

Breakthrough plan to cut greenhouse gases

Goal is to reduce carbon dioxide 25% by 2020

By Tom Chorneau, Chronicle Sacramento bureau
S.F. Chronicle, Tuesday, April 4, 2006

Sacramento -- A landmark plan for reducing greenhouse gases in California beginning in five years moved forward Monday with the backing of Gov. Arnold Schwarzenegger and legislative leaders.

The plan, drawn by administration advisers, would put in place a series of groundbreaking programs including a requirement that companies keep track of their greenhouse emissions and report them to the state.

Even before the ink was dry, key legislative leaders announced their embrace of the plan's ambitious goals and their intent to introduce legislation that would impose hard limits on future emissions.

Although it is unclear if the governor and lawmakers agree on all major issues surrounding emission control, supporters of the proposed regulation said Monday's events were a sign that action is likely.

"This is an extremely big deal," said Karen Douglas, director of the California Climate Initiative, Environmental Defense, one of several outside groups that helped shape the governor's program. "We have leadership of the state Legislature and the governor stepping up and really wanting to make a difference on global warming."

The 1,300-page report on the plan includes more than 50 strategies for cutting carbon dioxide emissions beginning in 2010 with a goal of reducing emissions 25 percent by 2020.

Among them is an idea for creating a market in which emission credits could be traded between sources, to give businesses some flexibility.

There's also a suggestion that the state consider imposing a surcharge on gasoline to help pay for research into clean fuels.

The report comes almost a year after the Republican governor made international headlines by calling for curbs on gases emitted from cars, power plants and other industrial sources.

Most experts believe that carbon dioxide emissions are causing global temperatures to rise, which in turn disrupt weather patterns, water supplies and air quality.

Although Schwarzenegger ordered the plan to be drawn and his administration oversaw its drafting, the governor has not said if he backs any of the specific recommendations.

Next week the governor plans to convene a summit in San Francisco of scientists, environmentalists and business leaders to consider the options.

Assembly Speaker Fabian Núñez, D-Los Angeles, has given his support to the plan and is backing legislation to put it into law. He said in news conference Monday that the time has come for stiff regulations.

"I am deeply troubled about global warming, and I worry about the world we're leaving our children and grandchildren," Núñez said. "But today, I am also hopeful, because we in California are leading the nation in developing and implementing global warming solutions."

Schwarzenegger has also not taken a position on the implementing bill by Núñez and Assemblywoman Fran Pavley, D-Agoura Hills (Los Angeles County).

Pavley said she believes there is broad support for taking aggressive steps to cut greenhouse gases.

"We don't hear in California anymore that there's any question whether climate changes are caused by human resources," she said. "We just have to figure out the most creative, cost-effective strategies to do our fair share."

Critics of the program, who include manufacturers and agriculture groups, said they are concerned about the proposal's impact on the economy.

Allan Zaremborg, president of the California Chamber of Commerce, said he does not oppose efforts to control emissions but is concerned about how it is done. He said mandatory caps on emissions could increase costs to businesses, forcing them to leave California.

"It could be that a manufacturer would move to a place in the world where there's even more emissions created," he said. "I think there needs to be a common sense approach to reduction of emissions on a global basis."

Bill Magavern, spokesman for the Sierra Club of California, noted that the greenhouse gas issue would pose political problems for Schwarzenegger, who has drawn much of his support from business.

"If the governor wants to show he's serious about this he's going to have to make some tough choices," Magavern said.

Speaker, governor's team propose limits on greenhouse gases

By Steve Lawrence, Associated Press Writer

S.F. Chronicle and Bakersfield Californian, Tuesday, April 4, 2006

SACRAMENTO, (AP) -- Assembly Speaker Fabian Nunez introduced legislation Monday to limit greenhouse gas emissions from power plants, oil refineries and other industrial sources, a step he said would lead the nation in combating global warming while spurring the state's economy.

"(The bill) sends a loud and clear message to ... innovators and entrepreneurs here and abroad to develop and bring clean technologies into the California marketplace," the Los Angeles Democrat said.

Nunez announced the legislation on the same day Gov. Arnold Schwarzenegger's administration released a report calling for development of economic incentives that could include emission caps to cut greenhouse gases, chiefly carbon dioxide.

The two developments triggered praise from environmental groups but warnings from business leaders that limits could drive businesses out of the state.

"The governor gets it and the legislative leadership gets it," said Karen Douglas, director of the California climate initiative at Environmental Defense, a national nonprofit group. "Today's announcements set the stage for California to take global warming by the horns and implement meaningful policies to curb this serious issue."

But Alan Zaremborg, president of the California Chamber of Commerce, said Gov. Arnold Schwarzenegger and legislative leaders should embrace a voluntary system that provides incentives to industry. An emissions cap would drive California power plants, refineries and other companies out of state, he said.

"This is a global problem and it requires a global solution," Zaremborg said. "If you shut down a facility here in California and that facility migrates somewhere else in the world, you haven't done anything to solve the problem."

Nunez introduced the bill with Assemblywoman Fran Pavley, D-Agoura Hills, the author of 2002 legislation that requires the state Air Resources Board to draft regulations curbing greenhouse gas emissions from autos.

The Nunez-Pavley bill is intended to cut emissions from commercial sources to 1990 levels by 2020. It would require the air board to determine which industries would be covered by the limit, but Richard Stapler, a spokesman for Nunez, said power plants and oil refineries would be included.

"It directs the ARB to implement these policies and collect research and data on which industries actually produce the most amounts," he said.

The bill also would allow the air board to grant exemptions to industries that had already lowered their carbon emissions, Stapler added.

A spokesman for Schwarzenegger, Bill Maile, said the administration had not yet reviewed the bill but said the governor looked forward to working with the Democrats. He said the governor's office and the Democratic leadership have enjoyed "a spirit of cooperation" on climate change.

The report from the administration's Climate Action Team calls for development of a "market-based system (that) uses economic incentives" such as pollution credits and offsets to curb emissions.

It said the incentives could include an emissions cap, a limit on carbon in oil and gas or a combination of the two.

The report warned that a cap could drive polluting businesses to other states, resulting in no net cut in overall emissions, and suggested that the best way to deal with the problem would be a national or regional emissions control plan.

The team set a target of Jan. 1, 2008, to recommend a program for cutting emissions. It also said the administration should work with other western states to minimize businesses moving from one state to another to avoid emission limits.

Other recommendations in the report include:

- Consideration of a "public goods charge" on gasoline and diesel or a fee on major greenhouse gas polluters to help pay for emission-reduction efforts.
- Mandatory emissions reporting from oil refineries, power plants, cement manufacturers, garbage dumps and other major sources of greenhouse gases.
- A public education campaign to make the public aware of the environmental problems created by global warming.
- A requirement that publicly owned utilities meet the same energy efficiency goals of investor-owned utilities.

Schwarzenegger formed the climate team after a speech last June during a United Nations environmental conference in which he vowed to reduce greenhouse gas emissions in California.

Bill would set limits on gases

By Kerry Cavanaugh, Staff Writer

LA Daily News, Tuesday, April 4, 2006

Agoura Hills Assemblywoman Fran Pavley unveiled a bill Monday that would set the nation's first limits on the greenhouse gases that cause global warming.

The landmark legislation came the same day Gov. Arnold Schwarzenegger's Climate Action Team released its recommendations on ways to slow the production of the heat-trapping gases that trigger global warming.

Together, the initiatives make California the most aggressive state on climate-change rules, and pressure on the federal government to act on strategies to slow global warming.

"Californians want our government to create tough, enforceable standards on global warming that are meaningful," said Pavley, whose 2002 bill established the world's most stringent limits on greenhouse gases from automobiles.

"As California leads and innovates, we believe that Congress and other states will also implement economy-wide clean energy standards."

Heat-trapping greenhouse gases, including carbon dioxide and methane, are blamed for a slow increase in global temperatures.

Projections suggest that California's average annual temperature could increase 3 to 10 degrees by the end of the century.

Introduced in Sacramento with co-sponsor Assembly Speaker Fabian Nu ez, Pavley's Assembly Bill 32 aims to cut by 2020 some 145 million tons of pollution from major sources of heat-trapping greenhouse gases, such as from power plants, oil and gas refiners and landfills.

That would reduce the state's emissions to 1990 levels, with the goal of slowing the gradual increase in climate temperatures, which scientists say will shrink the Sierra snowpack, endanger the state's water supply and increase the risk of heat waves and wildfires.

The bill would require the California Environmental Protection Agency to draft regulations to cap greenhouse gas emissions from power plants, refineries and other stationary sources of greenhouse gases.

More importantly, environmentalists said, the bill would require companies to report their greenhouse gas emissions and add "teeth" to the governor's climate change strategy with a cap on pollution, instead of a voluntary goal.

"The history of voluntary programs is that they don't work. The Bush administration approach to greenhouse gases is voluntary and it's not working," said Karen Douglas, director of the California Climate Initiative at Environmental Defense.

Also, she said, mandatory programs create a market for the low-pollution vehicle, power sources and technology that will ultimately ease climate change.

California is the 12th-largest source of climate change gases in the world, and in June Schwarzenegger signed an executive order setting climate change emission reduction targets.

In response, the governor's Climate Action Team developed a plan with more than 50 strategies to cut greenhouse gas emissions, including planting more trees, increasing the use of energy-efficient appliances and capturing methane gas from landfills.

State Democrats Get Tough on Emissions

A bill would limit releases of greenhouse gas to combat global warming. Governor's team has other ideas.

By Marc Lifsher and Janet Wilson, Times Staff Writers
Los Angeles Times, Tuesday, April 4, 2006

SACRAMENTO - Democratic lawmakers unveiled legislation Monday aimed at controlling industrial emissions of greenhouse gas, setting up a possible showdown with Gov. Arnold Schwarzenegger -- and the federal government -- over how far the state should go in trying to combat global warming.

The bill, backed by Assembly Speaker Fabian Nuñez (D-Los Angeles) and an array of environmental groups, would set firm limits on the amount of carbon dioxide and other greenhouse gas released by factories, power plants and refineries.

The measure is more stringent than a series of recommendations released Monday by Schwarzenegger's Climate Action Team.

State administration officials and Nuñez say they want California, the nation's richest and most populous state, to fill a void left by what they consider a lack of federal regulation. They hope to ally California with other states and business activists in tackling the sources of global warming, which is blamed for rising ocean levels and suspected as a cause of extreme weather.

For now, the governor and Democrats "are working on the same page," said bill coauthor Assemblywoman Fran Pavley (D-Agoura Hills).

The report to the governor calls for mandatory reporting by businesses of greenhouse gas pollution, mainly carbon dioxide. According to the report, creating an inventory of emissions would lead to the development of a market-based trading system that would cap total emissions and provide monetary credits to firms that cut pollution below assigned limits. Those credits could be sold to companies that exceed their emission limits.

The Nuñez bill takes the governor's proposal a step further by directing the California Air Resources Board to set limits on industrial emissions of greenhouse gas. The goal would be to reduce emissions to a target defined by Schwarzenegger in an executive decree last year: 20% below forecast levels for 2020.

Some businesses, particularly heavy polluters such as cement makers and refineries, say they oppose mandatory reporting and caps because they would put an unfair economic burden on California companies.

The U.S. Environmental Protection Agency agrees with groups such as the California Chamber of Commerce that voluntary, incentive-based programs are preferable for dealing with greenhouse gas emissions. They contend that mandatory cap and trade programs could push jobs and dirty air overseas to countries where there are few or no air-quality controls.

The EPA isn't considering setting national limits on greenhouse gas emissions, spokeswoman Roxanne Smith said.

California is already wrestling with the federal government over a 2002 law sponsored by Pavley that led to regulations requiring automakers to cut greenhouse gas emissions 29% on cars and light trucks sold in the state by 2016. Ten other states are trying to adopt California's tougher emission standards.

But the National Highway Traffic Safety Administration contends that the regulations are the equivalent of new fuel economy standards, which only the federal government is entitled to set.

A spokesman for California Atty. Gen. Bill Lockyer called the argument "completely bogus."

The NHTSA stance is "an unwarranted attack on California's landmark law to fight one of the greatest environmental dangers facing our people and economy," spokesman Tom Dresslar said.

Automakers are using the same argument as NHTSA in lawsuits against California and other states that seek to overturn the tailpipe emissions standards. The auto companies also contend that meeting the state requirements would be too expensive.

U.S. Sens. Dianne Feinstein (D-Calif.) and Olympia J. Snowe (R-Maine), along with 19 of their Senate colleagues, wrote to the EPA on Friday demanding that the agency grant California a waiver to the Clean Air Act that would allow the state and others to enforce their own vehicle emission standards and reduce global warming.

Farmers Put Own Cash Into Soil, Air Safety

By James Hannah, Associated Press Writer
S.F. Chronicle, Tuesday, April 4, 2006

Versailles, Ohio (AP) -- Jeff Wuebker points proudly to three towering, baby blue storage tanks he bought to replace his aging steel ones.

He believes the plastic tanks reduce the chances that the liquid nitrogen fertilizer they contain will spill and pollute streams near his western Ohio farm. The 10,000-gallon tanks cost \$18,000, and Wuebker received only \$2,000 from the government to help with the cost.

Many farmers are putting more of their own money into anti-pollution and conservation measures -- upgrading storage tanks, building dikes and planting grass barriers to absorb and filter soil and chemicals that runoff water can carry from the farm.

Their actions are driven by pressure from city dwellers who have moved nearby, concern about protecting their own drinking water, a desire to preserve the land that grows their crops and feeds their livestock, and tougher environmental regulations.

Beginning Jan. 1, for example, any Ohio farmer with fertilizer tanks that hold more than 5,000 gallons will be required to have dikes or some sort of barrier to contain spills.

Wuebker estimates he's spent \$25,000 in the past five years for anti-pollution measures on the 900-acre farm where he grows corn, soybeans, wheat and alfalfa. He also raises cows and pigs.

He recently added 42-inch-high steel dikes that circle the fertilizer storage tanks. He also built a three-quarter-mile long waterway lined with grass that captures soil and chemicals that run off the fields during heavy rains.

Runoff can carry manure, fertilizer, herbicides and pesticides into waterways, raising health concerns and killing fish. Manure can also contaminate water wells with bacteria.

Except for the dikes, there was no legal requirement for Wuebker to take such steps. He said he spent the money mainly to protect the soil and economic vitality of his farm -- but he's glad he did so for other reasons, too.

"You have your neighbors' eyes looking at you every day," the 35-year-old said.

In Vicksburg, Mich., Rob Richardson sunk \$80,000 into underground concrete tanks to store manure on his hog farm, replacing the open pits.

Richardson, who also grows corn and soybeans, injects the manure into the soil instead of spreading it on top so it doesn't get washed into streams.

"You don't have the odor leaving like you would with an open lagoon," he said.

Sandy Ludeman, who raises hogs and grows corn and soybeans on his 2,800-acre farm near Tracy, Minn., says he's spent up to \$50,000 on anti-pollution measures over the years.

Ludeman has built windbreaks and snow fences to reduce wind erosion and spent \$3,500 last year on a waterway similar to Wuebker's.

He said that 15 years ago, his closest neighbors were all full-time farmers. That has all changed.

"I have an accountant. I have a truck driver. I have a postal worker. I have a college professor," Ludeman said. "They're not probably used to the agronomic practices most farmers would take as the norm. We don't want to upset their lifestyle."

The farmers' efforts are applauded by Rick Sahli, a lawyer who has represented citizens' groups challenging the establishment of large dairy farms in Ohio. But he said many farmers are likely completing the projects because they expect the government to put even tighter controls on farm pollutants because of rising public concern.

"They see the writing on the wall," Sahli said. "They know that at some point the government is going to have to tighten the screws."

Merced nixes 67 homes in north area

By David Chircop

Merced Sun-Star, Tuesday, April 4, 2006

Citing numerous last-minute changes, the City Council voted unanimously late Monday to send a proposed 67-home development back to the Planning Commission.

The move was recommended by City Attorney Greg Diaz after Councilman Carl Pollard made a motion to approve the project.

Diaz said sending it back to the commission would make the council's vote "more solid and legally defensible."

Numerous residents near the 7.8-acre development, sandwiched by the Wainwright and Harris Acres subdivisions in North Merced, spoke in opposition Monday.

Marshall Krupp, a consultant for the Merced City School District, argued approval of the project would be in violation of state environmental laws.

The packed marathon meeting lasted until close to midnight and was attended by about 50 people.

Oleander Avenue is a county island north of North Bear Creek Drive that, though unincorporated, is surrounded by incorporated city territory.

Developers of the project asked to annex 34 acres along Oleander into the city.

Had the council voted in favor of the project, it would have initiated the annexation process in the neighborhood. It also would have paved the way for a higher density development than current zoning rules allow.

Opposition Monday ranged from privacy and traffic concerns to fear that residents would be forced to abandon septic tanks to hook up to city sewer.

A city ordinance requires newly annexed areas to hook up to the city sewer system within six years. Although city officials say the ordinance is not enforced.

It costs approximately \$12,000 to hook up to the city sewer, including fees and construction, according to the city's Planning Department.

That's too much, some residents said.

"It's a huge price to pay for something we didn't want in the first place," said Phylisa Hickman, a resident on Oleander Avenue who spoke out against the project.

A group calling itself Citizens to Save Our Neighborhood (Oleander, Harris Acres, Wainwright areas) collected a petition with more than 100 homeowners opposing the annexation and zoning change.

Several neighbors said they felt misled by the developers, who they said were more concerned with making money than keeping up the quality of life in their neighborhood.

Even so, the project has strong support on the Planning Commission and City Council.

On March 8, the Planning Commission had voted 5-2 to approve the project.

Councilman Bill Spriggs said speakers who suggested the city was trying to annex already developed county land were mistaken.

He said the city doesn't receive any tax benefit from existing properties, and would actually lose money by providing essential city services, such as police and fire protection.

"If you live in Harris Acres, believe it or not, we don't want you," he said.

Councilman Joe Cortez said changing designs and figures combined with various rumors made sorting through the project difficult.

"It appears this project may have been started on the wrong foot with all of the misinformation out there," he said.

Councilman Carl Pollard agreed.

"I'm kind of saddened by all of the misinformation that seems to be going on," he said.

Pollard, who motioned to approve the project, said the infill project is an example of good urban planning.

It would require the demolition of at least 17 existing homes.

The developers, Central Valley Housing Solutions, LLC., and Maxwell M.A. and A.L., said the new homes will revitalize and add value to Oleander.

Lee Boese Jr., a Merced orthodontist, and Elaine Trevino, formerly with the Economic Development Corp., are partners in Central Valley Housing Solutions.

Merced Developer Guy Maxwell runs Maxwell M.A. and A.L.

EPA Faces Internal Outcry On Airborne Emissions Plan

By Juliet Eilperin, Staff Writer

The Washington Post, Tuesday, April 4, 2006

A proposal to revise how the Environmental Protection Agency regulates airborne toxic emissions from industrial plants has sparked an outcry from the agency's regional offices, with a majority suggesting that the change would be "detrimental to the environment."

The proposed rule, whose wording was disclosed yesterday by the advocacy group Natural Resources Defense Council (NRDC), would change the emissions standards for oil refineries, hazardous waste incinerators, chemical plants, steel mills and other plants that discharge thousands of pounds of airborne toxins such as arsenic, mercury and lead.

Under current law, plants that emit 10 tons or more of a single toxin in a year, or 25 tons or more of a combination of toxins, must install "maximum achievable control technology" to cut those emissions by 95 percent or more. The draft proposal would lift that requirement from polluters that have reduced their emissions to below 25 tons a year, potentially allowing emissions to increase so long as they stay under the 25-ton limit.

An internal EPA memo summarizing the position of eight of the agency's 10 regional offices, dated Dec. 13, contended the change could conceivably result in an increase in toxic emissions. Seven of the offices agreed that the proposal would allow polluters to "virtually avoid regulation and greatly complicate any enforcement."

Individual regional offices occasionally object to proposed policy shifts by EPA headquarters, but it is rare for such a large number of regional offices to join forces in such a forceful rebuke.

The new dispute follows a string of high-profile controversies over the administration's enforcement of national air-quality laws, many of them focused on regulation of aging coal-fired power plants.

The dispute also points to a broader polarization within the agency. The internal memo said that regional officials were eager to comment on the proposal, but EPA headquarters was "reluctant to share the draft policy with the Regional Offices. This trend of excluding the regional offices from involvement in the rule and policy development effort is disturbing."

One EPA official familiar with the proposal, who spoke on the condition of anonymity for fear of retaliation, said the rule went further than many staff members thought was necessary.

"There are ways you could make regulations less burdensome for industry," the agency official said. "This is beyond. . . . It seems to be driven more by political considerations."

Industries likely to be affected by the proposed change welcomed it.

Bob Slaughter, president of the National Petrochemical and Refiners Association, said in an interview that the administration was trying to compensate for the fact that once a polluter becomes subject to the technology requirement, it remains stuck in the program permanently unless it can clean up its plants within three years.

"All they're trying to do is explore ways they might encourage [industrial] sources to install pollution reduction measures or other emissions reduction mechanisms," Slaughter said.

The draft of the new rule acknowledges that some EPA officials believe it could result in higher levels of airborne toxins but calls the regional offices' concerns "unfounded. While this may occur in some instances, it is more likely that sources will adopt [emissions] limitations at or near their current levels to avoid negative publicity and to maintain their appearance as responsible businesses."

The regional offices wrote in their Dec. 13 memo that "this statement is unfounded and overly optimistic."

John Walke, clean air director for NRDC, said the internal EPA memo highlights the flaws in the administration's proposal.

"Such objections underscore how the EPA would weaken the law and allow even more cancer-causing pollution into the air we breathe. This proposal is indefensible," Walke said. "No wonder even some of EPA's own experts are outraged by this secretly hatched plan to please polluters and their powerful friends."

EPA spokeswoman Lisa Lybbert said in a statement that discussing the proposal at this point is premature.

"This is a preliminary draft that is currently under development and internal review which could change before EPA issues it as a proposal. EPA will seek public comment when it issues the proposal," she said.

The proposal drew fire from some in Congress.

"If this draft rule were to be put into effect, polluters could emit many more tons of cancer-causing air pollutants and heavy metals such as arsenic, mercury and lead, seriously jeopardizing the health of millions of Americans," said Sen. James M. Jeffords (I-Vt.), the ranking minority member on Environment and Public Works Committee. "This rule turns the Clean Air Act topsy-turvy by letting polluters run their controls at half-speed."

The proposed rule change was drafted under the oversight of William Wehrum, the acting assistant administrator for the EPA's air and radiation office, who has been nominated to that post on a permanent basis. He is slated to appear tomorrow before the environment committee as it considers his nomination.

EPA Plan Could Let Plants Skirt Limits

By John Heilprin, Associated Press Writer
S.F. Chronicle, Tuesday, April 4, 2006

WASHINGTON, (AP) -- The Environmental Protection Agency is considering ways to allow many industrial facilities that emit at least one of 188 hazardous air pollutants to avoid having to comply with the most stringent technology controls to limit pollution.

The Natural Resources Defense Council, an environmental advocacy group, released the draft proposal on Monday, two days before the Senate Environment and Public Works Committee meets to consider President Bush's nominee, Bill Wehrum, to serve as head of EPA's air office.

NRDC noted in a statement that the proposal was drafted during Wehrum's current tenure as acting head of that office. John Walke, NRDC's clean air director, said the timing was not politically motivated.

The agency's current 1995 policy requires facilities that annually emit 10 tons or more of a single air pollutant or 25 tons or more of a group of pollutants to use the maximum achievable technology controls to lower their pollution, sometimes by up to 95 percent.

A draft proposal would let oil refineries, hazardous waste incinerators, chemical plants and dozens of other types of facilities that drop below those annual thresholds to reclassify themselves as minor sources of pollution under the Clean Air Act's air toxics program.

By doing so, businesses could potentially pollute at levels just below the thresholds -- rather than be subject to the more stringent requirements for major sources. The proposal applies to air pollutants such as benzene, cyanide, asbestos, lead, mercury and chlorine.

Bob Slaughter, president of the National Petrochemical and Refiners Association, called the proposal "good news for protection of health and the environment."

Slaughter said major sources of hazardous air pollutants would have to reduce actual emissions to take advantage of the change in policy.

"Without the proposal, powerful disincentives would exist to make these reductions," he said. "In the past, even state and local air regulators have called upon EPA to fix this problem."

NRDC also released a leaked EPA internal memo from December in which regional EPA officials criticized the proposal.

Michael Bandrowski, air toxics chief for EPA's Pacific Southwest office, wrote that industrial facilities could "backslide" from having to use the stricter technology controls and increase their pollution to just below federal thresholds.

Sen. Jim Jeffords, I-Vt., a senior member of that committee, promised to explore the draft rule at Wehrum's hearing. "Once again, it appears that the EPA is looking for ways to make the Clean Air Act more friendly for polluters at the expense of public health," he said.

EPA officials said the draft leaked by NRDC was prepared last November. EPA spokeswoman Lisa Lybbert said commenting on it at this early stage in the process "is like asking us how a cake tastes when we haven't even put the batter in the oven."

Zoning for urban living

Costa Mesa will vote on plans to turn the city's Westside into a modern mix of housing, retail and industry.

By KIMBERLY EDDS

Orange County Register, Tuesday, April 4, 2006

COSTA MESA - Thousands of new condos, chic live/work lofts and trendy retail stores might be moving next door to small manufacturing plants and boat-repair shops with the city's latest plans to reinvigorate the largely industrial Westside.

The City Council tonight will consider changing zoning laws to allow mixed-used developments in the Westside and three complementary plans guiding developers on how to add the new homes and retail to a 618-acre section of the neighborhood.

A fourth, similar plan for 39 acres in the Bristol Corridor will also be considered.

The urban living concept is not new to Orange County -- projects from Anaheim to Tustin had long waiting lists even before they were approved. Struggling for years with how to revitalize the aging Westside area, city planners say this is it.

"This is a really great opportunity to beautify and better the area," said Planning Commissioner Donn Hall.

Not everyone is thrilled with the idea. A group of 143 Westside business owners have banded together, worried that new neighbors won't like the fumes and the clanking and clatter of round-the-clock industry.

While the rest of the city modernized, the city's Westside neighborhood has remained mostly stagnant.

The Westside plans would add 3,771 new condos, lofts and townhomes in the next 20 years.

Thousands of square feet would be added for coffee shops, boutiques and service shops -- some with condominiums built above, giving residents a chance to live, work and eat within a short walk.

About 1.4million square feet of light industrial uses would be eliminated -- along with thousands of industrial jobs.

But the group of unified business owners worry their livelihoods might be on borrowed time -- that residential might win out over industrial.

Gary Weisberg, a lawyer representing the group of business owners, argued in a February letter to the city that the plans impacts haven't been thoroughly assessed.

The Westside Revitalization Oversight Committee, a group of 40 residents and business owners, recommended keeping an industrial zone along with buffer zones made up of live/work lofts to ease the transition between the manufacturing and residential worlds. Those recommendations were tossed to allow mixed-use for the area.

"I'm anxious to see improvements, but I want to make sure we don't end up with a hodgepodge," said Mike Harrison, a Westside business owner since 1965 who helped advise the city.

"We're pretty apprehensive that we're going to end up with some problems of incompatible uses."

No one is making the industrial tenants leave. But with available land diminishing in Orange County, builders have spent the past few months talking with Westside property owners about selling their land -- and the financial incentive to make the move.

Dennis Cisterna III, head of land acquisition for Toll Brothers, has sent out nearly 200 letters of interest to Westside property owners in the past six months.

He's encouraged by the response -- 10 percent to 15 percent of owners have expressed interest. "No area is nice until you make it nice," Cisterna said. "It's not going to turn into Beverly Hills overnight, but when you add homes, and shops and retail, it becomes a more livable community."

City officials have said the plan will add tax dollars and revitalize the downtrodden neighborhood.

But some Hispanic business owners see the new properties as a threat to their livelihoods.

"With rents already going up so high, this plan to add more townhomes is basically trying to kick all of the Hispanics out of Costa Mesa," said Janet Cardena, who runs Patty's Gift Shop on West 19th Street with her parents.

Gary Crowan, who opened up Bristol Services Co. on W. 17th Street five years ago, said he does not plan to move:

"I want to take advantage of all the improvements they are making."



Timeline

1989: The Wallace Avenue Improvement Group, six apartment managers and owners, forms to improve the neighborhoods.

1993: Westside Parents create the Save Our Youth Teen Center to help keep young people from joining gangs and to encourage academic success.

- The city adopts a Neighborhood Improvement Strategy consisting of a rental-rehabilitation program and code enforcement to force apartment owners to clean up properties.

1998: The city hires EIP Associates to plan a long-range redevelopment plan, targeting the Westside for improvements including new single-family homes, multiunit townhomes, and an expanded light industrial corridor on Placentia Avenue.

1999: City officials form Latino Community Advisers, a group of activists, business owners and educators to encourage Hispanic involvement in Westside redevelopment.

- Volunteers start the first round of "living room dialogues," in both English and Spanish. Ideas are summarized in a city document called New Futures for the Westside - Community Workshop Summary.

- Consultants and the city hold a daylong workshop to discuss improving the Westside.
- About 100 residents attend a community meeting and vote for options to improve Westside. Results are calculated and forwarded to the city.
- About 50 business owners meet with the city, saying they were left out of the planning process. Later, city officials meet with business owners for a second time. Many don't want any changes in zoning.

2000: The Latino Community Advisers summarizes input from community meetings and documents the change in demographics on the Westside.

- The first version of the Westside Specific Plan is released.
- A grass-roots group called the Westside Improvement Association forwards its vision statement to the city, wanting to model the city after Newport Beach and Huntington Beach.
- A second version of the Westside Specific Plan is released, addressing concerns by residents that some parts of the original plan catered too much to Hispanic residents.
- The Latino Community Advisers summarizes input from the "living room dialogues" and documents the change in demographics on the Westside.

August 2003: The volunteer Community Redevelopment Action Committee urges city leaders to create a 19th Street commercial center with a national chain supermarket, boutiques and children's recreation in a plan with 28 priorities also including widening sidewalks and building pedestrian bridges.

February 2005: The City Council, acting as a redevelopment agency, votes to place a 23-point strategy, presented in October 2004 by the Westside Revitalization Oversight Committee, on a future meeting agenda for final consideration.

March 2005: The City Council makes sweeping zoning changes to the city's Westside, with plans to build live/work lofts or other mixed-use projects, as well as high-density condominiums in the area.

March 2006: The Planning Commission unanimously recommends that the city approve three plans for revitalizing 618 acres of the Westside as well as zoning changes that would allow residential and retail uses alongside the industrial businesses. If the City Council approves the plans tonight, thousands of townhomes and condos could be built in the next 20 years.

[Fresno Bee, Commentary, Tuesday, April 4, 2006:](#)

Now is the time to tackle Valley's dirty air

By Dean Florez / Special to The Bee

Valley residents already know too much about air pollution. In the San Joaquin Valley, we all breathe dirty air. Home to four of the most polluted cities in America, our Valley's air is some of the most hazardous in the nation.

We pay the price in human and economic terms. Dirty air makes us sick and causes us to miss school and work. Air pollution even contributes to premature death. What we didn't know until recently was just how much air pollution costs our economy.

It turns out the price tag is staggering -- \$3 billion annually, according to an exhaustive new study from California State University, Fullerton. That sum includes the costs of hundreds of premature deaths, thousands of asthma attacks and tens of thousands of missed school days. It also includes decreased worker productivity that results from air pollution in the region. Three billion dollars a year works out to \$1,000 per Valley resident per year. We just can't afford to foot this bill.

And while there have been many descriptions of the depth of the Valley's air pollution problem, this report is the gold standard in assessing the steep cost of dirty air. As a result, when critics of tougher air protections cry wolf, we can look at the numbers -- together.

Most costly course of action

The fact is, doing nothing is the most costly course of action. The San Joaquin Valley can't afford not to clean up the air. We're losing lives and money and making the Valley an increasingly less attractive place to live and work. We need to make an investment in the region's economic future. If we want a healthier economy, we need healthier air for our labor force, our families and our children.

We have a choice to make. We can watch our children and workers get sicker or we can clean up our air for the 21st century. The Valley's air is hazardous today, but if we continue on our present course, it will get far worse. The San Joaquin Valley's current population of six million residents is expected to grow by a third by 2020, with traffic and driving expected to increase at an even greater rate during the same time period.

Today we face a tipping point. Clean up the air we must. Under Federal environmental protections, the Valley must meet federal one-hour standards for ozone exposure by 2013. If we start cleaning up the air now, it will be easier, cheaper and faster. If we put it off, cleanup will become more and more expensive and cumbersome.

Air cleanup is not rocket science. Simply by meeting current federal standards, the Valley could substantially reduce pollution and the costs it exacts in the region's economy. Abiding by federal clean air guidelines on ozone, for example, would reduce the number of dirty air days from 70 to 10 for the Valley air basin as a whole. And for the smallest and most dangerous particulate matter pollutants, called PM 2.5's, meeting existing federal standards would expose Valley residents to hazardous levels one day of the year, instead of the current 26 days. Meeting federal standards would make a big dent in the steep price air pollution is exacting on our people and our economy. Meeting the state's existing, stricter standards would be even better.

Now that we know the true cost of air pollution, we can make better choices. Gone are the days when dirty air was somebody else's problem. Air pollution threatens the health and economic well being of the entire Valley. Now is the time to act.

Sen. Dean Florez, D-Shafter, represents the 16th District in the state Senate and is the chair of the Senate's Select Committee on Central Valley Air Quality.

[Modesto Bee, Editorial, Tuesday, April 4, 2006:](#)

Dirty air costs money ... here's how much

A new study has put a price tag on the health problems valley residents face because of air pollution, and it's a whopper -- \$3.2 billion a year.

That's the cost of medical bills, student absences from school, sick days for grown-ups, chronic suffering and early death caused by pollution in the San Joaquin Valley -- one of the nation's most polluted regions. The average is about \$1,000 for each person in the valley.

The study was conducted by Jane V. Hall and Victor Brajer, economics professors at California State University, Fullerton, and air expert Frederick W. Lurmann of Sonoma Technology Inc. Its scope was the eight counties that make up the San Joaquin Valley Air Pollution Control District - from San Joaquin to Kern. Its \$80,000 cost was funded by the William and Flora Hewlett Foundation.

The \$3.2 billion figure represents how much would be saved, according to Hall, "if you snapped your fingers and suddenly had clean air," which the researchers defined as meeting current federal standards for the tiny particulates such as soot, known as PM-2.5, as well as smog-forming ozone.

The figure doesn't represent the entire savings available if we can manage to clean up our air. The study, for instance, did not address costs such as the loss of crops to air pollution -- a figure measured in the many millions annually - or the cost of sick and dying trees in the Sierra Nevada.

The researchers did lay out some specific estimates of the annual benefits of compliance with existing federal rules:

- 460 fewer premature deaths among those age 30 and older;
- 325 fewer new cases of chronic bronchitis;
- 188,400 fewer days of reduced activity in adults;

260 fewer hospital admissions;
23,300 fewer asthma attacks;
188,000 fewer days of school absence;
3,230 fewer cases of acute bronchitis in children;
3,000 fewer work days lost;
More than 17,000 fewer days of respiratory symptoms in children.

The authors and local health advocates said the research demonstrates the need for the valley's leaders to move aggressively to clean up the air. Seyed Sadredin, executive director of the valley air district, agreed: "The essence of the study is important. There is an economic cost."

Yes, there is, and now we're beginning to see how large it is.

[Commentary on WashingtonPost.com, Tuesday, April 4, 2006:](#)

Want Clean Air? Try This

By Shi-Ling Hsu

Environmentalists gained an important victory last month when a federal appeals court rejected a Bush administration effort to amend key provisions of the Clean Air Act. The administration sought to rewrite the "New Source Review" program, which requires power plants and other industrial polluters to install state-of-the-art air pollution control equipment whenever they build a new plant or modify an existing one.

The current law provides no clear explanation of what constitutes a modification, creating both uncertainty and the opportunity for regulatory mischief. The Bush administration wanted to create a bright-line rule that a modification would be considered major only if it cost at least 20 percent of the plant's original cost. Environmentalists justifiably opposed the rule as being too broad -- industry could break up major renovation and expansion projects into stages that individually would not cross the 20 percent threshold, and old plants would never become subject to the Clean Air Act's equipment mandates.

The environmentalists -- both environmental organizations and state attorneys general -- should be pleased with their victory, but they should not ignore the fundamental problem with New Source Review. The problem is not that the modification threshold is unclear or that it could be construed too broadly -- the problem is that the exemption exists at all.

The 1977 Clean Air Act Amendments "grandfathered" plants that were built before August 7, 1977, and allowed those plants to replace equipment and undergo minor modifications without triggering the new pollution control requirements. While this seems like a fair approach, it is actually grossly unfair in that it creates a two-tier regulatory environment that disadvantages the owners of new plants. It also is environmentally disastrous because it creates an enormous incentive for industry to keep old plants up and running. Grandfathering slows the turnover of polluting capital, locking in archaic technologies and keeping alive power plants built during Herbert Hoover's presidency. Old, patched-up, grandfathered plants account for an enormous percentage of U.S. air pollution.

Environmentalists display an unfortunate stubbornness when they remain committed to fighting the modification battle. Last month's decision was only the latest (and not the last) round in a decades-long legal fight over New Source Review. Thousands of work-hours have been spent litigating the issue of how significant a modification must be before it triggers pollution control requirements.

There is a better way to fight air pollution. For decades, economists have argued for the levy of pollution taxes to provide economic incentives to reduce pollution. If set stringently enough, pollution taxes can accomplish all of the environmental objectives that pollution control requirements are meant to accomplish. Moreover, by not forcing industry to employ the specific (and often extremely expensive) pollution control equipment designated state-of-the-art, a pollution tax would encourage industry to explore and develop new technologies that could be more effective and less expensive.

Perhaps most importantly, a pollution tax would be much easier politically to apply to all sources, old or new, thereby doing away with grandfathering. Because of the presumptive universality of taxes, people expect them to apply to everybody, not just new polluting sources. By contrast, the U.S. has never really embraced the notion that equipment regulations should apply to all pollution sources. That is why, for

example, the nation has a relatively small number of old cars on the road that account for a large portion of our vehicle pollution problem, and why we allow a large number of old, outdated industrial pollution sources to enjoy a huge regulatory advantage over new plants.

The expensive and talent-consuming litigation over New Source Review has gone on long enough. Wholly apart from economic efficiency concerns, there are the thousands of people who die prematurely from air pollution annually who deserve better than the fruitless legal wrangling. The public, as well as the environmental movement and industry, would be better served by less fighting and more thinking about reducing air pollution.

Shi-Ling Hsu is associate professor of law at the University of British Columbia. His analysis of New Source Review's grandfathering problem appears in the spring issue of the Cato Institute's Regulation Magazine.

[Modesto Bee, Letter to the Editor, Tuesday, April 4, 2006:](#)

Farmers' air, sound pollution is excessive

Why do those on the air board have their eyes and noses focused on cow emissions? Try living near a chicken farm and smelling the emissions that permeate the air. The wind often smells like something has been dead for several days. And the sound pollution from the heavy machinery (big trucks and huge fans), which they use when catching chickens at night for market, reverberates all through the countryside. Try sleeping through that!

As a farmer, I know we need the cows and the chickens, but we do not need the air pollution or sound pollution caused by man.

Virginia Niman, Crows Landing