



Our Children's Earth Insider Update

an e-bulletin for everyone interested
protecting our earth from pollution.

INSIDE THIS ISSUE:

- OCE seeks update of refinery standards **2**
- OCE meets with San Francisco mayor **2**
- OCE Sends Comments to CARB and Others **2**
- OCE Staff News **3**
- OCE Asks Court to Intervene in Las Vegas Highway Widening **3**
- How You Can Help **4**
- Collaborative Partners **4**

CALIFORNIA OIL PLATFORMS MUST REDUCE POLLUTION AS A RESULT OF OCE ENFORCEMENT ACTION

New, Updated Permits Will Diminish Pollution Discharge into Pacific Ocean

San Francisco, CA. – The U.S. Environmental Protection Agency has agreed to issue updated water discharge permits to twenty-two oil exploration and drilling platform facilities located off the coast of Central and Southern California no later than September 15, 2004.

The action came as a result of an enforcement action brought by OCE, Santa Barbara ChannelKeeper and Get Oil Out last January against the U.S. Environmental Protection Agency Administrator Michael Leavitt, and Regional Administrator, Wayne Nastri for failing to update existing expired permits which do not meet current state and federal clean water standards governing the discharge of pollutants into the Pacific Ocean.

"This is just another example of environmental groups having to take the Bush Administration to court so it will carry out its federal mandate," said Tiffany Schauer, Executive Director of Our Children's Earth. "We are glad the EPA is going to finally do its job, but it seems to me that this step shouldn't be necessary



Oil Platform off California's Central Coast

for the government to regulate polluters and protect our ocean waters."

The settlement agreement calls for the US EPA to issue and finalize water discharge permits, called National Pollutant Discharge Elimination System (NPDES) permits, which govern the discharge of pollutants from the Southern California oil platforms into ocean waters. "This is a victory for every person who cares about water quality," said Linda Krop, Chief Counsel for the EDC and co-counsel in the case. "These updated permits will enable us to enforce the federal and state environmental laws and to monitor these offshore platforms."

OCE SEEKS UPDATE OF REFINERY STANDARDS

OCE gave US Environmental Protection Agency Administrator Mike Leavitt, the requisite 60-day notice of our intent to sue for failing to update pollution standards for petroleum refineries as required by the federal Clean Air Act. EPA has not updated the standards as required by the Clean Air Act, allowing petroleum refineries, in some cases, to use 20-year old technology.

Numerous studies link air pollution to disease, premature deaths and increases in the frequency and severity of asthma attacks. According to the American Lung Association more than 150 million Americans live in counties with unhealthy levels of either ozone pollution and/or particle pollution.

"These standards have been ignored again and again by the government," said Tiffany Schauer, Executive Director of Our Children's Earth. "This just doesn't make any sense to me. Every day there is a new study linking air pollution to kids who can't breathe. It's amazing to me that the government still refuses to get dirty refineries to add today's readily available technology."

EPA's administrator is required by the Clean Air Act to review and update new source performance standards or NSPS, including standards for petroleum

refineries, every eight years. According to the 60-day notice, the administrator has failed, either to review and, if appropriate, revise, or determine that such review is

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not appropriate in light of readily available information. The pollutants at issue are smog causing hydrocarbon compounds (VOCs), nitrogen oxides (NOx), sulfur dioxide (SO₂), particulate matter (PM), and carbon monoxide (CO).

Marcie Kever Attends Title V Task Force Meeting in Chicago

OCE Staff Attorney and Equal Justice Works Fellow Marcie Kever attended a meeting of the U.S. Environmental Protection Agency Title V Task Force in Chicago, IL on September 14 & 15, 2004. The Task Force is reviewing the efficacy of the Title V Operating Permits Program and will make recommendations for improvements in 2005. In Chicago, the Task Force heard testimony from industry representatives, the Illinois Attorney Generals office, environmental and public interest groups. Environmental groups testified that Title V is a necessary program that improves public access and knowledge regarding facilities that they are concerned about in their communities. The IL Attorney General's representative testimony highlighted that the IL Title V program is woefully under-funded and many of the old coal fired power plants in the state have yet to receive their Title V permits, leaving the public without any monitoring data with which to determine compliance at the facilities.

The next meeting will be in Dallas on November 15th and 16th where the Task Force will give environmental advocates the opportunity to call in to the task force to testify. The first meeting of 2005 will be held in San Francisco on January 31 through February 2. Please contact Marcie Kever at mkeever@ocefoundation.org or 415.896.5289 if you are interested in testifying or providing written comments to the Task Force .

OCE Sends Comments to Air Resources Board and Golden Gate Bridge District

◆ OCE, along with several other groups, provided comments to the California Air Resources Board on its Draft Report to the Legislature on Indoor Air Pollution. The groups expressed concern that the report does not fully integrate the effects of outdoor pollution on indoor environments. The impacts of outdoor pollution on indoor air can be significant and must be prioritized for mitigation efforts. There are particular concerns that diesel particulate matter is not highlighted as an indoor air pollutant. Pacific Institute prepared the comment letter and organized the sign-on process.

◆ OCE and other groups wrote to the Board of Directors of the Golden Gate Bridge Highway & Transportation District urging them to reject a proposed contract with Celebrity Cruise Lines for free advertising in exchange for a \$500,000 donation to bridge repairs totaling \$160 million or more. Such a relationship would tarnish the image of the Golden Gate Bridge around the world by associating this international landmark with the cruise industry and its poor environmental record, the letter stated. Instead, the groups urged the District to partnership environmentally responsible companies. Bluewater Network drafted the sample comment letter and sent the sign-on letters to the District.

Our Children's Earth Staff News

OCE Offices Burglarized

Our Children's Earth offices, at 100 First Street in San Francisco, were robbed twice in late August. The first robbery meant the loss of several OCE laptops, the petty cash fund and several other items. There was nothing of value left to steal on the second break-in. The good news is that OCE Staff members are safe and sound.

OCE ATTENDS MEETING WITH SAN FRANCISCO MAYOR GAVIN NEWSOM

OCE Staff Attorney and Equal Justice Works Fellow Marcie Keever and other environmental representatives in San Francisco met with Mayor Gavin Newsom last month, in the first of many such meetings to talk about environmental priorities in San Francisco. OCE commented that the Mayor should work with MUNI to urge them to obtain new hybrid buses as quickly as possible to show the rest of the Bay Area and the country that cleaner public transportation fleets are possible. Alexander Holderness, OCE's official "children's representative" also attended the meeting, but decided not to make any comments.

OCE Alerts Court of Concerns Over State Transit Funds

OCE amended its petition asking the Santa Barbara Superior Court to add the City of Santa Maria, the City of Lompoc, and the County of Santa Barbara as defendants to the case. The petition asks the court to order Santa Barbara County Association of Governments (SBCAG) to set aside a decision made last month authorizing the County to spend about \$3.5 million of State Transportation Development Act (TDA) funds for roads and streets rather than for public transportation services as required by law. OCE is joined in the litigation by Jesus Estrada, a member of Santa Maria's Mixtec community, and David Pierce of Lompoc.

New Study Links Lung Function to Childhood Exposure to Pollution

Scientists have long known that smog can sicken or, in extreme cases, even kill people. But a new study, published in The New England Journal of Medicine, suggests that daily exposure to polluted air could leave teens with lungs that will never function properly. The University of Southern California studied 1,759 fourth-graders living in 12 Los Angeles suburbs in 1993. For eight years, the team kept track of lung development and the amount of smog in these areas. The team found that teens living in the most polluted areas were nearly five times more likely to have very low lung function.

OCE Alerts Court of Pollution Concerns in Las Vegas

Our Children's Earth, Environmental Defense and Transportation Solutions Defense and Education Fund filed an amicus brief ("friend of the court" brief) with the federal 9th Circuit Court of Appeals in Sierra Club v. Department of Transportation, et al. Sierra Club's case challenges the widening of US-95 in Las Vegas from six to ten lanes in a residential area where two elementary schools and a high school are immediately adjacent to the highway. The traffic volume will be well above the level at which current traffic studies found an increased risk of cancer for those who live near highways. Sierra Club's goal is to require the DOT to study the health effects of toxic air pollutants and PM_{2.5} from highway projects. The DOT has refused to study the issue, claiming that the tools are not available to analyze the impacts in a way that would be useful to decision-makers. The lower court threw out Sierra Club's case and our amicus brief is supporting their appeal. John P. Dwyer is representing the amici in this case.

THANK YOU MEMBERS FOR YOUR GENEROUS SUPPORT!

- ◆ Edward A. Benson
- ◆ Celeste Berry
- ◆ Marcy Berry
- ◆ Tris Brown
- ◆ Andrew Finkelstein
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- ◆ Larry Landes
- ◆ Scott McDonald
- ◆ Keith D. Palmer
- ◆ Ramon and Gloria Ross
- ◆ John D. Walke
- ◆ Kathleen M. Welsh

Thanks to Our Lawyers and Community Partners for Your Help!



American Lung Association
 A Walk in the Woods
 Bayveiv Hunters Point Community Advocates
 Bluewater Network
 Carter Ledyard & Milburn LLP
 Center for Public Environmental Oversight
 Marc S. Chytilo
 Clean Air Council
 Clean Water Action
 Coalition for Clean Air
 Coalition for Mercury-Free Dentistry
 Communities for a Better Environment

John P. Dwyer
 Earthjustice Legal Defense Fund
 Ecological Rights Foundation
 Environmental Advocates
 Environmental Defense
 Environmental Defense Center
 Environmental Integrity Project
 Environmental Working Group
 Get Oil Out
 Golden Gate University Environmental Law & Justice Clinic
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 Matthew Hagemann
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 Steven and Michele Kirsch Foundation
 Latino Issues Forum
 Montana Environmental Information Center
 National Parks Conservation Asso-

ciation
 Natural Resources Defense Council
 Nevada Environmental Coalition, Inc.
 Northwest Environmental Defense Center
 Pacific Institute
 Physicians for Social Responsibility
 Physicians for Social Responsibility-Los Angeles
 Planning and Conservation League
 Regional Asthma Management & Prevention Initiative (RAMP)
 Santa Barbara ChannelKeeper
 Sierra Club
 Chris Sproul
 Transportation Solutions Defense and Education Fund
 Union of Concerned Scientists
 Urban Habitat
 West Oakland Environmental Indicators Project
 Reed Zars

OCE Thanks Volunteer Stephanie Steigerwaldt

Stephanie has been updating Our Children's Earth's website, on a volunteer basis for several months. She has posted news articles and press releases, and helped us make sure the website is up-to-date. Stephanie, we appreciate your help and willingness to use your valuable time to assist us!

Become a member of OCE today to help us in our continuing efforts to clean up the air!

There are many ways in which you can help OCE. First and foremost, if you believe in our work, become a member! Joining is easy on our website at www.ocefoundation.org.

OCE is a non-profit dedicated to protecting the public, especially children, against the harmful effects of air pollution, primarily through enforcement of the Clean Air Act. Our view is that our country's environmental laws are great laws - if they are implemented and enforced. OCE is in the trenches providing an integral check on the democratic system - making the system work! OCE collaborates with leading clean air advocates, law clinics, and community organizations to empower individuals, families and communities to take action in protecting their rights to breathe clean air. We do this through a multi-dimensional strategy of advocacy, enforcement and education.