



# Our Children's Earth Insider Update

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

June/July 2004

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## OCE Releases New Code Red Report – Names Sequoia-Kings Canyon Smoggiest National Park



A new report released by Our Children's Earth, The National Parks Conservation Association, and Appalachian Voices ranks Sequoia-Kings Canyon as America's most polluted national park for ground-level ozone pollution.

**Code Red: America's Five Most Polluted National Parks** is based on National Park Service data and updates a 2002 report.

The report examined air pollution data for visibility (haze) pollution, ground-level ozone pollution, and acid precipitation (acid rain)

With 370 unhealthy air days during the report's study period of 1999 through 2003, park visitors and staff had more occasions on which to be cautious about ozone pollution exposure than did people in Atlanta, New York City,

or Washington, DC. And the levels of ozone pollution in two of the park's most popular areas, Grant Grove and Giant Forest, can exceed even those in Los Angeles.

Ozone, which contributes to smog, damages the lungs of humans and is especially hazardous for children, those with heart and respiratory ailments such as asthma and the elderly. Ozone pollution also causes damages to flora, making them more susceptible to disease.

"Recent reports confirm ozone and other pollutants that contribute to smoggy and hazy skies do have long-term health effects," said Tiffany Schauer, executive director of Our Children's Earth Foundation. "We know that our national parks, places we visit with our children every year, are suffering from air pollution much like that in our cities."

In Sequoia-Kings Canyon,

one of the 13 parks with long-term ozone monitoring in this study have seen statistically significant improvement in their ozone pollution levels. The report ranks the following parks as the five most polluted in the nation for ozone pollution:

1. Sequoia-Kings Canyon National Parks
2. Great Smoky Mountains National Park
3. Acadia National Park
4. Shenandoah National Park
5. Mammoth Cave National Park

If you are interested in a hard or electronic copy of the report, please e-mail your request to Abby Zoline at [azoline@ocefoundation.org](mailto:azoline@ocefoundation.org) or call the OCE Office at 415.896.5289.

## OCE AND OTHERS CONTINUE EFFORT TO CLEAN HONOLULU'S WATER!

In a follow-up to the 60-day notice filed in May 2004, OCE and two other environmental groups filed suit on July 29, 2004 against the City and County of Honolulu (CCH) for continuing violations of the federal Clean Water Act, including failure to adequately build and properly maintain its sewage collections facilities, resulting in numerous spills of raw sewage that have polluted O'ahu's streams and nearshore coastal waters.

The suit, filed in the US District

Court for the District of Hawaii, stemmed from hundreds of Clean Water Act violations at the Sand Island, Honouliuli, Kailua, Wai'anae, and Kahuku Wastewater Treatment Plants and associated collection systems. The suit alleges that the CCH has repeatedly violated its permits and is causing numerous water pollution problems due to the poor performance of its sewage collection and treatment systems, including spills of untreated or partially treated

sewage, failure to reduce pollutants in its discharges to protect water quality, and not monitoring its pollutant discharges. The case also out-

**“This is just gross! This type of negligence is simply unacceptable.”** *Tiffany Schauer, Executive Director of Our Children's Earth on Honolulu's sewage problems.*

lines several spills that sent large volumes of raw sewage streaming into private residences and businesses, streets, storm drains, and numerous waterways on the island.

## OCE Testifies Before U.S. EPA — Asks for Strong BART Rule

Tiffany Schauer, OCE's Executive Director, testified before representatives of the U.S. Environmental Protection Agency in Alexandria, Va. on June 4, 2004, urging them to finalize a strong, enforceable "best available retrofit technology" (BART) rule this year. In 1977 congress created the BART program specifically protect parks and wilderness areas. The rule was designed to require power plants and other polluters near parks to upgrade the facilities with modern, available equipment to reduce pollution. Schauer told the EPA officials that the proposed Interstate Air Quality Rule should not serve as a direct substitute for the BART requirements. The "cap-and-trade" model allows power plants to buy and sell pollution credits and calls for a 70 percent reduction of sulfur dioxide and a 65 percent reduction in nitrogen oxides by 2015.

## OCE Sends Comments to U.S. EPA, CARB

◆ OCE along with Montana Environmental Information Center and the Rocky Mountain Office of Environmental Defense sent comments on EPA's proposed Clean Air Act maximum achievable control technology (MACT) requirements. The letter stated that the January 30, 2004 proposed rulemaking is not adequate and weakens standards that were set in 2000.

◆ OCE sent a letter to the California Air Resources Board supporting its recent efforts to reduce greenhouse gas emissions from vehicles as set forth in the California Global Warming Law (referred to as Pavley Bill or AB 1493), and urged the Air Resources Board to adopt a greenhouse gas target for motor fuels.

◆ OCE joined seven other national environmental and advocacy organizations in asking EPA Administrator Michael Leavitt to grant California's waiver of the oxygen content requirement for reformulated gasoline. Granting California's waiver request would increase the flexibility California refiners have to produce cleaner burning gasoline and could potentially lower gasoline prices.

### OCE STAFF NEWS

- **Marcie Keever Named to US EPA Advisory Board**

OCE Staff Attorney and Equal Justice Works Fellow Marcie Keever was selected to be a member of the U.S. Environmental Protection Agency Title V Task Force. The Title V Task Force will review and make recommendations regarding the state of the Title V Operating Permits Program. Keever has been working on Title V issues from more than three years at the Golden Gate University Environmental Law and Justice Clinic. The Task Force will meet three times at different places across the country to listen to testimony from interested citizens. The first meeting was held in Washington, DC on June 26, 2004. The next meeting will take place September 14, 2004 in Chicago, Illinois.

**Task Force Members include:**

**Shannon Broome**, Air Permitting Forum

**Lauren Freeman**, Utility Air Resources Group

**David Golden**, Eastman Chemical

**Steve Hagle**, Texas Commission on Environmental Quality

**Kelly Haragan**, Environmental Integrity Project

**John Higgins**, New York Department of Environmental Conservation

**Bob Hodanbosi**, Ohio Environmental Protection Agency

**Shelly Kaderly**, Nebraska Department of Environmental Quality

**Marcie Keever**, Our Children's Earth

**Bob Morehouse**, Exxon-Mobile

**Verena Owen**, Lake County Illinois Conservation Alliance

**Bernie Paul**, Eli Lilly

**Bob Palzer**, Sierra Club

**Keri Powell**, NY Public Interest Research Group

**Adan Schwartz**, Bay Area Air Quality Management District

**Don van der Vaart**, North Carolina Department of Environment & Natural Resources

**Dick Van Frank**, Improving Kids' Environment

**Mike Wood**, Weyerhaeuser

### OCE Asks Court to Intervene to Clean-up Smog in the Bay Area

Our Children's Earth filed a petition in the Ninth Circuit Court of Appeals challenging the US Environmental Protection Agency's (EPA) finding that the Bay area is in attainment for ozone and its suspension of certain State Implementation Plan requirements in the Bay Area.

The petition, filed by Golden Gate University's Environmental Law and Justice Clinic on behalf of OCE, seeks the review of two final rules to determine whether the EPA acted in accordance with the federal Clean Air Act when it found that the San Francisco Bay Area had met the requirements to attain the national one-hour ambient air quality standard for ozone and thereby suspending certain Clean Air Act requirements for the area. The petition also asks the court to review whether it is lawful for sanctions against the District to be stayed or deferred for failing to submit an approved plan.

Ozone is the number one contributor to smog.

### WELCOME NEW MEMBERS & DONORS

Ouida Fritchi

Harry Lewis

Vincent Meleski

Lamar Marshall

Nuveen Investments

Shannon Parrott

Ed Passerini

Ashley Spotswood

Scott Stone

Suzanne Vitullo

Thanks to Our Lawyers and Community Partners for Your Help!



- American Lung Association
- A Walk in the Woods
- Bayveiw Hunters Point Community Advocates
- Center for Public Environmental Oversight
- Marc S. Chytilo
- Clean Air Council
- Clean Water Action
- Coalition for Mercury-Free Dentistry
- Communities for a Better Environment
- Earthjustice Legal Defense Fund
- Ecological Rights Foundation
- Environmental Advocates
- Environmental Defense
- Environmental Integrity Project
- Environmental Working Group
- Get Oil Out
- Golden Gate University Environmental Law & Justice Clinic
- Matthew Hagemann
- George Hays
- Hilton Kelley
- Steven and Michele Kirsch Foundation
- Latino Issues Forum
- Planning and Conservation League
- Montana Environmental Information Center
- National Parks Conservation Association
- Natural Resources Defense Council
- Nevada Environmental Coalition, Inc.
- Northwest Environmental Defense Center
- Physicians for Social Responsibility
- Physicians for Social Responsibility-Los Angeles
- Santa Barbara ChannelKeeper
- Sierra Club
- Chris Sproul
- Transportation Solutions Defense and Education Fund
- Union of Concerned Scientists
- Urban Habitat, a project of the Tides Center
- Reed Zars

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](http://www.ocefoundation.org).

DONATE TO OUR FUND DRIVE — Help us reach our goal of \$1,500.00!

We are conducting a fund drive to purchase a new HP ScanJet scanner for our office. This scanner will help our attorneys, paralegals and interns, by providing a quicker turnaround time during the fact checking process. The new equipment will eliminate the need for a lengthy public records request from federal, state and local governments. OCE's team will be able to go directly to the agency with equipment in hand and begin the document research process. If you are interested in donating to this purchase, please contact Charlene Garland directly at 415.896.5289 or by e-mail [cgarland@ocefoundation.org](mailto:cgarland@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 were 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.*