

## **Caruthers family wins car**

By Daniel Casarez, staff writer

Vida en el Valle, Wed., Dec. 9, 2009

CLOVIS -- Criselia Munguía had a hunch in August that she would be driving the hybrid Chevy Malibu offered as the prize of the annual Clean Air, Healthy Living program.

"I told him (Fortino, her husband), 'This is going to be my car,' " recalled Munguía Nov. 30 when the Caruthers couple and two of their three children showed up at Hedrick's Chevrolet to pick up their prize.

The San Joaquín Valley Air Pollution Control District, which sponsored the contest, received hundreds of entries from throughout its service area, which stretches from Bakersfield to Stockton.

The contest encouraged residents to submit clean-air pledges to reduce pollution-causing emissions and put healthy-air principles into practice in their lives.

Fortino Munguía, originally from Colima, México, knew little about hybrid vehicles, only that they get better gas mileage than traditional cars.

"I knew they came with a system that gives you more miles to the gallon," Fortino said. "But I think the bottom line is that they help reduce the pollution."

The 2010 Malibu, which gets an estimated 34 miles per gallon on the highway, has a manufacturer's retail sale price of \$25,555. The car was donated by the Central Valley Chevy Dealers.

The Munguía family -- which includes Christian, 17, Alma, 15, and Saúl, 6 -- owns a 2001 Malibu and a 2001 GMC truck. The two sons showed up to pick up the new car.

Christian, who will start his first semester at Fresno City College in the spring, is eyeing the new car.

"It's awesome," he said as he moved the knobs on the Malibu's stereo. "I should be able to use it for school."

Not so fast, Criselia said.

"Well, it's for him, too, but there will have to be some compromise between us," she said.

"The condition is that he'll have to do well in school," his father said.

The contest, which ran from August to September, encouraged residents to do their part in helping reduce the Valley's air pollution.

"We're happy to offer this extraordinary vehicle as part of the work to reduce the emissions in the Central Valley," said Seyed Sadredin, executive director of the pollution control district. "While this new car is a dramatic representation of clean-air changes, every change we can make on a personal level, no matter how big or small, is a critical step toward cleaning up the air for all of us."

## **Air board orders truck pollution report redone**

**State board votes after staffer lied, but won't suspend air rules.**

By E.J. Schultz / Bee Capitol Bureau

In the Fresno Bee and other papers, Thursday, Dec. 10, 2009

SACRAMENTO -- The state's air pollution board voted Wednesday to redo a key report guiding truck regulations that was prepared by a staff member who lied about his credentials.

But the California Air Resources Board stopped short of suspending the rules while the work is repeated -- a move pushed by a Valley member of the board.

Dr. John Telles has pressed his case for weeks, criticizing board staff and Chairwoman Mary Nichols for failing to reveal that the lead author of a report on health effects of soot falsely claimed a doctorate in statistics from the University of California at Davis. Hien Tran later confessed that he obtained an online degree from an unaccredited university.

The incident gave momentum to critics of the regulations, including truckers who are pushing for a delay. Nichols and other board members have defended the science behind the report, but agreed to redo it after the pressure mounted.

"The work of that individual does have to be withdrawn and redone because of the problems that were created by his action," Nichols said before the board approved the action on an 8-2 vote. "We have no choice. We have to deal with it."

But the board never took up Telles' motion to suspend the rules in the meantime. Some members said the suspension would bring too much uncertainty. Telles said he was "dissatisfied that the board did not make a stronger statement."

Board staff estimated it would take four months to redo the report.

The regulations require owners of older heavy-duty trucks to install pollution filters starting next year. Beginning in 2013, owners must replace older trucks with 2010 or newer models.

In a separate action, the board directed the staff to propose amendments to the regulations that reflect the fact that emissions recently have been lower than projected because of the slumping economy. During the recession, fewer trucks are on the road, meaning pollution is lower, according to a staff report.

The report gives several possible alternatives, including delaying by two years the rules for mid-sized fleets of between 20 and 50 trucks. But the report warns against throwing out the rules, saying they are still needed to meet federal pollution targets. The San Joaquin Valley has until the end of 2014 to clean its air.

"We really can't meet our [target] without cleaning up our trucks," Sarah Sharpe, environmental health director for Fresno Metro Ministry, said in testimony.

Truckers -- who say they cannot afford to comply with the rules -- argued that the board underestimated the effects of the economic downturn on emissions. Gayle Lopopolo, co-owner of Ganduglia Trucking in Fresno, said the company's mileage is down by 39%.

The air board staff predicted an uptick in business starting in 2010, under the best-case scenario. But Lopopolo called that "doubtful at best."

The report Tran assembled blamed particulate matter, or soot, for thousands of premature deaths statewide annually. Telles, a Fresno cardiologist, has not disputed the health dangers of soot. Rather, he has said Tran's misrepresentation of his credentials put a cloud over the board's credibility.

Tran studied at UC Davis and held a master's degree from the university, but he had not completed his doctoral dissertation, according to state documents. Nichols and air board staff uncovered the lie shortly before the December 2008 vote on the truck rules, but did not immediately disclose it to other board members.

On Tuesday, Nichols admitted to a "mistake in judgment," saying, "I should have shared this information."

She asked staffers to prepare a report "that lays out in detail everything that happened and what is being done about it."

Earlier this year, Tran was demoted and was suspended for 60 days without pay.

### **Board delays diesel rules**

By Jim Downing, Sacramento Bee

In the Sacramento Bee, Fresno Bee and other papers, Thursday, Dec. 10, 2009

The California Air Resources Board gave truckers a break Wednesday on the state's tough diesel emissions rules, acknowledging that the bad economy has both improved the state's air quality and made anti-pollution upgrades unaffordable.

After a nearly seven-hour public hearing in Sacramento that featured more than 80 speakers including truckers, health and environmental advocates and even high school students from Oakland, the air board ordered modifications to the rules drawn up for consideration in April.

Those changes could include significant delays in enforcement of the rules, depending on how quickly the economy recovers. The board also could add new exemptions for small trucking fleets in rural areas and additional financial incentives for truckers to install exhaust filters or buy newer rigs.

The board, however, did not concede to demands Wednesday from some truckers who urged the agency to abandon the rules altogether or postpone them for many years. Such a move stands to put the state in violation of key 2014 federal air quality targets, which the state is bound to meet.

"We have to get the tons (of pollutants) out of the air somehow," board chairwoman Mary Nichols said.

The air board also voted Wednesday to throw out a tainted health-impact report that had become a rallying point for opponents of the diesel rules and brought the agency widespread criticism.

The board ordered the study redone, drawing praise from the trucking industry.

"That ... certainly went a long way to restoring faith in the process," said Julie Sauls, spokeswoman for the Sacramento-based California Trucking Association.

The controversy over the report also was the impetus for a lengthy apology delivered by Nichols at the beginning of Wednesday's hearing.

Nichols said she had erred last December in not properly disclosing that the lead author of the report had lied about his academic credentials.

The air board statistician, Hien Tran, claimed to hold a Ph.D. from the University of California, Davis. He had been a graduate student at the school, but had not completed his doctoral dissertation.

Nichols and several agency staff members knew about Tran's fraud before the board voted to adopt the diesel truck regulations last December. But Nichols opted not to disclose that information to the full board.

"The fact is that this was a mistake on my part," Nichols said Wednesday.

Last December, Nichols said, she thought the agency could effectively deal with Tran internally, and that the public-health case for the regulations was strong even without his report.

Tran's lack of credentials was reported by bloggers soon after the December 2008 vote, but there has yet to be a full public accounting of the episode from the agency.

The issue has opened the air board to harsh criticism from truckers, industry groups, bloggers and others, including two of agency's own board members, Fresno cardiologist John Telles and San Diego County Supervisor Ron Roberts.

"All I can say is, I apologize," Nichols said.

Tran was suspended for 60 days and demoted, but still works at the agency. Air board officials ordered his report reassessed by a peer review panel, which declared it sound.

Tran's main work on the diesel rules established the methods used to estimate the health benefits of reducing diesel pollution. A separate report calculated that the regulation would avert 9,400 premature deaths over 15 years.

Tran's report has no bearing on the main federal air quality targets that the regulations are designed to meet. Those targets were established by Congress, and the state faces serious penalties, such as blocks on federal transportation funds, if it doesn't comply. An act of Congress could change those federal targets.

The diesel rules are currently set to take effect in 2011. By 2014, all older trucks would be required to have soot filters. Fleet operators also are required to phase in newer engines or trucks that have built-in pollution controls. By 2023, all vehicles must have a 2010 model year engine or equivalent.

Large trucking fleets have earlier compliance deadlines than small ones.

## **Port truckers take protest to Sacramento**

### **Convoy conveys retrofit concerns**

By Cecily Burt, Oakland Tribune

In the Contra Costa Times & Tri-Valley Herald, Thursday, Dec. 10, 2009

About 150 truckers traveled from Oakland to Sacramento on Wednesday morning to protest a lack of public funds to help drivers comply with new air-quality regulations that take effect Jan. 1 for trucks that haul cargo to and from the Port of Oakland.

A \$22 million pot of federal, state and local money to help the truckers buy new diesel particulate filters — or to buy new rigs — has run out, leaving hundreds of drivers without financial assistance.

The California Air Resources Board previously announced that it would extend until April 30 the compliance deadline for drivers who had obtained grants but had not yet installed the required filter equipment.

This week the agency announced that it would also extend the deadline for drivers who purchased their own equipment providing they can show proof of a completed sales contract by Dec. 31.

The port truckers timed their protest to coincide with the air board's meeting in downtown Sacramento on a different subject: timing of air-quality regulations that govern nearly 1 million heavy-duty diesel trucks that do not serve California's ports.

Those rules — similar to the rules that will be enforced Jan. 1 for diesel trucks serving the ports — are not scheduled to take effect until 2011. Trucking organizations have asked the air board to delay the implementation schedule because fewer trucks are on the road because of the recession and dangerous emissions levels have fallen as a result, said Matt Schrap, director of environmental affairs for the California Trucking Association.

The possible delay does not involve port trucks. Pollution rules for port trucks were fast-tracked by the air board because of health risks from particulate emissions to residents in adjacent neighborhoods.

For information on the filing requirements and rules regarding the temporary extensions for port trucks, go to [www.arb.ca.gov](http://www.arb.ca.gov) and select Programs followed by Goods Movement, or follow this link: [www.arb.ca.gov/msprog/onroad/porttruck/dtradvisory120809.pdf](http://www.arb.ca.gov/msprog/onroad/porttruck/dtradvisory120809.pdf).

## **Truckers ask Calif. to delay diesel-emission rules**

By Samantha Young, Associated Press Writer

In the San Diego Union-Tribune, Contra Costa Times and other papers, Thursday, Dec. 10, 2009

SACRAMENTO, Calif. — California's Air Resources Board is moving ahead with plans to delay the nation's toughest diesel emissions rules, allotting truckers wrestling with the economic downturn more time to invest in cleaner trucks.

Wednesday's decision came after regulators heard from dozens of truckers who say they are bringing in less business and unable to pay for costly new equipment.

"I'm concerned these regulations could put us out of business," said Christina Ramorino, controller at Roadstar trucking based in Hayward. "With everyone hurting for business, it's hard for us to pass on this cost to our customers."

The board said it would grant more time, in part, because diesel emissions are 20 percent lower this year than expected - a likely result of a recession-caused transport slowdown.

The board instructed its staff to explore ways truckers could more easily reach the state's goal of cutting diesel emissions by 2014, the date required to meet federal clean air standards.

Board chairwoman Mary Nichols she was interested in giving truckers more flexibility in the next few years, but rejected calls to set aside the standards.

"Given the gap between what we thought the emissions would be and what the emissions actually are, as a result of the down economy, we have some room to work without compromising air quality," Nichols said.

"If you've got the room and the you've the conditions we've got we should act."

The diesel rules were passed in 2008 and scheduled to take effect in 2011. Nearly a million vehicles must be replaced or retrofitted with smog traps, filters or cleaner-burning technology.

By 2014, all trucks must have soot filters. By the time the rule is fully implemented in 2023, no trucks or buses in California can be more than 13 years old unless equipment was installed to cut nitrogen oxide emissions.

The standards are projected to cost companies an estimated \$4.5 billion over the next 15 years.

Health advocates say California, a state plagued by smoggy skies and rising asthma rates, can't afford to be lenient on pollution standards. The new rules will reduce ozone-eating nitrogen oxides and soot-forming particulate matter that can become embedded in lung tissue.

"We're very aware of the economic problem you're hearing about today," said Bonnie Holmest-Gen, a senior policy director at the American Lung Association of California. "We're also very concerned about the hardship of those suffering daily from lung-health problems. We believe those voices need to be heard."

Board scientists estimate the amount of diesel particulate matter and nitrogen oxides emitted would be cut by about a third by 2023, preventing 9,400 premature deaths over 20 years, 150,000 asthma-related cases and 950,000 lost work days.

Board staff suggested the rule could be modified in the early years but still meet the 2014 targets required by federal law. For example, trucking companies with 20 to 50 trucks could be given an extra two years to comply; all companies could be given two more years to retrofit or replace 10 of their vehicles; or all fleets could be given an extra year to comply.

Any change in the rule would have to go through a public workshop and comments, meaning it would be April 2010 before the board could vote.

The board rejected a bid by some in the trucking industry, and at one of its own members, to disband the rule because a staffer who wrote the report associated with the regulation lied about his credentials.

Hien Tran was suspended without pay for two months and removed from his management position for saying he had earned a doctorate in statistics from the University of California, Davis. Tran had earned the degree from the unaccredited Thornhill University.

"The acceptance of a fraudulent report by this committee trumps this and has to be done correctly by someone who has not falsified his credentials," board member John Telles said.

The board instead directed the staff to rewrite the report but keep the regulation in tact.

## **Truckers plead for relief on diesel rules**

By Alex Breitler, staff writer

Stockton Record, Thursday, December 10, 2009

SACRAMENTO - State air quality cops Wednesday night said they'd consider slowing down a \$5.5 billion rule requiring the upgrade or replacement of big-rig engines.

But they won't shift into reverse, despite hours of testimony from struggling truckers.

The truckers say the poor economy threatens to put them out of business. They say they can't afford the added burden of cleaning up their fleets as required by the California Air Resources Board.

At A.C. Trucking in Manteca, business is down 23 percent since the rule was approved one year ago, owner Al Nunes told the board Wednesday.

"We feel very strongly that this rule can be accomplished, but it needs to be done over a long period of time," Nunes said.

Even though the rule has not yet taken effect, pollution from trucks was 20 percent lower than expected this year simply because there were fewer rigs on the road.

But that decline is not enough to meet federal mandates for the smoggy San Joaquin Valley, the board said.

"What we are not going to do is to back away or back down from the need to make progress on reducing the single most serious cause of health-harming pollutants in this state," board Chairwoman Mary Nichols said.

The board's considerations were complicated by news that an air board staffer who wrote the health analysis upon which the rule was based lied about his credentials. Nichols acknowledged that Hien T. Tran did not have a doctorate degree from the University of California, Davis, as he'd claimed. Nichols apologized that not all board members were made aware of this fact when the plan was approved.

She said Tien forfeited two months of salary and was demoted.

But she said the report that Tien helped prepare was only "one piece of a very extensive body of evidence" about the health risk of diesel.

One board member called for the truck rule to be suspended until the report could be redone.

"The report was written, over 50 percent of it, by an author which had misrepresented his education. To me, that means the report is not acceptable," said John Telles, a Fresno cardiologist who also belongs to the San Joaquin Valley Air Pollution Control District.

His motion failed.

The board next spring will consider specific ways to make the rule easier for truckers, including postponement for some fleets.

Dan Souza, a vice president with Mountain Valley Express in Manteca, said the rule will cost the company more than \$8 million.

"Incentive funds are out there, but I just don't feel there's going to be enough for all of us to comply with this regulation," he said.

Health advocates said the rule will prevent 9,400 premature deaths over two decades.

"None of us in this room want to see anyone lose a job, a home or a livelihood, but we must protect our health first," said Jane Warner, president of the American Lung Association in California. "If we don't have health, we don't have anything."

## **LED lights to be added here**

By Lorie Ham, Mid Valley Publishing

Reedley Exponent & Orange Cove & Mountain Times Wed., Dec. 9, 2009

Thanks to the assistance of the San Joaquin Valley Energy Partnership, Orange Cove will be able to retrofit streetlights with energy efficient LED lights.

Orange Cove has received \$60,082 for the project. A proposal to hire Green Stem, Inc. for the LED Energy Retrofitting services is on the agenda for the Dec. 9 meeting of the Orange Cove

City Council and Redevelopment Agency.

The San Joaquin Valley Energy Partnership was formed to assist small jurisdictions in accessing federal stimulus funds for energy efficiency programs, according to Tom Jordan, Senior Policy Advisor, San Joaquin Valley Air Pollution Control District (SJVAPCD). SJVAPCD and the San Joaquin Valley Clean Energy Organization lead this partnership to maximize access, services, and resources from the Energy Efficiency and Conservation Block Grant (EECBG) Program through the California Energy Commission.

Retrofitting of the streetlights will reduce the City's energy consumption on those lights by 50 percent.

A proposal to develop the Partnership was presented to and approved by the SJVAPCD in August of 2009 with the idea that while EECBG funds were needed for these type of projects, many smaller jurisdictions would be limited by the high level of administrative requirements to be able to pursue those funds on their own.

The EECBG Program was created by the Energy Independence and Security Act of 2007 and funded by the American Recovery and Reinvestment Act of 2009, which provides \$787 billion in economic investment nationally, for the purpose of stimulating the economy. The California Energy Commission (CEC) received \$49.6 million for the state portion of this program. State law requires the CEC to use no less than 60 percent of it's EECBG Program funds for reallocation to small cities and counties which are defined as incorporated cities with populations of 35,000 or less, or small counties with populations of 200,000 or less.

Many other area cities are also eligible for EECBG Program funds. Among these are Fowler for \$30,424, Parlier for \$76,026, and Sanger for \$145,895.

### **Report: Valley green jobs up 48% since 1995**

The (Fresno) Business Journal, Wed., Dec. 9, 2009

The number of so-called "green jobs" in the San Joaquin Valley has grown 48% in the last 13 years, outpacing the state's 26% employment growth in sustainable industries, according to new data released today.

The report by nonpartisan organization Next 10 found the San Joaquin Valley had the highest concentration of these jobs in wind power, alternative fuels and green transportation.

"Data show that green sector businesses are taking root across every region of California, generating jobs across a wide spectrum of skill levels and earnings potential," said F. Noel Perry, founder of Next 10, in a statement. "While green jobs clearly cannot solve the state's current unemployment challenges, over time these jobs could become a growing portion of total jobs in California."

According to the report, the San Joaquin Valley had about 9,000 green jobs in 2008 in segments including air & environment, energy generation, recycling & waste and energy efficiency. Statewide, total green economy employment was about 159,000.

### **Visalia Awarded Department of Energy's EECB Grant**

The Valley Voice, Thursday, Dec. 10, 2009

The city of Visalia has been awarded \$1,149,900 from the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) program, Sen. Barbara Boxer announced Tuesday. Part of a national program, EECBG funds are awarded to help communities create clean energy jobs, improve their energy efficiency and reduce their energy use and fossil fuel emissions.

Activities eligible for EECBG funding include energy audits and building retrofits in the residential and commercial sector, the development and implementation of advanced building codes and inspections, and the creation of financial incentive programs for energy efficiency improvements. Bids for the Ben Maddox Overcrossing project came in \$1.6 million less than the \$6.4 million the city has been allocated in federal stimulus funds for the project. Visalia Assistant City Manager Michael Olmos said the city will seek to have the feds allow the remaining \$1.6 million be allocated for another project. The council awarded the contract to Emmett's Excavation.

### **Jobs to double at Visalia Biofuel Plant**

The Valley Voice (Visalia), Thursday, Dec.10, 2009

Jobs to double at Visalia Biofuel Plant. Edeniq, a biofuel company in the Visalia Industrial Park, received notice of a \$20.4 million grant from the federal Department of Energy along with a partner, Logos

Technologies. Edeniq spokesman Will Gardenswartz said the news will mean a doubling of jobs at the pilot ethanol plant (to 40) that makes cellulosic ethanol from biomass, wood chips, switchgrass and other non food crops. "There were over 90 companies in our category that competed and we were one of 14 who received grants," said Gardenswartz who added that "they really looked under the hood." Edeniq has been working to both increase the efficiency of existing corn-based ethanol making and on breakthrough technologies to convert biomass – non-food crops to ethanol. "The trick will be to make cellulosic ethanol for under \$1.50 per gallon. We feel we will do that." Gardenswartz said a final decision on whether a larger pilot plant will be in Visalia is pending. The plant will be converting two tons of biomass a day to cellulose-based fuel. Corn waste product can be utilized, helping the hundreds of existing ethanol plants to transition to making cellulosic ethanol.

### **Chill breeze blowing from wind turbine market**

By Steven Mufson, staff writer

The Washington Post, Thursday, Dec. 10, 2009

Almost any plan to cut greenhouse gases depends on the construction of a huge number of wind turbines. But Vestas Wind Systems, the world's largest maker of wind turbines, told Bloomberg News Wednesday that it would suspend production at its Windsor, Colorado blade manufacturing plant at least until the second quarter of 2010.

Vestas, which just opened the plant in March of 2008, will furlough about 500 workers.

In late October, Vestas chief executive Ditlev Engel spoke to us at The Post and said that Vestas had invested \$1 billion in the Colorado plant, but that "ever since September 2008, with the collapse of Lehman Brothers, the U.S. wind market has been at a standstill for 12 months. That obviously has been very challenging." He said, "We have hardly signed any new major contracts in the U.S. over the last 12 months."

That's why Engel and other executives from the renewable energy sector are looking to Copenhagen with heavily vested interest. Engel said he was hoping that the Copenhagen summit would lead to a price on carbon emissions because that would make wind power a more attractive alternative to fossil fuels. "It is important that we get a price on the carbon dioxide. It's very important from a long-term perspective," he said.

"I think everyone can agree that the wrong price is the present price, ie zero."

### **Climate-gate post-mortem**

By Juliet Eilperin, staff writer

The Washington Post, Thursday, Dec. 10, 2009

At this point, many people may be wishing the controversy over the hacked e-mails from the University of East Anglia's Climatic Research Unit would disappear. But now that the actual news has subsided, the inevitable public relations analysis has surfaced.

Joe Lockhart, a founding partner of the Glover Park Group who served as press secretary under President Clinton, makes the argument in Politico that Republicans might be mistaken if they think taking advantage of the uproar will help them at the ballot box next year.

On the other side of the Atlantic, British freelance journalist Fred Pearce writes that it's been a PR disaster. One of Pearce's own e-mails, dating back to 1996, actually surfaced among the pirated files.

And following up on an earlier post I wrote on this, the current president of the American Physical Society, Cherry Murray, alerted the group's members that APS is trying to avoid "a rush to judgment" on the matter. They should not take the "unsolicited email" they received from five physicists calling for a reversal in APS' policy as an official Society message, she wrote, adding the organization is "continuing to investigate how the senders obtained APS member email addresses."

Fabulous. A new investigation.

The full text of Murray's letter follows.

Dear APS Member:

Recently, you may have received an unsolicited email from Hal Lewis, Bob Austin, Will Happer, Larry Gould and Roger Cohen regarding the APS and climate change. Please be assured that this was not an official APS message, nor was it sent with APS knowledge or approval. A number of members have complained to APS regarding this unsolicited e-mail. If the e-mail addresses used to send this message were obtained from our membership directory, this was contrary to the stated guidelines for members' use of the directory. We are continuing to investigate how the senders obtained APS member email addresses.

As many APS members are already aware, the Council of the Society has tasked the Panel on Public Affairs to examine the 2007 APS statement on climate change for issues of tone and clarity. Duncan Moore, the current chair of POPA, is in the process of convening a subcommittee to carry out the task. The subcommittee, which he is also chairing, will report its recommendations to POPA in early February, and shortly thereafter POPA will post the text for a three-week APS member comment period. We will alert the APS membership by email when the posting occurs. Duncan Moore's subcommittee will use the comments it receives to finalize the wording in time for the April Council meeting.

Some members of the APS have asked the Society to craft a statement regarding the issues surrounding the release of climate files stolen from the Climate Research Unit (CRU) at the University of East Anglia. The CRU maintains the repository for temperature measurements used by the Intergovernmental Panel on Climate Change (IPCC). The APS leadership has concerns about both the improper release of private e-mails and any premature rush to judgment regarding scientific integrity at the CRU. Both the CRU and the IPCC are in the process of investigating the affair. Once the full range of information is made available, the APS Panel on Public Affairs will examine the case and recommend how APS should act.

We will continue to keep the APS membership informed about climate change issues through postings on the APS home page; articles in APS News; commentaries on the APS blog, Physics Frontline; and direct email alerts to the membership when necessary.

Best Regards,  
Cherry Murray

## **Regulators OK Limestone County coal plant permit**

By John McFarland, The Associated Press  
in the Washington Post, Wed., Dec. 9, 2009

DALLAS -- Texas environmental regulators on Wednesday issued an air-pollution permit for a power plant expansion, the first coal-fired plant to be approved since the Environmental Protection Agency ruled part of the state's permitting process didn't conform to the Clean Air Act.

Texas Commission on Environmental Quality commissioners approved NRG Limestone's permit for an 800-megawatt expansion at the plant near Jewett, 100 miles south of Dallas. The facility has been opposed by environmental groups who fear increased pollution and plan to ask for a rehearing with the agency.

"The TCEQ needs to rethink this Texas tragedy," said Paul Rolke, an activist with the group Robertson County Our Land Our Lives. "Energy leaders and investors in Texas have to wise up and realize that clean power is the only rational solution. The planet can't stand another coal plant."

Coal-fired plants are a leading source of the pollutants that make up greenhouse gases, and Texas has more of them than any other state. There are 17 such plants in Texas, which also leads the nation in greenhouse gas production.

This Limestone project is part of NRG's \$16 billion plan to add 10,500 megawatts in electricity generating capacity over the next 10 years in the rapidly growing state. A megawatt is enough power to serve between 700 and 1,000 homes.

Erik Hendrickson, a technical specialist in the air permits division, said the three TCEQ commissioners looked closely at opposition to the expansion and followed an administrative judge's recommendation in their ruling.

The EPA hasn't reviewed the permit yet so doesn't know if there are any concerns, spokesman Dave Bary said. In September, the EPA ruled the state must rework aspects of its permitting program to improve reporting, record-keeping and monitoring, among other things. Bary said the EPA is working closely with TCEQ and there's been no moratorium placed on permits in the meantime.

The approval came two days after the EPA announced it had found scientific evidence clearly showing carbon dioxide from burning fossil fuels endangers Americans' health so should be regulated under the Clean Air Act. That means the EPA could regulate those gases without the approval of Congress, but those rules have not been finalized.

That ruling couldn't be taken into account in the lengthy approval process, Hendrickson said.

"The process that this permit applicant has gone through is to determine whether or not they're going to meet what's on the books today," he said. "No rules exist today on the books for greenhouse gases."

## **Public meeting set on W.Va. coal-to-gas project**

The Associated Press  
In the Washington Post, Thursday, Dec. 10, 2009

GILBERT, W.Va. -- West Virginia regulators will hold a public meeting next week on a draft air pollution permit for a planned coal-to-gasoline facility in Mingo County.

The meeting is set for 6 p.m. Dec. 17.

Representatives of the state Division of Air Quality will accept comments on the permit and provide information about the project. Written comments can be submitted until 5 p.m. Dec. 18.

New York-based TransGas Development LLC announced last year it planned to build the plant near Wharnclyffe. The facility is expected to turn 3 million tons of coal a year into methanol that would then be converted into as many as 756,000 gallons of gasoline a day.

The state Department of Environmental has given preliminary approval to the permit.

[Bakersfield Californian commentary, Thursday, Dec. 10, 2009:](#)

### **Air board to revisit rule after controversy**

By Lois Henry, Californian Columnist

SACRAMENTO -- So after many months and much public berating (at least by me and one other lonely journalist in San Diego), the California Air Resources Board voted Wednesday night to redo a report by a researcher who lied about his credentials and used shoddy methods to justify creation of stringent diesel emission rules that could all but cripple the trucking industry.

They did not, however, suspend the so-called "truck rule" while the report by CARB researcher Hien Tran is redone. I and board member Dr. John Telles, who made the motion to do just that, felt suspending the rule would have told the public -- and especially the business owners whose trust they absolutely must have -- that the board was interested in governing in an honest, transparent manner.

Instead, after hearing more than 70 speakers talk about how their businesses have been devastated in the last few years, the board opted to have staff review options for how to implement the rule considering the terrible economic conditions and bring that report back in April for a full regulatory hearing.

In the meantime, CARB just won't enforce the truck rule, which was set to go into effect in 2011.

Same result, but without the bold acknowledgement that CARB board members recognize they actually are public servants.

If you're keeping score that's:

- One yay for the board for finally realizing that their credibility was in the toilet and the least they could do was not flush it away entirely.
- One major eye roll for suspending the rule in a mealy-mouth way -- without officially suspending the rule.
- One reserved golf clap for directing staff to re-examine how the economy has reduced emissions already, whether the rule is reasonable considering credit constraints and whether the one-size-fits-all approach is workable considering the wide array of trucking operations among other issues.

Board Chair Mary Nichols also vowed to have a kind of "science fair" in February that will look at the information on PM2.5 and its medical effects. Many, many reports have been written on that issue and, she said, the literature clearly shows the fatal effects of exposure to PM2.5.

Even so, she allowed, that opposition scientists and "skeptics" would be welcome and "listened to."

That's great. But unless she's going to require authors of studies showing such deadly links to open their data for independent inspection -- as they have thus far refused to do -- I'm not sure us "deniers," as I've been called -- will think any differently.

As far as the Tran report goes, it's unclear exactly how and who will rework the report, which looked at the supposedly lethal effects of PM2.5, tiny bits of soot found in diesel exhaust. But it will not be done by CARB staff researchers, board member John Balmes assured me.

Balmes, like Nichols, had been apprised of Tran's fraud before the board voted on the truck rule last December. But he and Nichols and a number of senior CARB staffers kept that information from the full board, which infuriated Telles, a Fresno cardiologist who spent two months backtracking who knew what and when after he was reminded of Tran's fraud following the board's September meeting.

I had actually brought it to his attention at his Senate confirmation hearing. At the time, he asked Executive Officer James Goldstene about it and was told it was just a personnel issue.

At the September meeting, several members of the public mentioned Tran's indiscretion and, Telles said, "At the time I was pretty hot about it." But he set it on the back burner until yours truly called and bugged him about it again.

That started his quest for more information. And when he discovered that CARB staffers knew of Tran's fraud and apparently relayed it by e-mail to a select group of board members shortly before the vote and then kept it under wraps from the public, he was really torqued.

"I got that e-mail and I just couldn't sleep that night," he told me. "I'm a firm believer that the biggest issue for government is that you should do the right thing. And this (not informing the board and public of Tran's lies) was absolutely the wrong thing to do."

Well, there's right and wrong and then there's politics. As evidenced by Nichols, who up until her opening remarks at the meeting Wednesday seemed dead set on sticking to her obtuse position that the Tran report didn't matter and was an "annoying distraction," as she wrote to Telles in an e-mail.

I asked what changed her mind. She told me that once the press begins questioning government's credibility, as I and eventually others did, you've got to do something to restore it.

Or maybe she had a chat with the governor Tuesday, who, she conceded, made it clear he wanted to stick to the federal deadline of reducing NOx and PM2.5 emissions by 2014 (in other words, don't throw out the truck rule entirely). But the Tran issue wasn't going away without some kind of concessions, and he wanted her to make some.

Oh well, this IS politics after all.

[N.Y. Times commentary, Thursday, Dec. 10, 2009:](#)

### **A Fair, Ambitious and Binding Deal**

By Kumi Naidoo

As a child I once watched the television broadcast of an anti-apartheid demonstration held in New Zealand, just before a rugby match that violated the international sports boycott against apartheid South Africa.

My younger brother and I were confused. "What are the whites doing in that rally?" he asked. We didn't understand what they had to gain by supporting our struggle for justice. Only later, I understood what they wanted; what they needed. They needed to live in a world that is just.

Ten years later, apartheid was brought to an end and millions of people who could have sat back and done nothing were instead able to take satisfaction in having played a part.

The same thing is happening on the climate issue. People everywhere are uniting in their call for climate justice, in the call for a fair, ambitious and legally binding treaty to be agreed at the U.N. climate summit in Copenhagen.

For a long time it was uncertain whether heads of state would come to Copenhagen; whether they would be willing to take personal responsibility for negotiating a climate saving deal. At last count some 120 heads of state are now Copenhagen-bound. This is to a large extent a response to the growing band of people, rich and poor, north and south, who realize that our common fate is bound and will be defined by how we respond to this gravest of threats.

It is becoming abundantly clear to our heads of state that they cannot change climate science — although some continue to try. It is clear that they will have to change the politics.

It is now emerging that many heads of state intend to come earlier than planned and stay to the end. Each wants an opportunity to address the conference, to speak to their electorate from Copenhagen to show they are serious about stopping climate chaos. But Copenhagen is not a photo opportunity.

Success will be measured on three broad criteria:

Will the treaty be fair? That would require rich, industrialized nations to accept their carbon debt and historic responsibility. It would mean providing funding to help the developing world to both adapt to and mitigate the already inevitable impacts of a warming world.

Will it be ambitious? That means global emissions of greenhouse gases peak by 2015, with industrialized countries agreeing 40 percent emissions by 2020 and moving away from business-as-usual.

Will it be binding? Legally binding. The history of U.N. talks is littered with political deals not worth the carbon or airfare they cost to negotiate.

A F.A.B. (fair, ambitious and binding) treaty is an incredible opportunity to make the world more just. It could add 3 million jobs to the world economy by 2030. It could lift 2 billion people out of energy poverty by giving them access to clean, reliable renewable energy.

It could end many forms of air pollution, with health benefits for all. And it could help stabilize some of the world's trouble spots by taking resource struggles and energy politics out of the world's list of security concerns.

Justice and peace are key. Unchecked climate change will place the world's natural resources under incredible stress: Drinking water, food production and habitable land will all become scarcer. It will hit the poorest hardest and fastest, but none of the world's 6.8 billion people will be exempt.

Science tells us that if we don't act now, an estimated 1 billion people will be uprooted because of climate change between now and 2050. Our children and grandchildren will bear the brunt of a climate that could, according to a growing body of scientific opinion, make this planet virtually uninhabitable.

A F.A.B. deal is possible in Copenhagen, and that is what the negotiators must strive for. Many pundits are saying this will not happen, that national and international politics will stand in the

way. What they seem to be forgetting is that power is owned not by those in office, but by those who put them there. Politicians come and go — they are negotiable.

Our leaders need to understand the world is watching. We understand that nature does not negotiate, we understand that we cannot change the science, we demand that they change the politics, otherwise they must understand we have the power to change the politicians.

On Saturday, the largest ever mobilization is being planned under the banner of the [tckctck.org](http://tckctck.org) coalition to send another appeal from a broad range of constituencies: faith based groups, trade unionists, NGOs, social movements, women's organizations, community groups and even some progressive business groups.

We expect our leaders to listen and act with courage.

*Kumi Naidoo is the new executive director of Greenpeace.*

[L.A. Times commentary, Thursday, Dec. 10. 2009:](#)

### **NIMBY desert dwellers are equal-opportunity naysayers**

**Donna and Larry Charpied don't want anything to disrupt the Mojave plot where they live. And that includes solar farms as well as landfills.**

By Judith Lewis

Seventeen years ago, Donna and Larry Charpied went to court to protect their backyard.

The couple live and farm on a small plot of land in the Mojave Desert, not far from the southern border of Joshua Tree National Park. In 1992, they learned that a former mining company, Kaiser Ventures, was maneuvering to store 20,000 tons of garbage in an old mining pit nearby.

Fearing it would ruin the fragile landscape on which they had staked their future, they bought a how-to book on environmental law and set out to stop it.

There's a term for people like the Charpieds: NIMBY. The acronym stands for "not in my backyard," and it was coined by a conservative British politician, Nicholas Ridley, in the 1980s to deride homeowners fighting encroaching development. Later, the term was applied to the coiner himself when he opposed low-income housing near his own home.

The Charpieds have a long history of NIMBYism: In the 1970s, Donna Charpied chained herself to a fence to stop the construction of a nuclear power plant near where she and Larry lived on California's Central Coast; four years ago, builders labeled them NIMBYs for lobbying to block new tract housing. When the U.S. 9th Circuit Court of Appeals finally ruled in the Charpieds' favor against the landfill last month, proponents of the landfill considered it a NIMBY victory: After all, garbage has to go somewhere. Why not in the desert?

To be called NIMBY is not usually a compliment: The term is often used to insult for people who put their own neighborhoods ahead of the greater good, or who don't mind creating pollution as long as they don't have to breathe it. I once interviewed a candidate for state office, for example, who wanted to convert all of California's school buses to natural gas, but wanted none of it stored in terminals near the Malibu homes of her future constituents. She preferred a Long Beach location, she said, because that city was "more set up for that kind of thing."

But to denigrate every expression of NIMBYism as hypocritical is to forget the long history of wilderness protection in this country. The truth is, we have NIMBYs to thank for nearly all of our wilderness treasures. Sigurd F. Olson fought for Minnesota's Boundary Waters while working as a wilderness guide in that vast, watery woods; John Muir launched his campaign for Yosemite after living there for a summer herding sheep. No one would call Olson and Muir NIMBYs today, but that's what they were: They directed the public's attention to the beautiful landscapes near

where they lived, and fought to protect those places from the ravages of industry.

A few weeks after the court's decision, I stood with the Charpieds on the land where for 30 years they have farmed jojoba, an ancient, drought-proof shrub native to the Mojave and useful for the oil in its seeds. I drank in the pristine air and reveled in the sweeping view of the Coxcomb Mountains, which shimmer with silver ribbons whenever seasonal storms briefly recharge the mountain streams.

I also saw evidence of the next industrial interloper: survey stakes planted in the soil marking the boundaries of a 10,000-acre parcel where an energy company plans to construct a solar farm. The development would wrap around the Charpieds' property and push toward the edges of the national park. The Charpieds intend to fight it with everything they have.

This time, however, they face a lonelier battle. Because while most environmentalists backed the Charpieds in their opposition to the dump, many of them now see the couple as an impediment to a carbon-free energy future. Solar plants, they argue, are crucial to reducing the climate-changing carbon building up in our atmosphere throughout the last century of coal.

"They're the epitome of NIMBY," a Sierra Club official said to me of the couple and their allies. "They only care about the view from their window."

The Charpieds maintain there are better places for solar panels, such as urban rooftops. They have little faith that the renewable-energy boom will do more than industrialize the desert for short-term profit.

And so they go on protecting their desert refuge against the onslaught. They protect it primarily for themselves, but in the process they protect it for the other living things that depend on it: the threatened desert tortoises that crawl across it in the spring, jaws stuffed with magenta flowers; the shy bighorn sheep that depend on its isolated springs; the brilliantly adapted plants that grow roots 70 feet deep to tap the aquifer. They are protecting that refuge for all of us.

And what they do is no different than what so many other conservationists do across the country when they look out their windows, detect evidence of a world gone wrong and do what they can to put it right. Whether they work to block logging or oil extraction or towering power lines, they all will be labeled NIMBY by their opponents.

Donna and Larry Charpied can live with that. "We got used to that label fighting the dump," says Donna, flexing her biceps like a warrior among the jojoba shrubs. "Now I wear that NIMBY label like a . . . badge of courage."

Judith Lewis is an environmental journalist and a contributing editor to High Country News.

[Sacramento Bee commentary, Thursday, Dec. 10, 2009:](#)

### **Viewpoints: State must change thinking on 'telework'**

By Kevin Hanley

California is known worldwide as a place where entrepreneurs can thrive from the creation of green technologies and also reinvent the workplace itself.

Innovative business leaders have put this all together by giving employees the option to "telework" – in other words, work from home a few days a week using advanced technologies.

Unfortunately, California's state government is still mired in inflexible management practices that limit the number of state employees who can telework, even for one day a week.

It's time for new thinking. Maximizing telework in state government would lower costs for taxpayers and employees. It also would improve air quality, lower greenhouse gas emissions in accordance with strict state targets and reduce traffic congestion in the Sacramento region.

But wait. Wouldn't this result in a large number of state workers who, instead of working, sit on the couch at home, eat junk food and watch soap operas all day?

Not with current technology for accountability and efficiency.

Government must move away from operating according to the ossified mind-set of the 1950s and adapt to a new century of thinking. According to the April 2008 report "Telework in the Information Age," by the

American Electronics Association (AEA), the most daunting challenge to expanding telework is not technological. More and more people and agencies have desktop and laptop computers, high-speed Internet connections, secure file sharing, and teleconferencing capabilities are ubiquitous. The problem is sociological.

By and large, the public sector has not adapted to new technologies and performance-based management techniques. There is little difference between the way a typical state office was organized in the 1950s and the way one looks today, except that state employees in cubicles are now pecking away on computers, not typewriters.

Some managers in state agencies, shackled like Gulliver with inflexible civil service rules, believe that if they cannot see employees, they cannot be sure they are working. This antiquated and wasteful way of running the state must change.

In contrast, the private sector is rapidly shaping and adapting to the Information Age because it's more productive and beneficial to employers and employees. The AEA report notes that more than 45 million U.S. workers telework at least once a week.

Productivity is boosted because managers hold teleworkers accountable through results-based performance evaluations. For instance, IBM reported its teleworkers achieved a 10 percent to 20 percent increase in productivity compared with their office-based colleagues.

Telework is a powerful recruitment and retention tool for businesses and potentially for government. Workers tell surveyors they face fewer distractions while working from home, gained time from reduced commutes, saved gas, food, clothing and child care expenses, and achieved a healthier life-work balance. In an analysis of data on 12,833 teleworkers, Pennsylvania State University researchers found that telework boosts employee morale and job satisfaction.

State government cannot afford to operate in a "business as usual" mode. The state faces a \$21 billion budget deficit over the next 18 months, and the Schwarzenegger administration and the Legislature will have to enact additional cuts. Furlough Fridays aren't going away soon. However, by maximizing telework options, the state can more effectively use its work force.

Maximizing telework would also help the state meet its environmental goals. According to the "Metropolitan Transportation Plan 2035," issued by the Sacramento Area Council of Governments (SACOG), since 1970, vehicle miles traveled in the region have increased by 190 percent while capacity on our highways and roads increased only 30 percent. By 2035, our region's population will have increased from 2.1 million to 3.1 million people. That will present significant challenges with congestion and pollution. Maximizing telework should be part of the solution.

Our region and California face major hurdles in maintaining and improving our quality of life. By seizing the opportunities of telework, we can achieve a winning solution for taxpayers and state employees.

[Contra Costa Times & Tri-Valley Herald guest editorials, Thursday, Dec. 10, 2009:](#)

### **A worse state for rules than for taxes**

The Orange County Register, Dec. 8, 2009:

In April we learned that California ranked among the least-friendly states for tax burdens on businesses, according to the Small Business Entrepreneurship Council's annual assessment. California was 47th of 50 states.

This horrendous ranking, based on 16 taxes, was bad enough, though certainly not news to any California business operator.

The Small Business & Entrepreneurship Council has issued a second annual index considering not merely tax burdens, but also government regulations and mandates, including for health care and labor law requirements and many indirect business costs, such as the size of government.

After adding the additional burdens to the calculation, California fared even worse than it did on taxes alone.

California came in 49th among the states.

As with tax burdens, we doubt few, if any, California business operators are unaware of the regulatory and other government burdens making it difficult to be profitable in the Golden State. That's all the more indictment. These aren't under-the-radar obstacles to doing business in California. The business sector long has been aware of them, and for years made their objections known to elected officials.

Yet, every year, hundreds of new bills and what may be thousands of new bureaucratic regulations are added to the burden. One example is the thick portfolio of newly proposed mandates from just one state agency, the unelected, unaccountable California Air Resources Board. Draft regulations to implement the state's so-called Global Warming Solutions Act would impose \$143 billion in new, additional costs over the first nine years, says the California Manufacturers & Technology Association.

That's why we find appealing, and overdue, a proposal by Assemblyman Dan Logue, R-Chico. Mr. Logue, who owns a small business, says he is a staunch opponent of high taxation and an advocate for free enterprise.

We generally oppose creation of new government entities because so many of those we're already saddled with are duplicative, costly, intrusive and unnecessary. But we find Mr. Logue's suggestion potentially beneficial. He proposes a regulatory commission to address "Sacramento's over-regulation" and its resultant regulatory costs. For example, there is an inherent conflict of interest when government agencies keep money they collect after imposing fines on businesses they regulate, rather than putting the cash in the state's general fund. Such mechanisms often lead to "over-regulatory zeal," Mr. Logue suggested.

We would like to see closer examination of often-unaccountable, behind-the-scenes agencies and their harmful effects on business. We recommend, however, that any new oversight commission be forced out of business by law after a short period, lest it become yet another ongoing cost of the ever-expanding government. Mr. Logue should renew his proposal when the Legislature reconvenes in January.

### **Diesel dilemma**

The Riverside Press-Enterprise, Dec. 6, 2009:

The California Air Resources Board acted irresponsibly in suppressing the news that one of its lead researchers lied about his credentials. But that dishonesty does not change the fundamental public policy realities: Diesel emissions are a potent health hazard, and California cannot clean up its air without curbing pollution from diesel engines.

The agency needs to provide a full public explanation of why it covered up a researcher's fake degree, to help rebuild public credibility. And the air board will need to take extra care to operate in full public view—which it should do anyway—to rebound from this embarrassing misjudgment.

But the board should resist calls by critics to suspend diesel regulations when it reviews the issue next week. The state simply cannot meet federal air quality standards or adequately protect public health without strict controls on diesel emissions.

In December 2008, the Air Resources Board enacted tough new regulations on diesel trucks and buses in California. The board relied in part on a statistical study calculating diesel emissions' harmful effects on health. But before the board voted to approve the rules, top agency officials learned that the lead researcher on that study did not have the doctorate he claimed. Many on the 11-member board, however, did not find out about the fake credentials until after the vote on the new regulations -- in some cases, months later.

Just why the agency tried to hide the researcher's falsified credentials is not clear, but that strategy was foolish and self-defeating. The air board could have found few more effective ways to raise questions about its integrity and create skepticism about its actions.

Public agencies need to operate as openly as possible, to bolster confidence that decisions serve the public and not special interests. Transparency is a key deterrent to insider dealing, self-serving agendas and corruption. The Air Resources Board's failure to follow that principle needlessly wrapped the agency in suspicion and damaged its reputation.

But that bureaucratic mistake does not change the need to reduce diesel emissions. The only questions concern the accuracy of the agency's statistical analysis of other diesel health-related studies. Nor is it even clear that the analysis is wrong, as a panel of experts from the University of California independently reviewed the document.

And there is no dispute that diesel exhaust is a prime source of air pollution linked to a variety of heart and lung ailments, including early death. A long and growing list of scientific studies all confirm that diesel emissions are a public health hazard.

Nor can anyone explain how the state will meet federal air quality standards by the 2015 deadline without curbs on diesel pollution. Postponing the state's rules on diesel would only make hitting that deadline more difficult, if not impossible. Diesel exhaust is also a primary reason why the Inland region suffers some of the most polluted air in the nation.

Yes, Air Resources Board officials made a serious mistake by covering up a researcher's lie. But stalling progress on reducing diesel pollution, and leaving people exposed to a clear health threat, does nothing to right that wrong.

[Washington Post editorial, Thursday, Dec. 10, 2009:](#)

### **Curbing carbon**

**EPA intervention should prod Congress to act.**

At the Copenhagen climate conference on Wednesday, Environmental Protection Agency Administrator Lisa P. Jackson declared 2009 to be when the U.S. government finally began to seriously address greenhouse gas emissions. The reason? Her formal finding on Monday that carbon emissions pose a danger to the health and welfare of Americans, a step toward restricting

the sources that produce them. Democrats and environmental groups immediately lauded the decision, while Republicans and business groups condemned it, arguing that it would lead to complicated, productivity-killing regulation.

Critics are correct to point out that EPA regulation under the Clean Air Act isn't the most efficient way to clamp down on carbon emissions, absent broader congressional action. EPA officials would regulate source by source, with lawsuits slowing the process and technological hurdles likely constraining action -- or making it very expensive. But that only strengthens the argument for a sensible, overarching, market-based carbon tax or cap-and-trade scheme -- which is probably the most efficient way to reduce greenhouse emissions. Putting a gradually increasing price on carbon would spur the market to determine the least costly way to reduce America's carbon emissions, instead of allowing the EPA to regulate alone and piecemeal or Congress to pick winners and losers according to lawmakers' political calculations. Republicans, however, have generally opposed these market-based ideas, too.

Monday's announcement was most encouraging for two reasons. First, it lends plausibility to the preliminary emissions-reduction commitment that President Obama announced before the Copenhagen climate conference, a figure that the Senate has not endorsed. Second, it pressures lawmakers to offer a better alternative to EPA regulation alone. In part because the GOP has not embraced a sensible, market-based approach, the House passed a huge and flawed climate bill over the summer. The Senate is lost in the health-care debate, its members don't seem particularly eager to take up climate change when health care is done, and its version of the legislation isn't shaping up to be much better than the House's. The threat of the EPA regulating in Congress's stead should persuade lawmakers to look at climate-change afresh.