There is no question that dairies contribute to the valley's air pollution. Cows produce a lot of pollution, particularly the so-called volatile organic compounds. VOCs, in turn, are one of the key



building blocks of ozone, which is the chief culprit in the creation of the smog that afflicts the valley, particularly in the summertime.

Ozone is closely linked to asthma and other respiratory diseases so prevalent in the valley.

The valley has about 2.5 million dairy animals, 1.3 million of them "milkers." With many new dairies on the drawing boards and plans to expand others, it's an issue — and an air quality problem — that only will grow over time.

The ammonia issue also must be addressed, though not perhaps in this particular discussion of the new dairy rules. The air district has not sought to regulate ammonia from farming operations, but it is known to occur and it is believed to be on the rise, to an estimated 330 tons daily by the end of the decade.

When ammonia combines with nitrous oxides, it creates ammonium nitrate, a form of particulate pollution. The district addresses that by trying to reduce the nitrous oxide portion of the equation, which mostly comes from vehicles. A more direct approach to regulating ammonia may be in order and should be studied.

The debate over dairy emissions is like much else in the larger struggle to clean up the valley's air. We don't know exactly how the process works, and that makes it harder to set limits and craft remedies. But we have clear evidence that the problem is there — one child in six with symptoms of asthma, for instance — and we know that in one fashion or another, all of us are responsible for it.

Tighter regulations on the way we go about our business — or our household chores or our recreation, for that matter — will have economic impacts. That's always a consideration, and economic dislocation should be kept as close to minimal as possible. But cleaner air comes at a cost, and all of us must share it.

[Stockton Record, Guest Commentary by Richard Pombo, Sunday, March 19, 2006](#)

### **Pombo pitches plan to shift control of offshore energy production**

During the 1980s and 1990s, environmentalists called for an increase in natural gas use because of its properties as a clean-burning, environmentally-friendly energy source. It was also inexpensive.

The push for this clean energy worked. California now uses natural gas to generate more than half of the state's electricity, and Californians are responsible for one-tenth of the country's consumption.

Natural gas is a clear, odorless vapor that cannot "spill" or wash up onto land. It also is the building block for plastics, chemicals, medicines and fertilizers. But as consumption went up, so did the price. Someone forgot to figure out where all this new natural gas was going to come from. In fact, natural gas prices have increased 600 percent since the late '90s.

I want America to use clean energy sources, but families and farmers shouldn't take a huge financial hit just so we can pursue them. This is why I introduced the Ocean State Option Act. This legislation is designed to lead to greater supplies of American energy, give states control over their coasts and lower prices.

Americans don't need to empty their pockets for this clean energy. Natural gas prices rise and fall according to a country's supplies and demands, unlike oil prices which are set on a world market.

With 635 trillion cubic feet of untouched natural gas in America's deep ocean waters, we have no reason to pay the highest prices in the world. We have no shortage of energy supplies. Our government has simply lacked the political will and vision to unlock this energy from the federal lands under America's deep oceans.

This taxpayer-owned energy is not available to Californians because of two government policies.

The first is a temporary presidential ban, which expires in 2012. After that, Californians will lose the chance for control. Nearly every inch of federal ocean waters will be open for production.

The second is a yearly "rider." Congress must vote every year for it to remain in effect. If America finds itself in a tough energy spot one year, California's coasts could be subject to the whims of the federal government. States have zero authority over federal waters in the current one-size-fits-every-state law. These policies usually fit nothing in the end. Washington's blanket ban ironically may leave states with nothing to prevent drilling if the bans don't pass the House and Senate.

My bill puts coastal states in the driver's seat. Some states will want to produce deep-water energy. Others will not. What California does will be up to Californians.

Congress is reviewing nearly a dozen plans to promote or prevent ocean energy production right now, but my plan establishes a common-sense, flexible federal framework that allows both. As America continues to somersault toward a real energy crisis, I believe California and other coastal states must act now or risk having the federal government act upon them.

» How it works and what it means for California:

My plan immediately turns the executive ban into permanent law, banning oil and gas leasing within 125 miles of the coast through 2012. This is one less thing for people to argue about in Washington every year.

States will control 125 miles of the water off their coasts. States against leasing can extend it beyond 2012 - forever if they want. Californians can figure out what they want.

States wishing to help America out of its energy crisis can "opt-out" of the ban and share in the federal revenues that come from deep-ocean production. To date, the federal government has received \$150 billion from ocean energy without sharing with the states.

Beyond 125 miles, roughly the distance from Stockton to Fresno, the federal government may allow responsible energy development. But in California's case, energy companies don't have the technology to produce energy in the Pacific that far out, where the water is almost two miles deep. This amounts to a ban on all U.S. water off California's coasts if that's what we decide we want.

This is my plan, but there are others in Congress. Because of the price of natural gas, Congress will be debating many options, but it is clear that many believe the status quo is unacceptable. If the issue is going to be debated, I feel California should have the most say about what happens in its back yard. I think my bill does that.

» The truth about deep-ocean energy:

I understand that some still harbor concerns about the safety of natural gas, and some groups say that deep-ocean energy is dirty. While these people show archaic pictures of production disasters from decades ago, I urge Californians to think twice before believing the hype. America has made incredible advances in environmental technology. We now know that Earth releases more than 60 percent of the petroleum in the ocean through natural seeps, while man-

made production releases less than 1 percent of the oil in the ocean. Since 1970, natural oil seeps polluted California's water with nearly 2 million barrels of oil, while energy production released virtually nothing in comparison. Imported oil on foreign tankers is a greater threat to our environment than 21st century energy production technology.

The United States is the only country in the world that bans ocean production. As we strive to compete in a global economy, we cannot afford that.

I worry about these decisions and their impact on the opportunities we leave our children. As California's quality of life improves, stable energy supplies are a key to the future.

We need to harness the clean, natural gas in our oceans. We must increase America's alternative and renewable energy, while meeting the energy needs of today. My plan will do just that, while putting states in control to decide what happens to the waters off their coasts.

*Pombo is chairman of the House Resources Committee and serving his seventh term representing the 11th Congressional District in the House of Representatives.*

[Modesto Bee, Letter to the Editor, Saturday, March 20, 2006](#)

### **Phoenix needs some flatulent bovines**

I was down in the Phoenix/Chandler, Ariz., area for a week and found that they, too, were experiencing bad air days. I asked around to see where they kept all their cattle that caused all their bad air, and you know those fools were so ignorant as to think their bad air was caused by all the cars and overdevelopment. I'm sure if the politicians look around, they'll find a couple of million head of flatulatin', belchin' cows to tax to fix their bad air.

LELAND MORSE, Modesto