

## **Blowing dust sparks warning**

The Bakersfield Californian, Sunday, Oct. 21, 2007

High dust levels prompted officials at the San Joaquin Valley Air Pollution Control District to issue a health warning Saturday afternoon.

"Strong northwesterly winds, with localized areas of blowing dust can create unhealthy concentrations of particulate matter 10 microns and smaller," said Shawn Ferreria, a meteorologist for the district. The district's monitoring equipment found elevated dust particles 10 microns or smaller Saturday morning.

Exposure to such dust can aggravate lung disease, cause asthma attacks and acute bronchitis, and increase risk of respiratory infections, according to a press release from the district. Short-term exposure to dust also has been linked to heart attacks and arrhythmias in people with heart disease, according to the U.S. Environmental Protection Agency.

Officials expected the warning last through 11:59 p.m. Saturday, but residents of the valley portion of Kern County are advised to use caution. People with heart and lung disease should follow their doctor's advice for dealing with the dust, according to the release.

All residents should avoid prolonged exposure, strenuous activities or heavy exertion during health warnings, the release said.

## **Mariposa County fire affects Valley air quality**

Fresno Bee, Saturday, October 20, 2007

A prescribed fire in Mariposa County is affecting air quality in some areas of the Valley air basin, prompting local air-pollution officials to issue a health cautionary statement.

The prescribed fire being conducted by Yosemite National Park was sending smoke into foothill and mountain communities in Fresno and Madera counties Friday afternoon, San Joaquin Valley Air Pollution Control District forecasters said.

Because of the uncertainty of when this fire will be extinguished, the cautionary statement is in effect for the next several days. Due to changing wind patterns over the next few days, other areas may be affected.

Exposure to particle pollution can cause serious health problems, aggravate lung disease, cause asthma attacks and acute bronchitis, and increase risk of respiratory infections. People with heart or lung diseases in affected areas should follow their doctors' advice for dealing with episodes of unhealthy air quality. Additionally, older adults and children should avoid prolonged exposure, strenuous activities or heavy exertion, as conditions dictate.

Depending on weather and wind patterns over the next several days, localized air quality could fluctuate. Daily air-quality forecasts by county are available at [www.valleyair.org](http://www.valleyair.org) and by calling (800) SMOG INFO.

## **Around the Region**

### **FREE SMOG CHECK**

Modesto Bee, Saturday, October 20, 2007

Valley CAN (Clean Air Now), the Advanced Transportation Technology and Energy Initiative Center, the Bureau of Automotive Repair and Modesto Junior College are offering a free smog testing and repair program today. Initial emission tests will be conducted using hand-held testing devices. If necessary, cars will proceed to the on-site diagnostic station. Data collected from the tests will be analyzed, and a report will be provided. If the vehicle does not pass the smog test, the owner will get a coupon for up to \$500 worth of smog repairs at a local Gold Shield-certified smog check station. The event will be from 9 a.m. to 3 p.m. at the west campus, 2201 Blue Gum Ave., in the Fourth Street parking lot. For more information, call Kathy Eide at 559-970-6622.

## **UC Davis study shows infants' lungs vulnerable to air pollution**

The Associated Press

Contra Costa Times, SF Chronicle, Sunday, October 21, 2007

DAVIS, Calif.-Researchers at the University of California, Davis say infants' lungs are more vulnerable to certain air pollution particles than was previously believed.

The study released last week shows a link between bronchitis in infants and little-studied components in air pollution called polycyclic (PAH'lee-SIC'lick) aromatic hydrocarbons. Those particles are released through coal burning, vehicle exhaust and wood-burning stoves, among other sources.

Researchers based their report on data from pollution studies and the health records of pregnant women, infants and children in the Czech Republic.

They found that after a month of high average exposure, children under the age of 2 had a 30 percent increased risk for bronchitis. That risk jumped to 50 percent in children between 2 and four and a half years old.

Air quality advocates are hoping to use the data to push for more controls on emissions from vehicles and wood-burning stoves.

## **Marketers promote eco-friendly fruit**

**FreshSense also investing to modify farming to comply with certification program.**

By Dennis Pollock

The Fresno Bee, Saturday, October 20, 2007

A newly formed marketing group based in Parlier is using a \$300,000 federal grant to promote environmentally friendly stone fruit.

The move is expected to garner farmers prices 10% to 15% higher for their fruit.

"It's a whole-system approach to sustainability, truly changing things at all levels," said Blair Richardson, CEO of FreshSense, a group of major tree fruit grower-shippers.

FreshSense members also are investing more than \$2 million to modify farming practices to comply with the certification program, said Dean Thonesen, vice president and general manager of SunWest Packing Co. Inc. in Parlier and FreshSense board member. Members of FreshSense produce nearly a third of California's peaches, plums, nectarines, pluots, apricots and apriums. They include Ballantine Produce Co., Fowler Packing Co., George Brothers, Kingsburg Orchards and SunWest Packing Co. -- all based in the Valley.

FreshSense also manages the Ripe 'n Ready brand of premium fruit, using handling practices and conditioning that give fruit a longer shelf life.

Richardson said the marketing group has begun talking to retailers about the fruit it produces under more exacting environmental standards, explaining the "eco-label" brand name Zeal.

Protected Harvest, a Sacramento-based nonprofit that is to certify FreshSense fruit, verifies farmers' use of stringent environmental growing standards. A Protected Harvest audit looks at crop management to measure impacts on soil, water and [air quality](#). It requires that growers stay below an established number of farm chemical applications and it tracks fruit from the field to the retail shelf.

Thonesen said changes made on the farm to comply with Protected Harvest criteria are wide-ranging: "It's not just about pesticide use."

He said his company began using some of the practices 10 years ago and stepped up use in the past two years, receiving Protected Harvest Certification in May.

"One of the things we do is use mating disruption for worm pests, hanging pheromone dispensers high up in the trees so that pheromone will drift downward. It's heavier than the air," he said. Use

of the pheromone makes it harder for male insects to find females for mating and means using less pesticide.

Other practices include shredding branches pruned annually and leaving them on the orchard floor rather than burning them. In addition, the wood from cleared orchards is taken to a cogeneration plant for disposal.

"We use an all-natural cover crop in the summer rather than discing," Thonesen said. That cuts down on dust that can harm air quality, and the cover crop also becomes a habitat for beneficial insects that control mites.

Owl boxes are used to attract fowl to control gophers. Vegetation also is used as a buffer near streams and other water channels so that runoff from pesticide use will not get into the water.

Although fruit is not certified organic, many of the pesticides farmers use are certified organic.

The grant awarded to FreshSense and its members is from the U.S. Department of Agriculture's Value Added Producer Grant program.

Use of the Zeal brand will begin with the start of the summer tree fruit season. Eventually, Richardson said, the plan is to use the label on table grapes and citrus. Richardson said market research shows there is increasing demand for "foods grown in an environmentally protective way."

## **Apartments and town homes get green light**

Written by John Saiz

Patterson Irrigator, Saturday, Oct. 20, 2007

Construction for more than 150 homes at Ninth Street and Ward Avenues got the OK from the Patterson City Council on Tuesday, clearing the way for developers to bring town homes and apartments to the center of the city.

With a 4-1 vote, the council approved the project over the objections of several neighbors, who said traffic in the area is already a mess. To help alleviate congestion, Ninth Street and Heartland Ranch Avenue will be aligned and a traffic light will be installed.

Residents doubted that would be enough to keep the intersection flowing, especially when students are coming and going from nearby schools. Residents said several intersections along Ward Avenue almost come to a halt during peak travel hours, and there are serious safety concerns.

"Lights, no lights, it's not going to get better on Ninth Street," one man told the council. "It's always going to be a mess."

Council members acknowledged the traffic concerns but said developers had adequately planned for the increased traffic the project would generate.

The city's traffic consultants estimated about 79 cars would leave the development during peak morning times, and about 87 would return at peak evening times. The dissenting residents said the development would generate a lot more traffic, as it is expected to house more than 500 people.

The 12.67-acre project would include 92 for-sale town homes and 62 rental apartments that would be bordered by North Ninth Street and Las Palmas and Ward avenues.

Patterson High School is directly across Ninth Street from the project, and several other nearby schools contribute to traffic congestion, especially at M Street and Ward Avenue.

That intersection's backups have grown so long that the council decided earlier this month to spend more than \$10,000 to address the problem. It authorized adjusting the lights so traffic could not go east and west at the same time. That should allow drivers to turn onto Ward Avenue without delaying drivers going forward, according to traffic engineers used by the city.

Still, some residents told the council no residential development should be allowed in the area because of the proximity to the schools. Instead, several people suggested the high school should develop the site.

People already use portions of the site for overflow parking during high school events. Staff made it clear that it is not the property owners' responsibility to provide parking for the high school.

"Where are these very excited citizens going to park?" Councilman Dominic Farinha asked.

"It's an issue for the school district, not the property owner," community development director Rod Simpson replied.

Mayor Becky Campo cast the lone dissenting vote, following nearly 2½ hours of discussion. She suggested tabling the matter to another meeting because she wanted to hear what Patterson Unified School District had to say about the project. The district previously objected to the project, saying developers needed to create an environmental impact report to address concerns like [air pollution](#) and traffic.

The district ended up withdrawing that request after developers agreed to give the district more money.

Other council members felt they were ready to approve the project.

"If the school district had concerns, they'd be here," Councilwoman Annette Smith said.

The apartment and town home complex is just the latest in a slew of activity slated for that general area.

Construction has begun on a shopping center on the southwestern corner of Ward and Sperry avenues.

Meanwhile, the Patterson Marketplace shopping center, which includes Save Mart Supermarkets on the northwestern corner of Ward and Sperry avenues, is expanding.

Another commercial development, which would include a Walgreens drug store, is being proposed directly south of the housing development. That project won the support of the Patterson planning commission in September and will likely be reviewed soon by the council, which has final say on the matter.

## **Stan State conference seeks solutions for people, planet**

By MICHELLE HATFIELD

Modesto Bee, Saturday, October 20, 2007

TURLOCK -- With a combination of biology and pioneering, California State University, Stanislaus, is holding a sustainability conference this weekend.

The event, called Bioneers, includes local panel discussions and satellite broadcasts. Its focus is connecting the environment, health and social justice by providing practical solutions for people and the planet, according to David Colnic, assistant professor of politics and public administration at Stanislaus State.

"It's not doom-and-gloom environmentalism," said Colnic, Bioneers organizer. "It's hopeful and positive and suggests things we can do in our everyday lives."

Stanislaus State is one of 19 sites across the country participating in the satellite communication. The sessions will be broadcast out of San Rafael at 9 a.m. and 1 p.m. today and Sunday. Professors have taken their students to the Bay Area for past conferences, but Colnic wanted to bring the discourse to the Turlock community.

The event began Friday night. Featured speaker Gerald Haslam, an author and retired English professor at CSU, Sonoma, read from his Central Valley studies. A San Joaquin Valley native, Haslam's work celebrates California's rural and small-town areas, their poor and working-class residents.

Other speakers are presenting topics such as "Reading, Writing and Restoration: The Educational Value of Teaching Rivers," and "Teaching With a Green Thumb -- How to Utilize a Community Garden to Teach K-12 Students."

Breakout sessions for teachers will include earth sciences, environmental values and using gardens to teach students. Other discussions will cover San Joaquin Valley air quality, solar and alternative energy, carbon footprints, water issues and conservation, and food production.

A "Wild and Scenic Film Festival" featuring movies with environmental themes will be held tonight, with music provided by history professor Sam Regalado.

Food is available on campus during the conference, and tours will be conducted in Stanislaus State's BioAg sustainability garden.

The cost of the three-day program is \$20. Stanislaus State students, faculty and staff can get in for free. Most of the event will take place in and around Demergasso-Bava Hall on the west side of campus.

### **Dry conditions, air quality expected to worsen today**

By Robert Krier, UNION-TRIBUNE STAFF WRITER  
San Diego Union-Tribune, Monday, Oct. 22, 2007

Dangerous fire conditions and hazardous air quality are expected to be worse today than yesterday and it could be several days before it gets much better.

The wind gusts, high temperatures and low humidity that helped the Witch and Harris fires grow into monsters yesterday won't ease. The winds spread smoke from the fires throughout the county. Several people went to hospitals complaining of symptoms related to smoke inhalation.

Wind gusts could reach 70 miles per hour today, said National Weather Service forecaster Brandt Maxwell. Yesterday they topped 60 mph in some spots. The winds are expected to continue blowing from the east today.

Temperatures are expected to climb through tomorrow, and humidity levels that sank to single digits should remain extremely low. Tomorrow, temperatures are expected to reach the high 80s on the coast and low 90s inland.

"It's not looking good," Maxwell said.

The smoke plume from the Witch fire, which started at midday west of Santa Ysabel, blanketed communities from Ramona to Del Mar. Visibility in Rancho Bernardo was reduced to about a quarter of a mile yesterday afternoon. Motorists there drove with their lights on before 3 p.m. An hour later, drivers on the coast highway south of Del Mar couldn't see Torrey Pines Mesa.

Wind carried smoke from the Harris fire near Potrero south across the border.

Maxwell said smoke will continue to get thicker and spread as fires grow today. Air quality is expected to remain unhealthy.

Bill Reeve, a meteorologist with the county Air Pollution Control District, said if people smell or see smoke they should stay indoors with their windows closed.

Older people and children are extremely susceptible to respiratory problems when air quality is bad, said Wilma Wooten, San Diego County public health officer. She said children should not play outside.

"Soot and other particles in the air could be trapped in the body," Wooten said. "Stay inside."

Andy Hoang, a spokesman for Palomar Pomerado Health, said a man walked into Palomar Medical Center in Escondido about 8 p.m. after being in Ramona. He complained of smoke inhalation, then experienced chest pains and is in critical condition.

Several people also went to Scripps Memorial Hospital La Jolla complaining of respiratory problems yesterday, said Sean Deitch, a La Jolla emergency room physician. One person was in

critical condition when he arrived, but improved.

Deitch suggested people should go to an emergency room or see their doctors if they are wheezing or experiencing difficulty breathing.

By late tomorrow or Wednesday, the winds at the coast could shift to onshore. This could bring back smoke that had blown out to sea and redistribute it all along the coast. A slight wind shift late yesterday afternoon had a similar effect, bringing smoke to much of the city of San Diego.

"We're getting winds near the coast that seemed to be spreading the smoke around earlier than we thought it would," Maxwell said. "We can say with 100 percent certainty everywhere will be smoky by Tuesday, and possibly by (today)."

Bill Metcalf, fire chief for the North County Fire Protection District, said strong Santa Ana winds could continue through tomorrow, and hot, dry conditions are not expected to ease before Wednesday.

A red-flag warning, issued when winds, low humidity and heat create dangerous fire conditions, will probably be extended through Wednesday, Maxwell said. Although the winds should calm down by then, the humidity levels will remain very low.

### **State to sue U.S. to allow tailpipe rules**

By Marc Lifsher, Los Angeles Times Staff Writer  
Los Angeles Times, October 20, 2007

SACRAMENTO -- California will sue the Bush administration next week in a bid to force the Environmental Protection Agency to allow the state to issue greenhouse gas regulations for automobiles.

The lawsuit, which would make good on a threat made six months ago by Gov. Arnold Schwarzenegger, will demand that federal regulators give California a waiver under the U.S. Clean Air Act, as they've done dozens of times for similar air pollution controls.

"The governor has made his intention clear. The state will take action if the EPA doesn't act on the waiver," spokesman Aaron McLearn said Friday. The suit is likely to be filed Wednesday, the first day California can legally file papers in U.S. District Court in Washington, he said.

A waiver would allow California to require automakers to cut emissions of carbon dioxide and other greenhouse gases by 30% between 2009 and 2016 -- as mandated by a law the state passed in 2002. Identical measures have since been adopted by 14 other states, and a waiver for California would allow them to move ahead with implementation as well. The 15 states account for about 40% of all new cars sold in the United States, environmentalists said.

The suit is aimed at getting the attention of President Bush and Congress. "It is highly significant that the most trumpeted Republican governor in America feels it's absolutely necessary to sue the Bush administration in order to defend California's rights to protect the environment," said Atty. Gen. Jerry Brown, who will represent California in court.

California first requested the waiver in December 2005, and "we simply can't wait any longer," said David Doniger, a climate policy official with the Natural Resources Defense Council. "It's time to go to court and compel them to give an answer."

The federal EPA is still reviewing California's waiver request and is expected "to make a final determination by the end of the year," spokeswoman Jennifer Wood said this week.

Automakers oppose the waiver request as well as the regulations, and they are fighting the California law in a complaint before a federal judge in Fresno. In September, manufacturers lost a similar lawsuit in Vermont questioning the validity of the California law and an identical Vermont statute.

### **California to sue Bush administration over law to limit emissions**

Bob Egelko, Chronicle Staff Writer <mailto:begelko@sfchronicle.com>

SF Chronicle, Saturday, October 20, 2007

California will sue the Bush administration next week to demand action on a long-stalled request to let the state limit auto emissions of gases linked to global warming, Gov. Arnold Schwarzenegger's office said Friday.

"We've just waited too long" for a decision from the Environmental Protection Agency, said Schwarzenegger's press secretary, Aaron McLear.

The state asked the EPA in December 2005 for permission to enforce the California law, the model for statutes passed later in 11 other states. The EPA's approval is needed for California to implement a law more stringent than federal clean-air standards, and the agency has granted every such request California has made over the past 30 years.

The EPA held a public hearing in May and has promised a decision by the end of the year. But McLear said the state has run out of patience and will go to court Wednesday, the deadline that Schwarzenegger set in April.

"There's really no excuse at this point why we shouldn't be granted a waiver," McLear said. He said the state's case was strengthened in April when the U.S. Supreme Court, in a suit filed by California and other states against the EPA, "agreed with the rest of the world that greenhouse gas emissions are bad for the air."

The suit will be filed in a Washington, D.C., federal court, said state Attorney General Jerry Brown.

"The most prominent Republican governor suing the Bush administration sends a powerful message, which I hope will influence Congress" to pass global-warming legislation, Brown said in an interview.

Despite the EPA's assurances of an impending decision, he said, "they require continuous, persistent pressure."

EPA spokeswoman Jessica Emond said the agency is reviewing more than 100,000 written responses and thousands of pages of documents it received during the public comment period this spring and will act on the request by the end of the year.

The 2002 state law, the first of its kind in the nation, requires new motor vehicles sold in California to limit emissions of carbon dioxide and other greenhouse gases, which scientists consider a major contributor to climate change. The restrictions take effect with the 2009 models and increase to a 30 percent reduction from current levels by 2016.

Auto manufacturers have sued to overturn the law, arguing that the only way to cut greenhouse gas emissions is to increase vehicle miles per gallon, a subject that is regulated exclusively by the federal government.

A federal judge in Vermont rejected that argument last month and upheld a law that is identical to California's. The judge also rebuffed the companies' claims that it would be technically arduous and financially ruinous for them to comply with the law.

The California suit is pending before a federal judge in Fresno, who has scheduled a hearing for Nov. 19.

The U.S. Supreme Court also dealt automakers a blow in April when it ruled that greenhouse gases were air pollutants, covered by federal clean-air laws, and that the EPA must limit those emissions unless scientific evidence justifies a lack of regulation. The agency has not acted in response to the ruling, and President Bush has repeated his opposition to mandatory emission limits.

Major environmental groups, which have joined the state in defense of its law, have also served notice on the EPA that they intend to sue over the agency's delay on California's application to enforce the law. The recent court rulings have heightened the importance of the federal agency's impending decision, Sierra Club attorney David Bookbinder said Friday.

"The key issue is what decision EPA makes now on a waiver to uphold California's historical right to regulate air pollution," Bookbinder said. Under standards set by the federal Clean Air Act, he said, California unquestionably qualifies for a waiver.

## **California plans to sue feds to enforce auto emissions law**

Fresno Bee, Sunday, October 21, 2007

California plans to sue the Bush administration next week to demand action on the state's request to restrict greenhouse emissions from cars and trucks.

Gov. Arnold Schwarzenegger's office says the state has waited too long for a decision from the U.S. Environmental Protection Agency.

California wants to start implementing a 2002 state law that limits auto emissions of carbon dioxide and other gases linked to global warming. But it needs EPA's approval because the statute is stricter than federal clean-air standards.

California requested federal permission to enforce the state law in December 2005.

California's auto emissions law is a model for similar statutes passed in 11 other states.

## **Activists say gov. is green, but cautious**

By Margot Roosevelt, Staff Writer

Los Angeles Times, Monday, October 22, 2007

On a Sunday evening this month, Gov. Arnold Schwarzenegger quietly vetoed what environmentalists had deemed to be one of the most important global warming bills to reach his desk this year.

The legislation, opposed by oil companies, would have required cleaner fuels for trucks and cars as part of the state's ambitious attempt to reduce greenhouse gases.

On the same day, Oct. 14, the governor also deep-sixed three bills that would have set energy-efficient building standards and another that would have required landlords to offer recycling services to tenants.

Nationally and internationally, Schwarzenegger is known for championing a bold 2006 law that aims to reduce California's emission of carbon dioxide and other planet-heating gases to 1990 levels over the next 13 years.

But as it comes time to implement strategies for meeting those targets, his critics say, the governor is proceeding cautiously.

On the one hand, he signed two innovative energy bills this month: the nation's first efficiency law for light bulbs, and the country's largest incentive program for solar-powered water heaters.

The governor also got kudos from environmental groups for signing 19 of their 28 high-priority bills, including partial restrictions on lead bullets to protect condors, and a ban on several chemicals, known as phthalates, in baby and toddler toys.

Both were issues with mass appeal -- the giant condors are a symbol of Golden State wildlife, and the toy legislation came at a time of increasing alarm over contaminated imports from China.

"He really showed some guts," said Rico Mastrodonato, spokesman for the California League of Conservation Voters. "He was under tremendous pressure from the National Rifle Assn. and the chemical industry."

But overall, the legislative year was lackluster, many environmentalists say.

"Crucial legislation to lower human exposure to toxic heavy metals and mercury and reduce global warming emissions ended up on the cutting room floor," Mastrodonato said.

Environmentalists were disappointed with the veto of a bill that would have prohibited the sale in California after 2010 of electronic devices that contain lead, mercury and other heavy metals, modeled after a European Union directive.

Health advocates are alarmed that hazardous contaminants from discarded computers and cellphones are seeping into landfills and water supplies. But computer manufacturers opposed the bill because it did not exempt replacement parts.

In addition to what the governor vetoed, three important bills died in the legislature before reaching Schwarzenegger's desk. One would have cut air pollution around ports; another would have required utilities to provide more renewable energy; the third would have discouraged housing sprawl by encouraging transit-friendly communities.

And environmentalists say that even as the governor has supported some environmental improvements, he has been reluctant to embrace high-impact climate measures opposed by industry.

Schwarzenegger spokesman Aaron McLear sees no contradiction. "The governor has always maintained that you can protect the environment and grow the economy at the same time," he said. Schwarzenegger got high marks from the California Chamber of Commerce after vetoing all 12 bills on its list of so-called job killers, including the low-carbon fuels standard and the green building legislation.

"Just because the governor vetoes an environmental bill doesn't mean he's retreated from his very robust environmental principles," said Timothy Coyle, a spokesman for the California Building Industries Assn. "The state's widening housing supply and affordability gap . . . gets regularly overlooked in discussions about environmental issues."

In Schwarzenegger's efforts to balance business and environmental interests, he has honed a reputation as a maverick. This month, he defied the Bush administration by signing a bill to require industries in California to report the release of toxic chemicals over 500 pounds a year. In December, the federal Environmental Protection Agency had raised the minimum to 2,000 pounds.

An investigation by the Environmental Working Group, a Washington-based nonprofit, found that the EPA rollback would eliminate reporting of almost 600,000 pounds of chemicals a year from 274 industrial facilities in 30 counties in California.

The governor also responded to a well-organized grass-roots movement in the highly polluted San Joaquin Valley -- brushing off powerful agricultural and oil industry opposition -- when he signed legislation to expand the valley's air quality board, adding a scientist and a physician.

## **State presses EPA to OK carbon plan**

By Frank Davies, MEDIANEWS STAFF

Tri-Valley Herald, Saturday, October 20, 2007

WASHINGTON - California officials from Sacramento to Washington say that law, history, politics and even the Nobel Peace Prize are on their side in one of the state's signature environmental ventures - claiming the right to regulate emissions of greenhouse gases from cars and light trucks.

But that may not be enough. Next week, state officials are prepared to go to federal court to force the Environmental Protection Agency's hand so that California and 14 other states can enact restrictions that would, by 2016, reduce carbon dioxide emissions from vehicles by 30 percent.

Gov. Arnold Schwarzenegger "believes we can't afford to wait any longer," spokesman Bill Maile said Thursday.

California and the other states need a waiver from the EPA under the Clean Air Act to enforce their own regulations. EPA Administrator Stephen Johnson has promised a decision by the end of the year.

The state filed its request 22 months ago, and waiting two more months for that decision is not an option, state officials say. Citing Clean Air Act rules, Schwarzenegger notified Johnson in April that the state would sue after 180 days if there was no EPA decision. The deadline runs out Monday.

A lawsuit "is inevitable if they don't act by the deadline," Maile said.

State officials and environmental groups heard this week that the EPA might consider granting a temporary waiver while national greenhouse gas rules are considered, but the EPA denied that was in the works.

Johnson "will make a final determination on the waiver request by the end of the year," spokeswoman Margot Perez-Sullivan said. She said the EPA is reviewing more than 100,000 written comments and reams of technical data concerning the request received since May.

The EPA has faced mounting pressure to comply with California's request. In April the Supreme Court acknowledged that global warming has real impact and ruled that the EPA can regulate carbon dioxide as an air pollutant.

Last month, a federal judge in Vermont, William Sessions, ruled after a

16-day trial that the auto industry did not face an "undue burden" in complying with Vermont's new emissions regulations, which are identical to California's.

This week, a Republican who headed the EPA under President George H. W. Bush, William Reilly, said that Johnson should grant the waiver.

"This is a major test," Reilly said. "This has taken exceedingly long. The Supreme Court ruled carbon dioxide is a pollutant. That was the only argument against it, and now it's gone."

Al Gore's Nobel Peace Prize added to the attention over the issue. Just as important, lawyers say, the United Nations panel of scientists who studied climate change shared the award, and that adds to their credibility in litigation that focuses on the need to reduce carbon emissions.

Even President Bush, who has resisted mandatory caps on emissions, declared during a two-day summit on climate change: "Our guiding principle is clear: We must lead the world to produce fewer greenhouse gas emissions."

Fred Krupp, the president of Environmental Defense, has worked with states on their regulations and with corporations on plans for emissions controls. He sees the California case as critical, noting that it and the 14 other states that want tougher restrictions comprise 44 percent of the nation's population.

"There will be a big public outcry like we haven't seen if the EPA turns this down," Krupp said.

Since the Clean Air Act was enacted in the 1960s, California has enjoyed special status in enacting regulations that are more stringent than federal rules on all sources of pollution. To do that, it needed waivers from the EPA, and in more than 50 cases, without exception, a waiver was granted, even when industries that would be affected by the restrictions argued that they caused a hardship.

"California was never not granted a waiver," Reilly said, citing the state's history of cutting-edge regulations that were adopted by other states.

California made a "persuasive case" that it has been granted waivers with no rejections and demonstrated "the adverse impact of climate change on water supply, air quality and overall health," the Congressional Research Service, a non-partisan arm of Congress, declared in a 16-page report.

Mary Nichols, head of the Air Resources Board, recently briefed members of Congress on the stakes involved in the waiver case.

Democrats in the state's congressional delegation appealed to Johnson in a letter to make a prompt decision. Rep. Zoe Lofgren of San Jose, who heads the state's Democrats in Congress, said "it's pathetic that a decision has taken this long."

Democrats are worried that the lobbying efforts against the waiver by Bush administration transportation officials and the auto industry means that "the fix is in," as Rep. Henry Waxman of Los Angeles put it, and that the EPA will turn down the request.

Two staffers on Capitol Hill, who spoke on condition of anonymity, said Democratic members were looking at the possibility of getting Congress to override an unfavorable EPA decision, making it a global-warming and states'-rights test case.

But Krupp said such a strategy would face major obstacles, adding that he was still hopeful that the EPA would grant the waiver.

"This decision will be the defining mark of (EPA Administrator) Stephen Johnson's tenure," Krupp predicted.

## **GM to lend SUVs to prove hydrogen fuel holds water**

By Martin Zimmerman, Los Angeles Times Staff Writer  
Los Angeles Times, Monday, October 22, 2007

Remember the hydrogen highway?

Despite a ton of hoopla and billions of dollars in research, that particular road to energy independence and a cleaner environment isn't in danger of a SigAlert. In fact, some experts say it's a dead end in the search for more fuel-efficient transportation.

General Motors Corp., along with a few other carmakers, thinks otherwise. GM launched Operation Driveway this week, setting in motion its long-promised program to put fuel-cell vehicles in the hands of average drivers for extended real-world road testing.

More than 100 fuel-cell-equipped Chevy Equinox sport utility vehicles will be used in the test, divided about 60/40 between Los Angeles and New York.

The goal of what GM is calling the "first large-scale market test" of fuel-cell vehicles is to introduce the two coasts to a technology that is viewed by many as too expensive and difficult to use -- which, according to GM, it isn't.

"When people really experience these vehicles and understand how easy they are to refuel, I think that will help dissuade a lot of people about the myths that surround hydrogen," said Byron McCormick, executive director of fuel-cell activities for GM.

Fuel cells convert hydrogen to electricity in a chemical reaction whose only byproduct is water. In the Equinox, the cell powers an electric motor that can run for about 150 miles on one tank of hydrogen.

GM has a link on its website ( [www.chevrolet.com/fuelcell/](http://www.chevrolet.com/fuelcell/) <<http://www.chevrolet.com/fuelcell/>>checkzipcode <<http://checkzipcode.com/>>) where people can sign up for the program. About 10,000 have expressed interest and some 3,000 have filled out the online registration form.

GM representatives met with prospective test drivers in Los Angeles last week, looking for a cross section in terms of age, location and driving habits. The Equinoxes will be delivered beginning in January for a three-month test period. The vehicle and fuel will be free, and GM will provide 24/7 roadside assistance.

In return, the automaker wants feedback.

"We've already started designing the next-generation fuel-cell vehicle, so we want to know what people are seeing," McCormick said. "We're going to experience that whole brave new world with them."

GM estimates that at least 800 families and individuals will get a turn with the Equinoxes over the 3 1/2 -year life of the project. The SUVs also will be handed out to celebrities and corporate fleets.

Jacqlyn and Ben Lee of Burbank fall into the noncelebrity category. They don't consider themselves hard-core environmentalists, but volunteering for Project Driveway appealed to their "green" instincts.

"For me, this was a hands-on way to help the environment," said Jacqlyn, 25, who works in the creative department at Warner Home Video. Fuel-cell technology "is going to be seen on the road and it's going to get people's attention."

Ben, 29, an information technology manager for Walt Disney Co., said he and Jacqlyn were eager to get their hands on an Equinox.

"We haven't sat down and had a heart-to-heart about who gets the car on what days," he said. "It may be a matter of whoever grabs the keys first in the morning."

GM, which has spent more than \$1 billion on fuel-cell research, isn't the first automaker to get a hydrogen-powered vehicle on the road.

Two of Honda Motor Co.'s FCX fuel-cell cars are being driven around L.A. -- one by actress Q'Orianka Kilcher. Toyota Motor Corp. is testing fuel-cell versions of its Highlander SUV in partnership with UC Berkeley and UC Irvine, and 20 are being road-tested by government agencies in Japan.

BMW has been road-testing hydrogen-powered versions of its 7 Series luxury sedan in the L.A. area since this summer, lending the cars to notables such as L.A. Opera general director Placido Domingo and Davis Guggenheim, director of the environmental blockbuster "An Inconvenient Truth." (BMW's system relies on hydrogen for fuel but uses it to drive an internal combustion engine rather than to power an electricity-generating fuel cell.)

All of this activity doesn't impress critics who contend that pouring money into fuel-cell research isn't the fastest way to significantly improve fuel economy or decrease smog and greenhouse gases. Their arguments: The vehicles are too expensive, hydrogen production is inefficient, and building a nationwide network of fueling locations would cost billions.

## **Texas town lures industry, at a cost**

By Monica Rhor, Associated Press

In the Fresno Bee, Contra Costa Times and other papers, Saturday, October 20, 2007

There is a quiet battle for the future of this industrial town, one of America's most polluted places.

On one side is ex-mayor Oscar Ortiz, who in the waning days of his administration worried about one thing. But it wasn't the toxic chemicals that spew from petrochemical plants, the town's richest landowners, through the windows of its poorest residents.

What rattled white-maned, barrel-chested Ortiz, who ran Port Arthur for nine years, was that someday the petrochemical plants would go away.

"The only money here in the city of Port Arthur that amounts to anything comes from industry, from petrochemical companies," said Ortiz, leaning back in his chair in an office decorated with framed photographs of refineries. "If industry goes away, people might as well go away too because there'll be no money. That's the continued salvation of this city."

Hilton Kelley, like Ortiz born and raised in Port Arthur, is the opposition.

Kelley does worry about the toxic chemicals, the foul-smelling air and the west side residents who suffer from asthma, respiratory ailments, skin irritations and cancer. As the city's most visible environmental activist, Kelley has long campaigned for more restrictions on industrial construction and stricter monitoring of plant emissions.

"I grew up smelling the SO<sub>2</sub> (sulfur dioxide) smell, the chemicals. I remember seeing little kids with sores on their legs, with mucus running in August. It's ridiculous what we've had to deal with," says Kelley, a former actor with the sonorous voice of a radio announcer. "We're not trying to shut doors of industry. We're just trying to push these guys to do what's right."

Ortiz calls Kelley an alarmist who likes to "stir things up" in the minority community Kelley accuses Ortiz of sacrificing the community's welfare in exchange for slim tax revenue from the plants.

One man represents Port Arthur the way it has always been; the other symbolizes a growing call for change.

But change, especially in a place like Port Arthur, never comes easily.

"This city is not going to change. It is a refinery town - tomorrow, next year, 100 years from now. It will always be a petro-chemical area," says Ortiz.

And if its residents are getting sick from the pollution?

Well, says Ortiz: "We've all got to die of something."

Port Arthur, located next to the Louisiana line, sits in a corridor routinely ranked as one of the country's most polluted regions. Texas and Louisiana are home to five oil refineries considered among the nation's 10 worst offenders in releasing toxic air pollutants, emitting 8.5 million pounds of toxins together in 2002.

Yet even here, Port Arthur stands out.

Its skyline is framed by the smokestacks and knotted steel pipes of the refineries and chemical plants clustered along the edges of the town. Flares from the plants glow red against the night sky, as incinerated chemicals filter into the air.

The smell of rotten eggs and sulphur hangs stubbornly over the apartments and shotgun houses on the west side. Port Arthur, population 57,000, is on the EPA's list of cities with dangerous ozone levels, and the state has flagged its excessive levels of benzene.

Many cities along the Texas Gulf Coast are dotted with refineries. But the companies' high tax bills are used to improve schools, create green space and bulk up city coffers. Port Arthur waives most property taxes to lure industry.

Eric Shaeffer, a former EPA official who runs the Environmental Integrity Project in Washington, D.C., a nonprofit advocacy group, has written two studies on pollution in Port Arthur. "It's one of the worst I've seen," he said.

The Veolia Environmental Services plant in Port Arthur recently started incinerating nearly 2 million gallons of VX hydrolysate, the wastewater byproduct of a deadly nerve gas agent.

Besides the pollution the state and EPA allow as part of the cost of doing business, the plants spew more toxins during "upset events" - unpermitted releases caused by lightning strikes, human error, startups and shutdowns.

Plant officials cite statistics showing steady progress in reducing some emissions, but Shaeffer cites a continuing hazard.

"When you get releases, it really hits people right in the chest," said Shaeffer. "It's one thing to be driving past the plants on the highway. It's another thing for kids to be out on the swing sets when there's a release."

Jordan, 5, and Justin, 7, play on the swings at Carver Terrace, the public housing project they live in next door to refineries run by Motiva and Valero that produce half a million barrels of oil a day and belch thousands of pounds of pollutants into the air.

Jordan's lungs are so weakened from a lifelong battle with asthma and bronchitis that he can't shout or call for help like other children, says their mother, LaShauna Green.

He must inhale medicine every four hours through a plastic mask that swamps his chubby face. Every two hours, he must take one of seven prescription drugs that keep his air passages from tightening.

Justin struggles to breathe after climbing just one flight of stairs.

Those troubles vanished when the Green family left the area for a year following 2005's Hurricane Rita. But two days after their return to Carver Terrace, Justin was rushed to a hospital twice in one day with respiratory attacks.

"When you start getting this kind of toxic chemical soup, we don't really know what the combination of all these things are doing," said Debra Morris, an assistant professor at the University of Texas Medical Branch in Galveston who studied Port Arthur-area pollution.

Texas oil was first discovered near Port Arthur. For decades, the region nurtured industrial build-up with generous tax abatements. In return, the companies would promise to pay later and to create local jobs.

Ortiz defends the incentives as the only way to keep his city alive.

"The one main substance that keeps the city floating is the refineries," he said.

Refineries and chemical plants contribute about 67 percent of the city's budget through some taxes, Ortiz said. Still, without the abatements the city would have collected tens of millions of dollars more.

The city of Port Arthur has at least 28 tax-abatement deals with refineries and chemical plants. Surrounding Jefferson County has at least six, including with Motiva, Total, and Valero, which will pay no property taxes for the first two years of a nine-year contract, and then pay 10 percent of the taxes it would owe for the next seven.

Motiva will pay no taxes on a \$3.5 billion expansion project for the next three years. Total taxes rise to \$4.16 million by 2012.

Jeff Branick, assistant to Jefferson County executive Ron Walker, says the Motiva expansion is expected to create thousands of temporary construction jobs and 300 permanent jobs; Valero's project is expected to create 40 to 65 jobs, he said.

"It's going to be pumping a whole lot of money into the local economy," Branick said. "It creates hotel-motel tax revenue and will be attracting people from the outside who will be coming here to work and renting houses."

Ortiz also points to a new development on Pleasure Island, a resort with golf courses, new hotels and bustling shopping centers springing up on the city's south side. All, says Ortiz, spurred by the growth of the industrial complexes.

However, that prosperity bypassed Port Arthur's predominantly black west side and central city neighborhoods where singer Janis Joplin and sports legend Babe Zaharias were raised.

"This town is like a forgotten grandmother. It helped nourish the growth of the area, now all the wealth is moving (out)," said Kelley. "It's not fair to leave this entire community unnourished."

Despite the development, Port Arthur is not as prosperous as other refinery towns. Its median household income is two-thirds the Texas average; its homes are valued at less than half the state average. Port Arthur public high school students pass the test required for graduation at about half the state rate.

By comparison, the Houston suburb of Deer Park - home to its own refinery row - collects more taxes from its petrochemical complex. Before the state equalized school funding, its school district was nearly the richest in the state. The median home price is 25 percent higher than the state average and its median household income is 30 percent above the state average.

Both cities have roughly the same percentage of residents in chemical or construction fields.

Kelley is not the only one raising questions about how things are done in Port Arthur.

Some city officials have also started to question the benefits of the tax abatement deals.

In most, companies promise to "give Port Arthur residents a fair opportunity to apply for employment" but don't require jobs go to city residents. One company's pledge to use local labor and contractors defined "local" as covering a nine-county region.

Councilman Michael Sinegal says he frequently hears from residents who say they have been rejected for jobs at the plants. Overall unemployment here is about 6 percent, while among blacks it's 14 percent, he said; the state rate is 4 percent.

"The bottom line is that the people of Port Arthur are getting the negative byproduct from the plants, but should be getting an abundance of positive byproduct," Sinegal said.

Valero said the refinery has hired 161 people since Jan. 1, 2005. About 20 percent live in Port Arthur.

The city council recently ordered a study on contractors' hiring practices so it can devise a monitoring plan.

"We've let the community down," Sinegal said.

In late August, a group of 28 state lawmakers joined Kelley and others in urging Texas Gov. Rick Perry to block further shipments of VX hydrolysate to Port Arthur. Perry declined to intervene.

The latest assessment by state environmental regulators of Port Arthur showed that benzene had dropped to acceptable levels for the first time since 2000. Valero officials said they reduced emissions by more than 82 percent between 1996 and 2005, and had reduced "upset" emissions by 98 percent. Residents, however, still suffer higher rates of progressive pulmonary diseases than people elsewhere in the state.

Last year, Motiva agreed to give \$3.5 million to help fund medical care, air monitors and a revitalization program for Port Arthur's west side community. The agreement was part of a settlement with Kelley's Community In-Power Development Association, after it challenged the plant's expansion.

And, 50 years after Carver Terrace was built, the Port Arthur Housing Authority plans to demolish the units and move residents to new homes throughout the city.

Was Carver Terrace's proximity to the refinery the authority's prime motivation? No, said authority chief Cele Quesada. "Of course, in the back of everyone's mind, there is awareness that we are on the fenceline. We would rather see a green area here than 180 families."

The likely buyer? Motiva Enterprises.

Kelley, who was born in Apartment 1202-E in Carver Terrace, commented: "When you appeal to the conscience of man, how these things are impacting our children, you can get them to see our point. But a lot of the times, the bottom line still wins."

[Lodi News Sentinel, Commentary, Saturday, October 20, 2007](#)

### **Lodi Hall of Fame honorees clearly deserving - what about Al Gore? Applause for an amazing woman**

The Lodi Chamber of Commerce did a thoughtful thing by dedicating last week's Street Fair to Dorean Rice.

Dorean, for years the driving force behind the Street Fair and the Ooh Ahh Festival, was once given the unofficial title of The Most Powerful Woman in Lodi by that honorable wag, Mayor Bob Johnson. It might be debated if Rice wielded that much authority, but she has certainly worked hard for Lodi.

She entered the Lodi Community Hall of Fame in 2003. Nobody doubts she earned that and the chamber's thanks.

Ours, too.

### **A uniquely distinguished group**

Speaking of the Hall of Fame, we believe this year's class of honorees was uniquely distinguished. This group truly reflected the best of our community: strength of leadership, can-do spirit, humor, creativity and ingenuity.

We've listed the honorees before, but it is worth a final mention of these stalwarts:

- Daphne and Phil Felde, who've injected organizational skill and countless volunteer hours into numerous worthy efforts. The Feldes were described by local developer Jeff Kirst, quite rightfully, as "the dynamic duo."
- The late Jerald Kirsten, former mayor, a man of tremendous energy and integrity. (In his introduction, Mayor Johnson said Kirsten's only fault was that Kirsten was "a registered Democrat" - but Johnson conceded that he admired him anyway, drawing robust applause.
- Former mayor and police chief Larry Hansen. Hansen drew high praise as an innovative public safety leader and a tireless and independent-minded elected official. Despite those accolades, Hansen, accepting the award, looked to a table where his wife, Linda, was seated with other close family members, and said that it is family that counts above all.
- The late Don Levy, a beloved teacher, writer and pastor. Levy's son, Ken, and widow, Dolores, described Levy as a man of tremendous depth, devoted to his family, with great spiritual resonance as well as a buoyant sense of humor.
- Ole Mettler, chairman of F&M bank, and a local business icon. In introducing the ever-dignified Mettler, Kent Steinwert, CEO of the bank, said that Mettler is not merely a giant in local business circles, but in the state and national arena as well. In fact, Steinwert said, banking leaders, in choosing inductees for a national banking honor, chose Mettler for recognition over the likes of A.P. Giannini, the founder of the Bank of America.

Bravo to this year's Hall of Fame selection committee.

### **Thoughts on global warming**

So the Nobel Committee has bestowed its august title and mammoth prize on Al Gore. Well.

That should erase any doubt that the Peace Prize is as much about influencing the world's political stage as honoring gifts to our collective wisdom.

Beyond that, we'd like to digress for a moment and clarify our earlier comments on global warming. We are not among the doubters that global warming is taking place; we think the evidence is overwhelming. It's real. There.

We are skeptical, however, of claims that "all responsible scientists" think it's caused by humans. There are persuasive, informed doubters.

That doesn't mean we advocate expanding production of 2-ton SUVs and coal-fired electrical plants. Air pollution and ill-considered dependence on foreign oil are among the good reasons to research alternative energy sources. If that turns out to aid a turn-around in global warming in a couple of centuries, great.

Meanwhile, the world needs cleaner energy and California needs more dams to mitigate the effect of a dwindling Sierra snowpack.

[Letter to the Editor, Fresno Bee, Saturday, October 20, 2007:](#)

### **Proposed Fresno trolley doesn't go far enough**

While I agree that Fresno needs some kind of automated transit -- to cut air pollution, lessen dependence on fossil fuels and ease congestion -- placing an electric street railway (a "trolley") between the Fulton Mall and the Tower District doesn't go far enough. Literally.

If expected to make any kind of impact, at bare minimum, transit on this order should access the Fulton Mall, Amtrak station, Convention Center, Community Regional Medical Center, Fresno City College, Manchester Center, Fresno Yosemite International Airport, Fashion Fair, Fresno State/Save Mart Center, River Park and Children's Hospital Central California in Madera County. Augment this with substantive transit-oriented development (which one would think would be music to the ears of developers and real estate professionals en masse) along the route to provide the population densities needed to support it, and now we're talking.

With proper planning and marketing -- which is critical to its success -- this is doable!

*Alan Kandel, Fresno*