

State drops delay to air cleanup deadline

Extension would risk Valley lives, critics say.

By Mark Grossi / The Fresno Bee

Wed., March 21, 2007

The state on Tuesday backed away from a controversial idea to delay the cleanup deadline for dangerous diesel soot and other airborne debris in California, but a Valley legislator won't let the issue drop.

Following sharp criticism, the California Air Resources Board retracted the proposal it made last week to extend the deadline five years, saying the suggestion was misunderstood.

State Sen. Dean Florez, D-Shafter, will convene a hearing Tuesday to further discuss the proposal and the air board's leadership.

"If this truly was just a suggestion, why are they retracting it?" asked Florez, who heads the Senate Select Committee on Air Quality in the Central Valley. "We're concerned that we have a leader with a finger on the pause button for air cleanups."

Environmentalists quoted medical research showing such a delay for the San Joaquin Valley would cost hundreds of lives from years of additional pollution-related mortality.

State air officials said they were only exploring the idea of an extension to the 2015 federal deadline for cleaning up fine-particle pollution in the South Coast Air Basin, not the Valley. They said they believe the Valley can achieve the 2015 deadline.

Catherine Witherspoon, executive director of the air board, suggested the deadline extension in a March 12 letter to the U.S. Environmental Protection Agency. The letter said new federal standards for diesel engines would not be in place fast enough to help California clean up diesel soot, dust and chemical specks, called PM-2.5.

"The letter was misinterpreted by several stakeholders in California as an official petition for a 5-year delay to the current 2015 deadline for attainment ... which was not my intent," Witherspoon wrote Tuesday.

Medical researchers say PM-2.5 is a serious health risk. The tiny particles -- 30 of them fit side by side across the width of a human hair -- lodge deep in the lungs. They trigger asthma and heart problems as well as causing early death, according to the latest research.

In the Valley, the specks come from vehicles, fireplaces and farm operations. The particles also form in the wintertime air when oxides of nitrogen from vehicles combine with ammonia from dairies.

Witherspoon's letter last week referred to such PM-2.5 pollution in both the South Coast Air Basin and the Valley, leading opponents to believe the delay proposal was intended for both places.

"There's no other way to read it," said Tim Carmichael, president of Coalition for Clean Air, a statewide nonprofit group.

San Joaquin Valley Air Pollution Control District officials said a five-year extension would unwisely relieve pressure on state and federal officials to help in reducing pollution.

With the deadline pressure of 2015, Valley officials said, state and federal governments have reason to provide hundreds of millions of dollars to help replace polluting vehicles, which create a big part of the problem.

"It won't be easy to make this deadline, but we can do it," said district Executive Director Seyed Sadredin. "We don't agree with a delay."

Neither does the South Coast Air Quality Management District.

Said spokesman Sam Atwood: "We think it condemns the residents of Southern California to another five years of unhealthy air."

Request withdrawn to move air deadline

BY VIC POLLARD , Californian Sacramento Bureau
Bakersfield Californian, Wednesday, March 21, 2007

SACRAMENTO -- Under orders from Gov. Arnold Schwarzenegger's office, a top clean-air official Tuesday retracted a controversial request for more time to get tiny soot particles out of the air in the San Joaquin Valley.

State Sen. Dean Florez, D-Shafter, and environmental groups joined in taking credit for bringing the political pressure that forced the reversal by Catherine Witherspoon, executive officer of the California Air Resources Board.

Witherspoon last week wrote to the U.S. Environmental Protection Agency's top air regulator, saying the state cannot meet the 2015 federal standard to clean up microscopic particles in the air over the valley and the Los Angeles Basin. She said she believed the EPA could legally extend the deadline.

Late last week, Florez blasted Witherspoon, saying she took the action, which he said threatens to force valley children to suffer asthma and other ailments caused by the particles longer than necessary, without approval of her bosses at the air board or anyone else. He called it "completely irresponsible to the people of my district."

On Tuesday, Witherspoon wrote to the EPA retracting the March 12 request.

She wrote that the original letter "was misinterpreted by several stakeholders in California as an official petition" for a five-year delay in the deadline to clean up particles as small as 2.5 microns in diameter, smaller than a human hair. They're known as PM 2.5.

But Adam Mendelsohn, Schwarzenegger's communications director, said Tuesday afternoon that Witherspoon had overstepped her authority and was ordered to retract the letter.

He said officials of the California Environmental Protection Agency, which includes the air board, and the governor's office were not informed of the letter in advance.

"And we instructed that this letter be withdrawn," he said.

That delighted Florez, who on Tuesday morning fired off a letter demanding the retraction, and the environmental groups, who were drafting a similar letter.

"We were very concerned about that request," said Tim Carmichael, president of the Coalition for Clean Air, "because the health effects associated with PM 2.5 are so serious, and we're committed to working with the administration to clean up the air by the deadline."

Although Florez said he was happy the letter was withdrawn, he charged that it indicates the Schwarzenegger administration is not as committed to cleaning up the state's air as it should be.

He said the governor "is very good" at touting his steps to correct global warming, which Florez supports, but he said the letter shows the administration "has forgotten about the nuts and bolts of cleaning up the air in the valley."

Mendelsohn bristled at that, saying the administration "took the leadership by instructing that the letter be withdrawn."

He added that, "The administration looks forward to working with Sen. Florez, as opposed to fighting it out in the press."

State drops bid to delay tougher controls on diesel soot

BY SAMANTHA YOUNG, Associated Press

LA Daily News, S.F. Chronicle, Bakersfield Californian and other papers March 21, 2007

SACRAMENTO - State air quality regulators on Tuesday retreated from plans to win California more time to attain federal air-pollution control standards on soot particles and other fine matter that can cause lung disease.

Critics had warned that a delay would affect millions of Californians who live in the smoggiest parts of the state.

The reversal by the California Air Resources Board came a day after environmental groups and one lawmaker criticized the agency. On Monday, the groups released a letter from the ARB director saying that the board might ask for a federal waiver on levels of particulate matter 2.5, tiny particles of soot each 2 1/2 microns or less in width. (There are about 25,000 microns in an inch.) PM 2.5 comes primarily from diesel-engine exhaust and can lodge in the lungs.

In a letter Tuesday, ARB Executive Director Catherine Witherspoon said her inquiry to federal regulators did not constitute an official board action.

Of concern to environmental groups was a letter Witherspoon had written March 12 in which she argued that the San Joaquin Valley and the South Coast Air Quality Management District couldn't meet a 2015 deadline set by the federal government. She suggested that federal regulators give the state until 2020.

"That letter was misinterpreted by several stakeholders in California as an official petition for a 5-year delay," Witherspoon said Tuesday.

Dairy near state historic site OKd

Despite the Tulare County board's vote, talks continue over preventing development next to a former all-black community.

By Steve Chawkins, Times Staff Writer

L.A. Times, Wed., March 21, 2007

Tulare County supervisors gave final approval Tuesday to plans for a controversial dairy operation adjacent to Colonel Allensworth State Historic Park, the site of a historic all-black community founded 99 years ago.

However, the approval came amid signs of progress in a possible deal between the property's owner and critics of his plan for the site about 150 miles north of Los Angeles.

The dairy is opposed by the state as well as African American community groups, who contend that flies and drifting odors from 12,000 cows would deter visitors to Allensworth and dishonor a cherished piece of California's black heritage.

Despite Tuesday's decision, negotiations for the property are continuing.

An attorney for farmer Sam Etchegaray, the land's owner, said his client has granted an option to the Trust for Public Land, a San Francisco-based conservation group, to purchase either the entire 2,000 acres or the property's development rights.

"His goal isn't that he has to have dairies on this particular property," attorney David Albers said. "He's sensitive to the park."

Tuesday's approval will be crucial in an accurate appraisal of the land, Albers said. When it's completed - possibly in June - it will be up to the state to fund a purchase.

However, Brad Torgan, an attorney for the state Department of Parks and Recreation, warned the supervisors that their action Tuesday could trigger lawsuits that have been threatened by environmental groups. Such suits could devalue the land and make a deal less likely, he said.

The dairy's critics contend it will violate restrictions on air and water pollution.

The state historic park commemorates the town founded by Col. Allen Allensworth, a charismatic black military retiree. Established with the support of Booker T. Washington, Allensworth's community drew about 300 families but faded away, partly for lack of water, after a couple of decades.

As at previous hearings, dozens of people protesting the plan converged on the supervisors' meeting in Visalia from Los Angeles and the Bay Area. The board also heard objections from residents of the current Allensworth, a struggling farm town near the park.

But supervisors agreed with an industry representative who said that modern dairy techniques would minimize odor and pollution problems. Four supervisors approved the proposal, while one abstained.

County leaders OK dairies

It's unclear if Allensworth-area dairies will be built

By Jed Chernabaeff, Staff writer

Visalia Times-Delta and Tulare Advance-Register, Wednesday, March 21, 2007

A controversial plan to establish two dairies within two miles of a significant monument to African-American history received unanimous approval Tuesday from the Tulare County Board of Supervisors.

The owner isn't sure what he'll do with the property, however.

By a 4-0 vote, the Board of Supervisors upheld its tentative Dec. 19 decision to approve the proposed project and grant a special-use permit to applicant Sam Etchegaray of Visalia.

Supervisor Mike Ennis abstained.

The special-use permit allows two dairies to be constructed near Col. Allensworth State Historic Park, the site of the first African-American community in California. The dairies - if built - would be occupied by more than 12,000 cows.

Etchegaray, however, is considering selling the land or development rights, said his attorney, David Albers. Albers said the sale depends on the pending appraisal of the property.

Although the property's future is undecided, Tuesday's meeting was heated. Supporters of the park warned the supervisors that approval would put Tulare County in an unfavorable light nationwide. They also said the nearby dairies, if built, would damage the future of the park and create potential health risks to nearby residents.

Before a packed crowd - filled with a mix of dairy supporters and park supporters - supervisors acknowledged the park's significance but maintained that the two dairies would not have a negative effect.

Supervisor Connie Conway, whose district includes Allensworth, said she was raised near a dairy and doesn't see the potential threats that opponents do.

The Tulare County Resource Management Agency recommended that the special-use permit be approved. The plan was the subject of a stringent environmental report that measured the dairies' possible effects and outlined mitigation measures.

"I'm not trying to deny others' feelings," Conway said.

"We've just come to different conclusions at this point."

Supervisor Steve Worthley said the dairies of today are more environmentally friendly than their predecessors.

"If I thought for one moment that the proposed projects would be injurious to the state park, I would be the first person to move to deny the [approval] today," Worthley said.

Etchegaray has spent nearly eight years trying to get permit approval.

Should he go forward with the dairies, he would still have to apply for and obtain permits from the San Joaquin Valley Air Pollution Control District and the Central Regional Water Control Board - a process that Albers said could be lengthy.

In earlier public hearings before the Tulare County Planning Commission - which couldn't reach a decision after several meetings - park supporters from the Bay Area, Los Angeles and elsewhere argued that the dairies would bring unwanted flies, dust and odors. The dairies also would be a potential threat to water quality in the area, they said, and would drive visitors away.

On Tuesday, many of the park's supporters said the Board of Supervisors' approval would be a step toward the landmark's destruction. Pastor Larry Dodson of New Life Community Church in Tulare left disappointed.

"I think what the board did was embarrassing," Dodson said. "It seems to me that African Americans in this county don't count for much."

Nettie Morrison, chairwoman of the Allensworth Community Council, said supporters' concerns weren't taken seriously.

"It is not doing our community justice when our political leaders down us instead of helping us up," Morrison said. "It's like nobody is taking these things under consideration."

Charles Allensworth, a descendant of Col. Allen Allensworth, opposed the dairies because of environmental concerns. He said supervisors made the mistake of thinking the park is relevant only to African Americans.

"This is California history," he said. "Allensworth serves as a very significant part of California's history."

The town, founded by Col. Allensworth - a former slave - in 1908, was considered a utopian community where African Americans would achieve economic independence and self-sufficiency. It was all but abandoned in the 1960s after being plagued with water problems.

After the town was abandoned, it was turned into a state park.

Victor Carter, president of the statewide Friends of Allensworth, said the decision by the Board of Supervisors was expected, but disappointing. He said there's still hope for the preservation of the park, however.

"We will just have to elevate our fight to a different level," Carter said.

The California Legislative Black Caucus has introduced Assembly Bill 576, which would make it illegal to operate animal-feeding operations within five miles of the historic park. The bill has been referred for a future hearing to the State Assembly Committee on Water, Parks and Wildlife, but it already has local elected officials and business groups lining up in opposition.

On Tuesday, six Tulare County business organizations submitted letters to the Board of Supervisors denouncing AB576. They argue that the bill would set a negative precedent regarding local land-use decisions.

The bill isn't scheduled to go before the committee until April. Carter said he hopes to rally supporters to Sacramento during the hearings.

"We need to show as much public support as possible to our legislators that the fight is not over," Carter said. "We knew that Tulare was leaning toward putting dairies in. Now we can react to their decision."

Of course, there's still the chance that the dairy plan will not move forward. Negotiations between Attorney Albers and The Trust for Public Land, California, a land conservation group, continue.

The Trust for Public Land is working on buying a portion of the rancher's property or buying dairy development rights for the land, which would create a buffer zone between Etchegaray's remaining property and the park.

Dairies allowed near state historic park

From staff and wire reports

Bakersfield Californian, Wednesday, March 21, 2007

VISALIA -- Tulare County supervisors approved a permit Tuesday to build a pair of mammoth dairies next to a state historic park devoted to black settlers, but a deal was in the works to keep the farms far from the monument to a freed slave.

The plan to put more than 12,000 cows within two miles of Colonel Allensworth State Historic Park pitted Sam Etchegaray against environmentalists and park supporters who said the dairies would be an offensive neighbor, bringing stink, flies and pollution to the black utopia founded in 1908 by the former Army chaplain.

The park is about 50 miles north of Bakersfield, near Earlimart.

Supervisors said they believe an environmental impact report they approved was thorough.

"A modern dairy is very different," said Supervisor Steve Worthley. "If I thought for one moment that the proposed projects would be injurious to the state park, I would be the first one to deny the approval."

Local farming and business groups supported Etchegaray's plan. Tulare County leads the nation in milk production.

Despite finally gaining the permit approval Tuesday, Etchegaray is now considering selling the land or development rights to the Trust for Public Land, said his Bakersfield attorney, David Albers. He first sought the dairy permits eight years ago.

Etchegaray, however, would still build the farms elsewhere, Albers said. "It has always been his goal to build these dairies to leave to his two sons," he said.

The proposed deal with the Trust for Public Land likely would give the land over to the state parks agency, said Roy Stearns, a spokesman for the state Department of Parks, which also has sought to create a buffer zone.

"The park is so important. It's a part of the California story," said Tim Ahern, a spokesman for the Trust for Public Land.

Environmentalists, who have fought so-called megadairies in the San Joaquin Valley as major polluters, have threatened to sue to block the dairies.

Caroline Farrell, an attorney with the Center for Race, Poverty and the Environment, said her organization will meet with residents in the town of Allensworth, located just outside the park, to see if they want to pursue a lawsuit.

Last month, a group of state lawmakers introduced an Assembly bill that would make it illegal to operate animal feeding operations within five miles of the park. The bill has not yet been up for a vote.

Park supporters have filled the county board chambers through several hearings including a great-great nephew of Col. Allen Allensworth.

"My great-great uncle built a town for African-Americans to live free on their own," said Charles Allensworth, 56, of San Francisco.

"I always thought he was a man ahead of his time. But here it is almost a hundred years later and we're still confronted with the same issues," he said Tuesday. "I think he would be disappointed today."

Deal in works to keep dairies from park honoring black settlers

By OLIVIA MUNOZ | The Associated Press

In the Bakersfield Californian, Wednesday, March 21, 2007

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Corcoran adopts plan for growth, development

By Wendy E. Arevalo

Hanford Sentinel, Tuesday, March 20, 2007 (1:02 p.m.)

CORCORAN - After hearing one resident's request to protect wildlife habitat from being destroyed by future development, City Council members unanimously voted to adopt the final draft of the city's General Plan and environmental impact report Monday night.

This was the final stage of approval needed to adopt the Corcoran General Plan 2025 and EIR. The city and Visalia planning firm Quad Knopf have been working on the development-guiding document for the last 18 months.

The EIR details the effect of growth on Corcoran resources.

During the public hearing, Corcoran resident Terrell DeVaney told the council she was concerned about the habitat of a family of hawks and tree-dwelling owls that live in eucalyptus trees on the north side of Orange Avenue.

DeVaney asked that the birds living there could be taken into consideration when development comes to that area, and perhaps the birds' habitat could be left as an open area.

Mayor Dick Haile asked Quad Knopf's representative, Randall Rouda, if this issue had been taken into consideration in the General Plan.

Rouda said the plan does address the issue of migratory bird habitat and biological surveys are required on sites like that prior to construction.

California state law requires each city and county to adopt a General Plan for its future physical development.

Haile said the General Plan is not completed without input from the community.

"There's been quite a broad range of activity from the community on where the city wants to go," Haile said.

In October 2005, Quad Knopf organized a community-vision workshop that included an exercise where interested residents provided input on where future housing, schools, shopping areas, major streets and employment centers would go.

Citizens' feedback was incorporated into the "planning principles" used to guide the development of the General Plan.

City Council also appointed community leaders to serve on a General Plan advisory committee, Rouda said.

Councilwoman Toni Baltierra asked about the large amount of farm land that may be converted in the future to non-agricultural development.

Rouda said the conversion would only happen if the farmers sold the land to developers and then annexed it into the city.

Following the meeting, Rouda said there's no direction to grow in Corcoran without absorption of agricultural land.

The EIR lists three areas where growth will create unavoidable significant environmental effects.

- Agriculture -conversion of approximately 2,705 acres of farmland.
- [Air quality - violation of state and federal air quality standards.](#)
- Wildlife habitat - loss of potential wildlife habitat for special-status species.

Rouda said these three areas were the only ones where policies or mitigation measures could not reduce or avoid the effect.

Wisconsin dairy processor files suit to block ethanol plant

RYAN J. FOLEY, Associated Press
Contra Costa Times, Wednesday, March 21, 2007

MADISON, Wis. - A Wisconsin dairy producer that makes nutritional and weight-loss supplements wants to block an ethanol plant from moving in next door, saying that pollution from the plant would contaminate its products.

Century Foods International, a division of Austin, Minn.-based Hormel Foods Corp., filed a lawsuit Monday claiming the ethanol plant's odors would taint the dairy-based products it manufactures. Its products include muscle-building powders, weight-loss powders and milk powders for beverages.

The lawsuit illustrates how ethanol plants, touted in rural America as economic drivers that will increase corn prices and reduce reliance on foreign oil, are not always entirely welcome.

It warns the plant's emissions could spell disaster for Century Foods, the largest employer in Sparta with 310 employees. Sparta is a city of 9,000 people about 115 miles northwest of Madison.

A key part of Century Foods' manufacturing process involves allowing air in the plant through roof vents to ensure the powders dry properly and are consistent. Ethanol plant emissions "are highly aromatic and soluble in milk products," the suit said.

It claims the city did not follow the correct procedures when it approved subsidies and a zoning permit for the proposed \$80 million plant. It asks a judge for an order stopping its construction.

But city administrator Ken Witt said an air consultant hired by the city determined the plant would have no impact on Century Foods. He said the lawsuit could delay construction, which was expected to begin May 1.

"If we thought the plant in any way would harm Century Foods, the planning commission would not have approved it," he said.

Ethanol plants turn bushels of corn into the fuel additive that is later blended with gasoline. In the process, they emit pollution-causing chemicals and compounds and a smell that supporters liken to popcorn but critics compare to manure.

"Ethanol plants don't make good neighbors," said Madison lawyer Christa Westerberg, whose firm has represented citizen groups, including one in Sparta, trying to block plants' construction.

Westerberg said the Sparta group shared Century Foods' concerns about the way the city approved the plant and its location. Besides being near the Century Foods factory that employs 180 people, it is across the street from a golf course and baseball diamonds.

City officials repeatedly ignored concerns about product contamination raised by Century Foods, she said.

"You've got an employer who provides jobs to hundreds of people in the area, and you're going to sacrifice that for an ethanol plant that produces 30 to 40 jobs?" Westerberg said. "We really question that."

Century Foods' lawsuit says the company is an essential part of Wisconsin's dairy farming community, consuming more than 20 million pounds of milk products each year.

David Rundahl, a Coon Valley farmer leading the investment group building the plant, said he did not believe the plant would affect Century Foods' products.

"We do intend to vigorously defend our right to bring the project to the city of Sparta," he said.

United to pay pollution penalties

Violations not egregious but represent 'pattern of disregard'

By Michael Manekin, STAFF WRITER

Tri-Valley Herald, Wednesday, March 21, 2007

SFO - United Airlines has settled a series of air violations at San Francisco International Airport by agreeing to pay the Bay Area Air Quality Management District \$382,500 in penalties.

"This settlement represents acknowledgment on United's part that it needs to be more careful to ensure safety and compliance at all times," said district spokeswoman Karen Schkolnick.

"The point of these fines," said Schkolnick, is to "very clearly send a message" to United specifically, and the airline industry in general, that this "set of actions is unacceptable."

United Airlines' principal violations included a failure to ensure that a chrome-plating shop was maintaining safe pressure levels and failure to respond to initial citations when it was found that pressure readings on the scrubber system fell to "dangerously low levels," according to the air district.

United also refused to conduct a test of the scrubber system exhaust to determine whether it met air pollution requirements, according to a statement released by the air district. The test would have reportedly determined whether the scrubber system was functioning properly, according to the statement.

United also faced violations that included incidents where jet fuel was substituted for natural gas in a turbine used to generate electricity, even though United's permit required natural gas be used in the turbine, according to the air district statement.

Although none of the violations was particularly egregious, said Schkolnick, the company's failure to comply with a number of regulations "just showed sort of this pattern of disregard." In response to news of the fines, United spokeswoman Megan McCarthy replied with a prepared statement: "We have worked very closely with the Bay Area Air Quality Management District and believe we have taken the necessary steps to resolve any issues."

SFO spokesman Mike McCarron declined to comment, stating that the matter was entirely between United Airlines and the air district.

Wire reports contributed to this story.

SoCal inland truck 'port' proposed to reduce traffic, pollution

The Associated Press

In the Bakersfield Californian, Wednesday, March 21, 2007

A Los Angeles County official has proposed building a transit station where big rigs would pick up goods transported inland by rail from Southern California ocean ports.

The "inland port" proposed this week by Supervisor Michael Antonovich would shift a significant chunk of the 22,000 truck trips made each day in and out of the ports of Long Beach and Los Angeles to the county's rural outskirts.

"An inland port would reduce truck-related congestion and pollution throughout the county," Antonovich said.

Goods would be hauled from the ports on existing train tracks to the Antelope Valley, where they would be loaded onto trucks bound for markets nationwide.

The money for the plan could come from a \$20 billion transportation bond approved by voters last year.

Of that pool, about \$2 billion is up for grabs for projects like the inland port that seek to increase commerce while creating as little pollution as possible.

'Cap and trade' gaining favor

Congress taking up business-friendly proposals to reduce global warming

Robert Collier, Chronicle Staff Writer
S.F. Chronicle, Wednesday, March 21, 2007

As environmental activists and politicians, including Al Gore, descend on Capitol Hill this week to urge action on global warming, nearly all are touting a business-friendly solution -- as are California regulators who are drawing up the state's new system to curb greenhouse gas emissions.

It's called emissions trading, or cap and trade, and it has won support from corporations and lawmakers who worry that strict global warming limits could damage the U.S. economy.

"There's a lot of education needed in Congress that global warming legislation isn't going to hurt the economy, and (cap and trade) is a big part of this," said Lexi Schultz, a Washington representative for the Union of Concerned Scientists.

But the track records of similar programs in Europe and Southern California are mixed, experts say.

"What California is doing on this issue is brave and encouraging, and for that reason the state and Congress should heed Europe's lessons," said Yvo de Boer, secretary-general of the U.N. Framework Convention on Climate Change, the world body that oversees the Kyoto Protocol and the negotiations for a successor pact after Kyoto expires in 2012.

Former Vice President Gore is scheduled to testify today to the House and Senate, capping a series of rallies and hearings that demonstrate the pent-up momentum behind Democratic leaders' promises to take action on climate change after years of Republican resistance.

In Congress, all five bills on global warming being debated -- with two more expected to be introduced soon -- rely heavily on the creation of an emissions trading system, in which companies are given limits for their emissions of carbon dioxide and other greenhouse gases and then are allowed to buy and sell their excess or deficit emissions as if they were financial securities.

California regulators are drawing up plans for an emissions trading system under a state law enacted last year calling for the reduction of greenhouse gas output to 1990 levels by 2020, a cut of about 25 percent. And California recently signed agreements with Oregon, Washington, Arizona and New Mexico -- as well as with British Columbia -- to form a cross-border emissions market.

"California is really establishing a de facto national standard, and it's likely to heavily influence the shape of whatever action Congress eventually takes," said Blas Perez Henriquez, executive director of the Center for Environmental Public Policy at UC Berkeley's Goldman School of Public Policy.

Many environmentalists had long supported traditional forms of top-down government regulation, especially what is known as a carbon tax, which would levy a tax on energy sources that emit carbon dioxide.

"Most people believe that the two big alternatives out there are a carbon tax or cap and trade," said Sen. Dianne Feinstein, D-Calif., speaking at a climate change conference at UC Berkeley last month. "I fall into the cap and trade thing, largely because I don't see a carbon tax ever getting enacted in the United States."

In recent months, big-business interests have rushed to jump on the cap-and-trade bandwagon. In January, companies with large emissions outputs such as GE, Alcoa, DuPont, Caterpillar and Duke Energy came out in support.

Last week, the chief executives of GM, Ford, Toyota and Chrysler did the same in testimony before Congress.

And on Monday, a coalition of institutional investors, including Merrill Lynch and California's two giant pension funds, the Public Employees' Retirement System and the State Teachers' Retirement System, threw their weight behind cap-and-trade legislation.

Schultz said one of her key selling points is the argument that emissions trading "will spur technological innovation" as businesses seek to reduce their greenhouse gas output and sell the emissions credits that they no longer need.

Backers cite the national cap-and-trade system created by the 1990 Clean Air Act to fight smog. This program -- which regulates the particulates and sulfur dioxide that create conventional air pollution, not the nine greenhouse gases such as carbon dioxide that cause global warming -- governs power plants nationwide and is generally viewed as successful.

But greenhouse gases are more complicated to regulate than smog, traders say.

"Setting up a market for greenhouse gases is tremendously tricky," said Mark Trexler, director of global consulting services for EcoSecurities, a London consultancy and broker in carbon credits.

One danger, Trexler said, is that companies will be granted too many credits -- which, in effect, gives them permission to keep polluting. This mistake has severely shaken the European Union Emission Trading Scheme, set up to comply with the Kyoto Protocol, as prices have collapsed from about \$38 per ton of carbon dioxide in 2004 to Tuesday's closing average of \$1.40.

"A mistake very clearly made in Europe was to allocate too generously, so companies did not need to make an effort to reduce emissions," De Boer said. "This created significant distortions and windfall profits."

"Setting credits should be about who gets gored," said Josh Margolis, managing director of Cantor Fitzgerald Brokerage, a financial services firm for energy markets. A properly designed program is one that "is going to affect you like no other you have ever imagined," he added.

Experts point to a similar mistake made in 1994 when the Los Angeles area's air quality management authority -- which regulates pollutants other than greenhouse gases -- replaced its system of fixed quotas with a cap-and-trade program.

Under this new program, known as the Regional Clean Air Incentives Market, or RECLAIM, the area's formerly rapid pace of air-quality improvement slowed to a crawl because utility companies were granted overly high limits for emissions of nitrogen oxides and sulfur dioxide.

Some environmentalists also warn that these trading systems hurt minorities and the poor.

"We're skeptical of how efficient and just a cap-and-trade system can be because RECLAIM resulted in the concentration of pollution in low-income communities," said Philip Huang, a staff lawyer for Communities for a Better Environment, a statewide group that represents working-class and poor urban areas.

Huang noted that the older industries that are frequently located in poor communities tend to have high emissions of both greenhouse gases and conventional pollutants. As a result, he said, a trading system would allow large industries to reduce their emissions in newer factories located in more affluent areas while maintaining the high emissions in their older facilities.

Officials at the California Air Resources Board, the agency that is drawing up the state's new rules, say they won't repeat the mistakes of Europe and Southern California.

"Yes, there are environmental justice issues to consider with RECLAIM, and there's no shortage of other possible issues that have to be worked through," said Chuck Shulock, climate change coordinator for the agency. "But we're confident that a market-based system can be created successfully."

[Bakersfield Californian Editorial Wednesday, March 21, 2007:](#)

Eyeball-to-eyeball

Monday night's joint meeting of the Bakersfield City Council and the Kern County Board of Supervisors proves how incredibly useful the sessions are.

Before a packed house in city hall, council members, supervisors and staffs of both agencies sought agreement on such important and difficult issues as reducing gang warfare; coping with metropolitan Bakersfield's rapid development and resulting traffic congestion and [air pollution](#); and Isabella Dam safety.

There were other narrow, but important matters brought before the public. For example, in the absence of a traffic light, suggestions for reducing pedestrian dangers at the Bakersfield Homeless Shelter; health education, and youth job opportunities.

Government agencies take joint action all the time. But the importance of these joint meetings is the personal interaction among community leaders and the public. The same holds true at the staff level.

These government leaders know each other well and they know each agency's policy and procedures. But memos go only so far. Looking a colleague in the eye and saying, "Let's see what we can do to solve this problem now" is a powerful stimulus to action.

Supervisor and former City Council member Mike Maggard had a perfect analogy to explain the process' value. If two people look at a dice, each will see a different number even though they are looking at the same object -- in short, perspective counts for a lot.

As difficult as the staff preparation for these meetings is, the result is well worth the effort to expand the process.

[Sacramento Bee Editorial Wednesday, March 21, 2007](#)

Who's on the bus?

Nobody, if the destination is Arco arena

The horrific traffic jam predicted at Arco Arena during last Thursday's NCAA basketball championships never materialized. That could have been because the game between Vanderbilt and George Washington universities was such a blowout. Many fans drifted away early, so the expected cross-traffic conflict of those coming in for the afternoon games between Weber State and UCLA, another blowout, never materialized.

The traffic backup Thursday afternoon at Arena Boulevard and Truxel Road, the main gateways to the arena, was not as bad as during regular Kings games. Ditto for the Saturday games.

But that doesn't mean everything is OK regarding traffic flow at Arco. It isn't. Local residents shouldn't have to put up with the traffic overload when Arco has a big event.

The city of Sacramento, Regional Transit, other transit agencies and Arco management need to work out a plan to get buses to the arena. A few years ago, the local transit advocacy group, Ridership for the Masses, tried. Their members, along with City Councilman Ray Tretheway, Natomas activists and people representing RT and the Maloofs, met to talk about such a bus service. Nothing came of it. Today not even a shuttle system exists for hundreds of Arco employees. That's inexcusable.

If Sacramento and Arco management are serious about luring more NCAA events to Arco, the transit conversation needs to begin anew. And it should not be limited to occasional high-profile

events. Transit ought to be available for all those predictably sold-out Kings games as well and other major Arco attractions. Kings owners might want to check with River Cats officials. The Triple A baseball team subsidizes RT shuttle service to their games at Raley Field in West Sacramento.

If just 20 percent of Kings ticket holders took transit to Arco to 41 home games a year, an analyst for the [Sacramento Air Quality Management District](#) estimates there would be a reduction of 593,000 miles traveled over the course of a basketball season and of 25,000 gallons of gasoline consumed. The analysis assumed that all transit users would assemble at RT's Watt Avenue/Interstate 80 light rail station. Given that narrow assumption, air quality benefits would be modest.

But those benefits could be boosted substantially if buses were dispatched from central staging areas throughout the region, including downtown Sacramento, Elk Grove, Folsom, Roseville and Davis, just for starters.

Arco is no longer a big building in the middle of an undeveloped corner of Natomas. Housing and retail are sprouting all around it. Traffic congestion is a growing problem, despite the relatively fortuitous situation during the tournament. It's time to bring transit to Arco.

[Merced Sun-Star Editorial March 21, 2007](#)

Our View: Emissions battle should be public

Car makers are trying to get a California law overturned and they want to do that in a closed court

Turn on a television or flip through a magazine, and you are likely to see ads for Toyota, Ford and other automobile manufacturers extolling their commitment to a cleaner, greener planet.

In federal courtrooms, their actions tell a much different story.

For the last three years, trade groups that represent major automobile manufacturers have been suing California and other states to prevent them from regulating automobile emissions that cause global warming.

If that weren't egregious enough, the automakers are now effectively attempting to pursue these lawsuits in closed courtrooms. Federal judges must not let that happen.

At stake is nothing less than vanguard efforts by California and other states to fight global warming. California passed a law last year to reduce its greenhouse gases by 25 percent by 2020. The effectiveness of that mandate hinges on one passed in 2003 (known as the Pavley Law, after its sponsor, former Assemblywoman Fran Pavley), which targets emissions from cars and trucks. If the Pavley law were to be terminated, it would undermine California's overall effort, since 41 percent of the state's greenhouse gases come from motor vehicles.

The automakers want this law terminated. Here in California, they have sued to block the Pavley law regulations in U.S. District Court. In January, Judge Anthony Ishii postponed the trial, pending an upcoming U.S. Supreme Court decision on whether carbon dioxide can be regulated as a pollutant.

The automakers have also sued Rhode Island and Vermont for passing similar laws, and in the Vermont case, a federal judge decided not to stay the proceedings. Ever since, the automakers have been pressing the court to hold much of the proceedings "in camera," or in closed chambers. The automakers claim it is impossible to achieve the emission reductions required by the Pavley-type laws, and to support this claim, they have filed tens of thousands of pages of documents that they say contain "highly confidential information."

While this trial might delve into some legitimate trade secrets, lawyers for Vermont and the Burlington Free Press say the automakers are exaggerating the extent of these secrets -- in all likelihood to avoid public scrutiny.

U.S. District Judge William Sessions III, who is overseeing the Vermont case, held a hearing earlier this week on the automakers' request and says he will rule shortly. He should look

skeptically on requests to close this trial, as should Judge Ishii if a similar motion is made in the California case.

[S.F. Chronicle commentary, Wed., March 21, 2007:](#)

Open Forum

The car of tomorrow is here today

By Spencer Quong

This is the car the automakers refuse to make.

Five years ago, the auto industry was issued a challenge. That was when California passed a law requiring the industry to reduce global-warming pollution from its cars and trucks. Since then, 10 other states have adopted that standard. Together, these 11 states represent one-third of the U.S. auto market. Instead of rising to this challenge, the automakers filed lawsuits in California and two other states to kill the standard -- even though they have the technology today to surpass it.

Before joining the staff of the Union of Concerned Scientists, I worked as a consultant for the major automakers, so I know first-hand that they can do better. Working with other UCS vehicle experts, I recently designed a "virtual" vehicle that combines a number of pollution-cutting technologies under one hood. Our blueprint, which we call the Vanguard, is not a hybrid. It doesn't use fuel cells. It merely puts together conventional off-the-shelf technologies that can already be found piecemeal in more than 100 vehicles on the road today. Installing these technologies in everything from two-seaters to SUVs could cut their global-warming pollution by as much as 40 percent. Adopting the Vanguard "package" in California alone would be the equivalent of taking 19 million of today's vehicles off the road.

Not only would the Vanguard package help save the planet, it would save Americans millions of dollars annually. The minivan package, for example, would pay for itself in less than two years and deliver \$1,333 in savings over the vehicle's lifetime. From 2009, when the standard is supposed to take effect, to 2030, California drivers would save \$2.6 billion.

OK, that all sounds almost too good to be true, but what would it be like to drive? Not to worry. The Vanguard would be just as fast, safe and reliable as today's vehicles. In fact, the Vanguard package actually would give you a smoother ride than the car you're driving today.

Here's a look at some of the key features of this cleaner car:

Transmission: The Vanguard has a six-speed automatic-manual transmission that delivers a smoother ride and allows the engine to operate at top efficiency. There's no clutch: You switch gears by simply pushing a button on your dashboard. If you don't want manual control, the car will do the shifting for you.

Engine: Cylinder deactivation will give you muscle only when you need it, saving you money and cutting pollution. If you're cruising down the highway with no passengers, two of the six cylinders will shut down seamlessly. When you lean on the gas, go up a hill, or load your car with six kids headed to soccer practice, the extra cylinders will kick back on.

Electrical system: Electric power steering will let you change direction with an electric motor instead of a hydraulic pump, providing faster, more responsive steering and consuming less energy.

Ethanol: Building cars that can use as much as 85 percent ethanol from plants would help cut global-warming pollution. Corn ethanol can cut pollution 10 to 30 percent compared to gasoline, while cellulosic ethanol from switchgrass, wood chips and other materials would cut pollution by

as much as 90 percent. As more gas stations offer ethanol, you will be able to fill your car with homegrown, clean, renewable fuel.

Aerodynamics: The Vanguard is streamlined to use less energy fighting air resistance. In some models, the updated design would provide more space for passengers and storage.

Air conditioning: The Vanguard's cooling system would keep the planet cool, too. Tighter hoses and cleaner refrigerants would keep global-warming pollution out of the atmosphere, while more efficient air compressors wouldn't tax the engine as much.

[Letter to the Merced Sun-Star March 21, 2007](#)

We need trains, not cars

Editor: The idea of widening Highway 99 through Merced County may not be sound decision-making and only a short term fix. The day of jumping in your car and going anywhere you want may be coming to a close, with all the pollution in the Valley and the high cost of gasoline. Also, the population of California is likely to keep on growing rapidly, especially the Central Valley. Soon people will want eight lanes, then 10, and soon Merced County will be paved over. There may not be enough space for everyone to operate their own car.

Also, think about the loss of farmland and the open spaces in the county. The governor made the statement, "and Central Valley farmers and ranchers use Highway 99 to ensure that California's \$32 billion agriculture industry continues to thrive." How will this widening project help farming and ranching continue to thrive? Farmers cannot grow much on concrete. New interchanges will also take up many acres of farmland and soon Merced County won't be rural anymore. A much better solution would be to put the billions of dollars spent to pave the Valley on commuter trains or high speed trains. Trains can certainly move people more efficiently than individual automobiles, not to mention cutting down on pollution and taking up space.

We need to drive our own individual car less for several reasons. 1. There are too many cars on the road. 2. These cars are fouling the air. 3. We are burning too much expensive gasoline.

ZIM ENOS

[Letter to the Fresno Bee, Wed., March 21, 2007:](#)

'Bankrupting America'

Sure wish you had published Thomas Sowell's column on the "Great Global Warming Swindle." His point that global warming deniers are treated just like holocaust deniers is especially to the point.

The media, the universities and even corporate America are on the bandwagon, and no amount of science seems to have any effect on their hysteria. Clean air and clean water are worth working for, but bankrupting America for an unjust cause could be tragic far down the road.

Roy V. Bailey, Sanger