

## **Planning Commission to hold public hearing about Reynolds Ranch**

by Rebecca Adler

Lodi News Sentinel, Tuesday, June 27, 2006

Lodi residents will get their chance to express any concerns or comments they may have about the proposed 220-acre Reynolds Ranch development project near Harney Lane at a Lodi Planning Commission meeting Wednesday.

Some residents have expressed concerns about the agricultural impact of building on land so near the possible greenbelt between Lodi and Stockton. Others, however, have been impressed by the possible economic benefits of the project in light of Blue Shield of California's plans to build a new building and add 1,000 jobs.

Blue Shield's new building is considered the linchpin of the proposal, but other parts of the project include 1,084 new homes, 40 acres of retail space, a fire station, a mini-storage facility and a K-8 school.

The Lodi Planning Commission received the required environmental report June 9 and will be accepting public comment on the project until July 28, when it will pass the completed report to the Lodi City Council for approval.

One of the report's findings was that air quality will be significantly damaged by increased traffic to the area. Those issues could be resolved if the developer scaled back the amount of residential or commercial development in the proposal.

Peter Pirnejad, city of Lodi planning manager, said it is likely the San Joaquin Land Valley Land Company would pull out of the project if the council were to recommend using an alternative to the proposed plan because there wouldn't be enough profit in it for them to continue with the development.

"It wouldn't make sense for the developer's pocket book if we were to reduce the residential or retail space from what is proposed in the original plan," he said.

Pirnejad said environmental reports of this magnitude can take anywhere from six months to two years to complete. "It really depends on the project's size and scope," he said.

However, he said the \$323,400 Reynolds Ranch report, paid for by developer San Joaquin Valley Land Company, and done by the Willdan Group, took less time to complete because the developer was quick to respond to requests from the reviewing agency.

Calls to the developer were not returned Monday.

"Typically, the reason for delays is because the developer and contractors are holding up the process," Pirnejad said. "In this case Blue Shield stipulated a very stringent timeline, and we're working with the developer to meet that schedule."

But he said the effort to expedite the process has not diminished the quality of the work done.

In addition to help from the developer, the reviewing agency had its own analysis team and advisors, making it possible for them to complete the report from beginning to end without having to find subcontractors to do research and report back to them, Pirnejad said.

## **Feelin' the heat**

**Valley residents sweltering by day find no respite at night.**

By Pablo Lopez

The Fresno Bee, Tuesday, June 27, 2006

Moisture from the Gulf of Mexico that moved into the Valley Monday has changed the weather pattern, but it remains hot, especially at night, the National Weather Service reported.

Like Monday, it will be hot and muggy in Fresno today, with a 20% chance of thunderstorms, the weather service reported.

With a high of 100 degrees Monday, Fresno continued its string of triple-digit weather, but the noticeable difference was monsoonal moisture, which brought clouds and humidity, weather service meteorologist Gary Sanger said.

Initially, the weather service predicted Fresno could reach a high of 108 degrees Monday. But the clouds sheltered Fresno from the sweltering sun, lowering the daytime temperature to 100 degrees. The clouds also cooled off other parts of the Valley — 101 degrees in Merced and 99 degrees in Lemoore.

But in areas without clouds, there was just blistering heat — 105 degrees in Madera, 102 in Hanford and 104 in Porterville, Sanger said.

Though Fresno hasn't set a high-temperature mark, it has been making history in another area — a record-high low for nighttime temperatures.

On Friday and Saturday when temperatures reached 107 degrees, Sanger said, the atmosphere absorbed so much heat it could not cool down. That's why Fresno tied its record for the highest low — established 1936 — at 75 degrees Friday and set a record of 76 degrees on Saturday. The old mark for June 24 was 74 degrees, also established in 1936, Sanger said.

At this time of year, the normal highs in Fresno are in the 90s and the lows are in the 60s, the weather service said. But for five straight days, temperatures have been in the 100s, and the overnight lows have been in the 70s.

Another record for highest low temperature could be broken today, because the weather service predicts a nighttime low of 78 degrees. The record is 77 degrees, set in 1973.

Though it is cloudy, Sanger said it remains hot at night because the clouds act as a blanket and reflect the heat back to the surface.

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he forecast calls for muggy, hot weather Wednesday, with a 20% chance of thunderstorms, highs from 96 to 104, and lows of 66 to 76.

The clouds should leave Thursday, but the heat wave will persist, with highs from 94 to 104 and lows from 62 to 72.

Maricela Velasquez, of the San Joaquin Valley Air Pollution Control District, said the cloud cover is improving the air.

Monday's air quality index was 124 — unhealthy for sensitive groups. Initially, it was predicted to be 159, or unhealthy for everyone.

Because the clouds hinder the sun's ability to cook ozone, the corrosive main ingredient in smog, the air quality index today should dip to 114, still unhealthy for sensitive groups, Velasquez said. A Spare the Air Day, when people should limit outdoor activity, trips in cars, and refrain from using gas-powered lawn equipment, also was called for today.

The heat wave also has impacted Pacific Gas & Electric workers who have been scrambling to fix outages in Dinuba, Reedley, Fresno and elsewhere, said company spokesman Al Galvez.

Though there is enough power to satisfy Valley residents who endure the heat wave by using air conditioners, the system could crash unless people start conserving power.

Galvez said: "The equipment is being stressed out. It's working 24/7. It needs to time to cool off."

The housing boom and population growth in the Valley are the main reasons for the outages, Galvez said.

Unlike in Southern California or the San Francisco Bay Area, where ocean breezes cool off power equipment during the summer, the Valley has been hot day and night, he said.

**Top court gets case on global warming**  
**California's key law on auto emissions at stake in ruling**  
Zachary Coile, Chronicle Washington Bureau

Washington -- The Supreme Court agreed Monday to hear a case that will determine whether the Bush administration must regulate greenhouse gases, which could have broad consequences for California's landmark law reining in vehicle emissions to fight global warming.

The case, brought by California, 11 other states and by environmental groups, is being heralded by legal experts as one of the most important environmental issues to be heard by the high court in years. The justices' decision could touch virtually every U.S. industry, from automobile makers and oil companies to airlines and electricity producers.

"This could give us the answer to how the justices feel about one of the most important environmental issues of the future," said Robert Percival, director of the University of Maryland environmental law program. "That is particularly significant because there are other cases percolating up through the courts where states have sued electric utilities over their emissions of greenhouse gases."

The case, which is likely to be argued this fall and decided by next spring, could also put new pressure on the White House and Congress to act on climate change. A National Academy of Sciences study released last week reflects the growing consensus among scientists that the Earth is hotter today than in any period over the last four centuries and probably over the last 1,000 years.

President Bush, while campaigning for president in 2000, pledged to regulate carbon dioxide. But since taking office, he has opted for voluntarily reductions of greenhouse gas emissions by industry, an approach favored by automakers, oil companies and electric utilities.

The case began in 1999, when environmental groups petitioned the Environmental Protection Agency to regulate vehicle emissions of gases such as carbon dioxide, which are released by burning fossil fuels and trap solar heat, creating the warming effects of a greenhouse. The groups argued that the gases should be classified as air pollutants that endanger public health and must be regulated under the 1990 Clean Air Act.

In September 2003, the EPA's general counsel, Robert Fabricant, issued a memo saying the Clean Air Act does not authorize the agency to regulate carbon dioxide and other greenhouse gases.

Environmental groups sued challenging EPA's decision and were joined by California, Connecticut, Illinois, Maine, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, the territory of American Samoa, New York City and Baltimore.

In July 2005, a three-judge panel of U.S. Circuit Court of Appeals for the District of Columbia issued a confusing 2-1 decision that sided with the administration. Legal experts say separate opinions issued by the three judges reflected sharply different ideologies on the polarizing issue of climate change.

One of the judges, David Sentelle, an appointee of President Ronald Reagan, wrote that environmental groups and states lacked standing because they failed to show specific injury from climate change that affects the world as a whole. Judge Raymond Randolph, appointed by President George H.W. Bush, expressed sympathy with the administration's argument that unilateral action by the United States to limit carbon dioxide "could weaken efforts to persuade developing countries to reduce the intensity of greenhouse gases."

The dissenting judge, David Tatel, an appointee of President Bill Clinton, sided with environmental groups and the states, writing: "I have grave difficulty seeing how EPA ... could possibly fail to conclude that global warming 'may reasonably be anticipated to endanger public health or welfare.' "

Lawyers for the plaintiffs believe the lower court's decision is ripe to be overturned because the Clean Air Act requires the EPA administrator to set standards limiting any air pollutant from vehicles that could jeopardize public health or welfare. Another section of the act specifically cites impacts on climate as something that can bring about federal regulation.

"The only way you can deny this action is to twist the words of the Clean Air Act and twist all the science of what people are saying about global warming," said Joseph Mendelson, legal director of the International Center of Technology Assessment, the group that initially filed the case.

The Supreme Court will have to consider two key questions: First, does the EPA have the authority under the law to limit greenhouse gases? And if it has the authority to regulate, is it obligated to do so in light of growing evidence of the effect of greenhouse gases on climate?

The case also will be a key test of the environmental leanings of the high court under Chief Justice John Roberts, which split last week in a contentious decision that pitted protection of threatened wetlands against private property rights.

The University of Maryland's Percival said conservative justices may have taken the case to address the issue of standing -- that is, whether environmental groups can claim they are injured parties so they can file suit. However, that argument could be more difficult because a dozen states have joined the case.

"Scalia has been trying for years to keep environmentalists out of the courts," Percival said. "It could be of even broader significance than just the global warming issue. It could affect environmental litigation generally."

The case also has major ramifications for California's landmark greenhouse gas emission standards, which will be phased in starting for cars and light trucks in the 2009 model year, reaching a nearly 30 percent cut in emissions by 2014. California, which has special authority to regulate air pollutants, must request a waiver from the EPA to put its new rules in effect.

"If the Supreme Court upheld EPA's position and said there is not authority (to regulate greenhouse gases), that would be bad for California's initiative," said David Doniger, senior attorney for the Natural Resources Defense Council's Climate Center. But he believes the high court is likely to at the very least amend the earlier decision.

"We are encouraged because if the court had been happy with the lower court's decision and wanted to let the administration kick the can on the issue, they could have just left the lower court decision as it was," he said.

In Sacramento, legislation that would take California beyond the regulation of tailpipe emissions and require businesses to reduce greenhouse gas emissions was expected to clear its first hurdle in the Senate Environmental Quality Committee on Monday night.

The bill, backed by Assembly Speaker Fabian Núñez, D-Los Angeles, would require industries to report the amount of greenhouse gases, such as carbon dioxide, they produce and require reductions of those emissions beginning in 2012.

Business interests opposing the measure say reducing emissions will increase energy costs, slow productivity and give other states a competitive advantage over California companies.

Backers say that not combatting global warming would lead to coastal cities being deluged by rising sea levels, increased risk of flooding from snowpack loss and poorer air quality.

Gov. Arnold Schwarzenegger has not taken a position on the bill, AB32, despite calling for reductions in emissions to 1990 levels by 2020, the same time frame contained in the bill.

## **Justices Take Up Climate Debate**

**Environmentalists and 12 states, including California, hope the high court will order new emission rules to fight global warming.**

By David G. Savage, staff writer  
L.A. Times, Tuesday, June 27, 2006

WASHINGTON — The Supreme Court entered the debate over global warming Monday, agreeing at the urging of environmentalists to rule on whether emissions from new cars, trucks and power plants must be further regulated to slow climate change.

The court's action gave a surprising, if tentative, boost to 12 states, including California, and a coalition of environmentalists who say the federal government must restrict the exhaust fumes that contribute to global warming. Their appeal accused the Environmental Protection Agency of having "squandered nearly a decade" by failing to act.

The high court voted to take up the issue over the objection of the Bush administration. Its lawyers questioned whether the government could and should "embark on the extraordinarily complex and scientifically uncertain task of addressing the global issue of greenhouse gas emissions" by regulating motor vehicles sold in the United States.

The case, to be heard in the fall, could be one of the most important environmental disputes to come before the court. Environmental advocates said automakers could be forced to produce a fleet of vehicles that pollute less.

The outcome also could determine the fate of California's effort to adopt its own rules designed to limit greenhouse gases from cars and trucks. Those rules, set to go into effect in 2009, require EPA approval.

"Everything now hinges on what the Supreme Court does," said David Bookbinder, a lawyer for the Sierra Club, one of the environmental groups that pressed the issue.

Until now, the threat of global warming has prompted little government action.

The legal dispute turns on standards set during the 1970s when Congress passed the Clean Air Act. One provision requires the government to regulate "any air pollutant" from motor vehicles or power plants that may well "endanger public health or welfare" — including by affecting the "weather" or "climate."

In 1999, a group of environmental scientists pointed to this legal standard and petitioned the EPA to set new regulations to confront the problem of global warming. They said the evidence showed that pollutants from cars, trucks and power plants were endangering the public welfare by changing the climate.

They called upon the EPA to restrict emissions of carbon dioxide, methane, nitrous oxide and hydrofluorocarbons.

Four years later, the EPA under the Bush administration rejected the petition. It questioned the link between auto emissions and global warming and concluded that new regulations were not required.

Last year, that conclusion was upheld in a 2-1 ruling by the U.S. Court of Appeals for the District of Columbia Circuit.

Usually, federal agencies are given broad leeway to interpret the laws they are supposed to administer. In this case, however, California and the other states joined with environmentalists and went to court to challenge the EPA's decision. In their appeal to the Supreme Court, they argued that the Clean Air Act required regulation of greenhouse gases and that the EPA was defying this requirement.

The other states are Connecticut, Illinois, Massachusetts, New Jersey, Maine, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. Three cities — New York, Baltimore and Washington — also joined the appeal.

At least four of the nine justices must vote to grant an appeal, and on Monday, the high court issued a one-line order saying it had agreed to hear the case of Massachusetts vs. EPA.

The Supreme Court has been closely divided along ideological lines on issues of environmental regulations. Last week, the justices were split on whether the government still had broad authority to regulate wetlands.

Justice Anthony M. Kennedy wrote a pivotal opinion that fell in between the views of the high court's four conservatives and four liberals, preserving most of the government's authority to protect wetlands.

His vote will probably be crucial as well on the issue of greenhouse gases.

Environmentalists hailed the court's decision to hear the case.

"The Bush administration has continually tried to say that it's not their job to fight global warming," Bookbinder said. "In fact, they have both the legal and moral responsibility to tackle global

warming pollution."

California Atty. Gen. Bill Lockyer said he was confident the Supreme Court "will make history by striking down the Bush administration's stance" against regulating greenhouse gases.

"Science overwhelmingly documents the certainty of global warming, and we must act now," Lockyer said.

But a spokeswoman for the EPA said the agency had made the right decision by relying on voluntary moves by manufacturers.

"The Bush administration has an unparalleled financial, international and domestic commitment to reducing greenhouse gases," said Jennifer Wood, an agency spokeswoman.

## **Carbon dioxide test case goes to high court**

By Michael Janofsky, NEW YORK TIMES NEWS SERVICE  
Published in the San Diego Union-Tribune, June 27, 2006

WASHINGTON – The Supreme Court agreed yesterday to decide whether the federal government is required to control vehicle emissions of carbon dioxide, the principal greenhouse gas that scientists have linked to global warming.

In accepting a petition from states, cities and environmental groups, the justices agreed to hear arguments next term on whether the Clean Air Act requires the Environmental Protection Agency to regulate carbon dioxide and other heat-trapping chemicals from automobile tailpipes as air pollutants that may affect public health or the climate.

The case is one of the biggest environmental tests yet for the administration of President Bush, which has steadfastly opposed binding controls on greenhouse gases, instead calling for a voluntary approach by industry to curb emissions.

"At stake in this case is nothing less than the survival of the Earth as we know it," said Richard Blumenthal, the attorney general of Connecticut, which sued the government in 1999 along with California, 10 other states, three cities and a dozen environmental advocacy groups, including the Sierra Club, the Natural Resources Defense Council and Environmental Defense.

The suit aims to force the EPA to curtail such emissions just as it does cancer-causing lead and chemicals that produce smog and acid rain.

Ten other states and several industry groups joined the side of the administration.

While the case doesn't specifically involve carbon releases from power plants, environmentalists said a court decision declaring carbon dioxide a harmful pollutant would make it hard for the EPA to avoid action involving power plants, which account for 40 percent of the carbon dioxide released into the air. Cars and trucks account for about half that amount.

The EPA said in a statement that the agency "is confident in its decision" not to regulate the chemical under the federal Clean Air Act and plans to argue its case vigorously before the high court.

Critics argue that carbon emissions have continued to increase – though the rate of increase has declined – and only regulation of carbon dioxide and other greenhouse gases will stem the amount going into the atmosphere.

The case began in the final year of the Clinton administration, when a group of states and environmental organizations petitioned the EPA to regulate carbon dioxide. After four years of study, the agency refused, concluding that the Clean Air Act did not require it to regulate emissions to prevent climate change.

The law, which was first written in 1963 and revised in 1970, before global warming emerged as a widespread concern, names many specific pollutants that the agency must regulate, including compounds released by cars, factories and power plants that form soot and smog. It does not name carbon dioxide, and in updating the law in 1990, Congress did not add the gas.

The plaintiffs have argued that the law's definitions and other terms implicitly allow the regulation of carbon dioxide as a pollutant.

The administration's refusal to do so reflected a reversal by President Bush, who had campaigned in 2000 on the need for federal emissions standards on a variety of air pollutants, including carbon dioxide.

Yesterday at the White House, Bush acknowledged that global warming was “a serious problem,” but he also said there was some debate over whether it was caused by human activities. He called for using new technologies for environmental reasons and to wean the nation from its reliance on oil.

After the EPA announced its refusal to regulate carbon dioxide emissions in 2003, the plaintiffs filed for review in the U.S. Court of Appeals for the District of Columbia Circuit. Last July, three judges issued three different opinions, which had the effect of supporting the agency's refusal by a 2-1 vote.

One judge said the states and other plaintiffs had no standing because they had not proven harm. A second judge said even if the law gave the EPA authority to regulate carbon dioxide, the agency was not obligated to do so. A third judge, in the minority, said the EPA was violating the law by not regulating the chemical.

Beyond its effect on federal policy, the case holds important implications for California and 10 other states that have assumed that the Clean Air Act authorizes regulations for carbon dioxide and other gases and have adopted their own stringent limits for automobile and truck emissions. The state laws, scheduled to go into effect for the 2009 model year, have been challenged in court by automakers.

Plaintiffs in the lawsuit were California, Connecticut, Illinois, Maine, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. They were joined by a number of cities, including Baltimore, New York City and Washington, D.C., the Pacific island of America Samoa, the Union of Concerned Scientists, Greenpeace, and Friends of the Earth.

The case is Massachusetts v. Environmental Protection Agency, 05-1120.

The Supreme Court term, now in its closing days, is expected to continue past tomorrow, when the justices will issue their next round of opinions.

In other decisions yesterday, the justices:

By a 6-3 vote, said Vermont's limits on contributions and spending in political campaigns are too restrictive and improperly hinder the ability of candidates to raise money and speak to voters. Supporters of the law argued that it would reduce influence peddling and cut the importance of campaign fundraising.

Ruled 5-4 that Kansas' death penalty law does not violate the Constitution's ban on cruel and unusual punishment.

Decided by a 7-2 vote that prosecutors' failure to submit to a jury a factor used in sentencing is not grounds for automatic reversals of convictions.

By a 6-3 vote, said parents cannot collect fees for experts they use while prevailing in lawsuits seeking to force public school districts to pay for the private education of their disabled children.

Ruled 5-4 that defendants are automatically entitled to a new trial if their choice of a privately retained defense lawyer is wrongly blocked.

Announced that it would consider a lawsuit that accuses the nation's largest telephone companies of violating federal antitrust law by conspiring to carve up local markets to preserve their monopolies.

Refused to hear an appeal of a drug patent case that antitrust officials hoped would speed access to less-expensive generic versions of nearly a dozen popular medicines that now cost consumers more than \$25 billion a year.

Refused to decide whether the granddaughter of A.A. Milne, the creator of Winnie the Pooh, can recapture control of the copyright for stories featuring the popular children's character.

## **Fueling their cars without a gas pump**

### **More motorists are turning to biodiesel**

BY JASON KANDEL, Staff Writer  
LA Daily News, June 26, 2006

BURBANK - The next time Burbank resident Joe Broderick needs diesel for his car, he'll fill up at the local taco stand.

The taco stand has no petroleum, but it's got plenty of used frying oil.

Broderick, a self-described tinkerer, is always on the lookout for the used grease for his car, which he converted to run on a home-brewed mixture of the stale oil.

"I'm doing it pretty much for the environment," said Broderick, 44, a freelance TV camera operator who spent \$2,000 converting his 2002 Volkswagon Jetta Turbo Direct Injection using a do-it-yourself kit purchased online.

He said he saves about 55 cents a gallon by using vegetable oil instead of diesel.

"With all the global warming stuff going down, it really hit home. I'm just trying to do my little bit," he said.

Although there is no data tracking the number of consumers using biodiesel vehicles, Broderick may be among a growing number using the canola- or soybean-based oils in diesel engines.

Joe Gershen, who runs a biodiesel distributor called L.A. BioFuel, said more consumers and cities are using biodiesel because of the cost savings, the growing availability and the idea that it creates less toxic soot than its petroleum counterpart.

"There's been quite a dramatic uptick in the use of biodiesel," said Gershen, adding that West Los Angeles added a second biodiesel fueling station this year.

"Biodiesel is the fastest-growing alternative fuel in the country. You're seeing people who are pretty environmentally oriented using it. They want to get off foreign oil."

Gennet Paauwe, a spokeswoman for the state Air Resources Board, which has formed a biodiesel working group to study the issue, said rising gas prices are helping fuel the trend.

"People are concerned about gas prices right now, and air quality is at the top of the list for many Californians," she said. "It's another alternative to traditional fuels that are on the road today."

The trend is catching on in cities such as Glendale, Pasadena, Santa Monica and Beverly Hills, which all have been using a blend of biodiesel in city trucks.

The South Coast Air Quality Management District is sponsoring a project with Santa Monica to determine biodiesel emission reductions on two heavy-duty vehicles, said Sam Atwood a spokesman with the AQMD.

The AQMD is also starting a technology roundtable to discuss clean vehicle technologies and plans to hold a biodiesel conference in August.

But while the fuel does produce less toxic soot and fewer emissions linked to acid rain and global warming, it also produces more nitrogen oxides - NOx - a key ingredient in smog and particulate matter.

Officials are hoping new technology will help cut NOx levels to below the levels produced by petroleum diesel in the near future.

"We're working really hard to reduce air emissions," said Chung Liu, deputy executive officer for the AQMD who oversees science and technology advancement. "We have a long way to go. It may offer a benefit on global warming because it's a renewable fuel. It looks like biodiesel has a great potential to penetrate into the transportation fuel market."

Broderick got the idea to convert his car from his friends. He began surfing the Internet to learn more about biodiesel, bought a kit online and installed it himself within a week.

Last week he started a blog - [www.kungpaojetta.com](http://www.kungpaojetta.com) - highlighting his experiences.

"I don't know if it will catch on," he said. "It's for the tinkerer. It isn't for everyone. There's some maintenance involved. But I'm hopeful. I hope that it catches on and that more people will do it to help the environment."

## **U.N.'s delegates visiting the valley**

### **Two-day tour highlights farming techniques for four global representatives**

By CHRISTINA SALERNO - BEE STAFF WRITER

Modesto Bee, Tuesday, June 27, 2006

A United Nations delegation swept through the Northern San Joaquin Valley on Monday, touring agricultural sites to learn about modern and sustainable farming techniques.

The representatives from Bangladesh, Portugal, the Republic of Congo and the Republic of Korea will continue the tour today, as part of a two-day visit to region.

Traveling by bus, the delegates started Monday morning at the Blue Diamond almond processing plant in Sacramento. Working their way down the valley, the group stopped at Castelanelli Dairy in Lodi, the Tracy water pumping plant, Britton Konynenburg farm in Westley and the E.&J. Gallo Winery in Modesto.

The tour is hosted by the the California Agricultural Leadership Foundation.

Its goal is to demonstrate farming methods that the delegates can use in their home countries to produce more food with the least impact on the land, said organizer Kristen Hughes, a project manager for Sustainable Conservation.

The delegates received a brief introduction to Stanislaus County during a lunch break presentation at the Great Valley Center in Modesto.

Richard Cummings, the director of communications for the center, described the rapid population growth of the county in recent years. He addressed some of the problems that plague the area, including low income levels, poor air quality and the lack of a collegeeducated work force.

Ambassadors Iftekhar Ahmed Chowdhury of Bangladesh, João Manuel Guerra Salgueiro of Portugal, Pascal Gayama of the Republic of Congo and Hyun Cho of the Republic of Korea will continue the tour today at the UC Davis campus.

They will attend a series of presentations on biotechnology, sustainable energy, water resources and pesticide regulation.

## **Spare the Air today in Merced County**

Modesto Bee, Monday, June 26, 2006

The air quality in Merced County is expected to be unhealthy today for sensitive groups — children, older adults and those with lung diseases. For that reason, the San Joaquin Valley Air Pollution Control District has declared a Spare the Air day, asking residents to limit outdoor exertion, especially from 3 to 7 p.m., when ozone levels usually are highest. People also are asked to car-pool, postpone using gas-powered yard equipment and not ignite charcoal grills with lighter fluid.

## **So you think it's hot in Sacramento?**

By Edie Lau -- Bee Staff Writer

Sacramento Bee, Tuesday, June 27, 2006

It was a mere whisper of a breeze, but it was enough to keep the weekend heat -- forecast to be hellish -- just this side of unbearable.

In Sacramento, anyway.

Over the weekend, the mercury soared to 117 degrees in Redding and Red Bluff, breaking daily records and coming close to the all-time high of 118 degrees in Redding, according to the National Weather Service.

By contrast, the temperature reached "only" 100 in downtown Sacramento on Saturday, Sunday and Monday, the weather service reported.

Lower-than-expected temperatures -- and that breeze -- helped moderate electricity consumption, so that neither the Sacramento Municipal Utility District nor the state as a whole broke any power-use records. A run of days with especially dirty air should also end today.

In Redding on Sunday the heat may have contributed to the death of an 83-year-old woman. A bicyclist discovered the body of Julia MacGillivray of Redding slumped on Clover Creek Trail about 4:15 that afternoon. She was declared dead at the scene, Shasta County coroner officials said.

An autopsy later this week will determine if heatstroke was the cause of death.

"(She) had been out walking without water and had been gone for quite a while," coroner's administrative secretary Mo Hern said.

An autopsy will also determine whether heat played a role in the death of Luckie Len Antoneo Horner, 42, whose body was found about 3:30 p.m. Saturday in a Redding field when the temperature was 114. An acquaintance told officials that the man had fallen asleep there Saturday morning. There were no apparent signs of trauma, Hern said.

Weather service forecaster Johnnie Powell said a light wind from the south kept weekend temperatures in Sacramento from rising above 100, as had been forecast.

An even stronger Delta wind will bring temperatures down as the week progresses. Today's high is forecast to be 99; by Wednesday, it may drop to the low 90s, possibly even the upper 80s, Powell said.

That will help air quality. After a four-day stretch of "Spare the Air" days -- triggered when the air is likely to be so dirty as to cause problems for those with asthma and other sensitive people -- today's pollution is expected to drop to the "moderate" range.

High ozone pollution is to be expected locally this time of year, said Jamie Arno, spokeswoman for the Sacramento Metropolitan Air Quality Management District.

"It's not unusual at all to have one, two, three or four Spare the Air days in a row," Arno said. "It's very closely tied to the weather."

Arno noted that "little things can make a big difference" in air quality, which is why the district urges residents to drive less as smog-making heat rises.

"Seventy percent of our air pollution is caused by cars and trucks," she said. "If you can skip a trip, that can really make a difference."

Some public transportation systems give free rides on Spare the Air days. They include Auburn Transit, Lincoln Transit, Placer County Transit, Roseville Transit, Yolo Bus and UNITRANS.

In the north state, while most residents sought air-conditioned shelter during the oppressive heat, others ventured out on rivers for rafting and canoeing, or boating on Shasta Lake. "Really, there's no escaping 117 degrees," Shasta County Sheriff's Sgt. Mark Lillibridge said.

He cautioned, however, that water in the Sacramento River and its tributaries is running more swiftly than it appears.

Monday wasn't quite as hot in the northern Sacramento Valley but still qualified as blazing, with highs of 113 in Redding and 108 in Red Bluff.

Powell noted that heat in these parts is just a fact of life. "Remember ... it's summer," he said. "You're in the Valley; it's hot."

## **Supreme Court to hear landmark environment case**

### **Ruling will decide whether government must regulate carbon dioxide emissions**

by Josef Hebert, Associated Press

in the Tri-Valley Herald, Tuesday, June 27, 2006

WASHINGTON — The Supreme Court agreed Monday to consider whether the Bush administration must regulate carbon dioxide to combat global warming, setting up what could be one of the court's most important decisions on the environment.

The decision means the court will address whether the administration's decision to rely on voluntary measures to combat climate change are legal under federal clean air laws.

"This is the whole ball of wax. This will determine whether the Environmental Protection Agency is to regulate greenhouse gases from cars and whether EPA can regulate carbon dioxide from power plants," said David Bookbinder, an attorney for the Sierra Club.

Bookbinder said if the court upholds the administration's argument it also could jeopardize plans by California and 10 other states, including most of the Northeast, to require reductions in carbon dioxide emissions from motor vehicles.

The EPA said in a statement that the agency "is confident in its decision (not to regulate carbon dioxide) and will address the issue before the court." It said voluntary programs "are helping achieve reductions" in carbon emissions "while saving millions of dollars."

"Fundamentally, we don't think carbon dioxide is a pollutant, and so we don't think these attempts (to require reductions) are a good idea," said John Felmy, chief economist of the American Petroleum Institute, a trade group representing oil and gas producers.

A dozen states, a number of cities and various environmental groups asked the court to take up the case after a divided lower court ruled against them.

They argue that the Environmental Protection Agency is obligated to limit carbon dioxide emissions from motor vehicles under the federal Clean Air Act because as the primary "greenhouse" gas causing a warming of the earth, carbon dioxide is a pollutant.

The administration maintains that carbon dioxide — unlike other chemicals that must be controlled to assure healthy air — is not a pollutant under the federal clean air law, and that even if it were the EPA has discretion over whether to regulate it.

A federal appeals court sided with the administration in a sharply divided ruling.

One judge said the EPA's refusal to regulate carbon dioxide was contrary to the clean air law; another said that even if the Clean Air Act gave the EPA authority over the heat-trapping chemical, the agency could choose not to use that authority; a third judge ruled against the suit because, he said, the plaintiffs had no standing because they hadn't proven harm.

so-called "greenhouse" gas because as it drifts into the atmosphere it traps the earth's heat — much like a greenhouse.

Many scientists cite growing evidence that this pollution is warming the earth to a point of beginning to change global climate.

At the heart of the climate debate is whether carbon dioxide releases should be controlled by emission caps on power plants and requiring motor vehicles to become more fuel efficient, therefore burning less fuel and producing less carbon dioxide.

President Bush, when first running for president, expressed support for regulating carbon dioxide, but he reversed himself shortly after getting into office — saying he was convinced that voluntary plans to curtail carbon were a better way to go and mandatory regulation would be too expensive for business.

In 2003, the EPA's top lawyer concluded that the agency lacked the authority to regulate carbon dioxide under the Clean Air Act, reversing a legal opinion issued several years earlier by the Clinton administration and prompting the lawsuit.

"If ever there was a case that warranted Supreme Court review this is it," says Massachusetts Attorney General Tom Reilly, whose state is one of 12 involved in the lawsuit.

In their appeal, the states argued that the case "goes to the heart of the EPA's statutory responsibilities to deal with the most pressing environmental problem of our time" — the threat of global warming.

The administration countered that the EPA should not be required to "embark on the extraordinarily complex and scientifically uncertain task of addressing the global issue of greenhouse gas emissions" when other, voluntary ways to address climate change are available.

In addition to Massachusetts, the states are California, Connecticut, Illinois, Maine, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. They were joined by a

number of cities including Baltimore, New York City and Washington D.C., the Pacific island of America Samoa, the Union of Concerned Scientists, Greenpeace, and Friends of the Earth.

## High Court mulls greenhouse gas regulation

By H. JOSEF HEBERT, Associated Press Writer  
Sacramento Bee, Monday, June 26, 2006

WASHINGTON (AP) - The Supreme Court plunged on Monday into the acrimonious debate over global warming and whether the government should regulate "greenhouse" gases, especially carbon dioxide from cars. The ruling could be one of the court's most important ever on the environment.

Spurred by states in a pollution battle with the Bush administration, the court said it would decide whether the Environmental Protection Agency is required under the federal clean air law to treat carbon dioxide from automobiles as a pollutant harmful to health.

The decision could determine how the nation addresses global warming.

President Bush has rejected calls by environmentalists and some lawmakers in Congress to regulate carbon dioxide, the leading heat-trapping "greenhouse" gas going into the atmosphere. Bush favors voluntary actions and development of new technologies to curtail such emissions. But a dozen states argued that carbon dioxide and other heat-trapping chemicals from automobile tailpipes should be treated as unhealthy pollutants. They filed a lawsuit in an effort to force the EPA to curtail such emissions just as it does cancer-causing lead and chemicals that produce smog and acid rain.

The Supreme Court on Monday agreed to take the case after a divided lower court sided with the administration. Arguments will be late this year, with a ruling by next June.

"This is going to be the first major statement by the Supreme Court on climate change. ... This is the whole ball of wax," said David Bookbinder, an attorney for the Sierra Club, one of a number of environmental groups that joined the states in their appeal to the high court.

While the case doesn't specifically involve carbon releases from power plants, environmentalists said a court decision declaring carbon dioxide a harmful pollutant would make it hard for the agency to avoid action involving power plants which account for 40 percent of the carbon dioxide released into the air.

Cars and trucks account for about half that amount.

The EPA said in a statement that the agency "is confident in its decision" not to regulate the chemical under the federal Clean Air Act and plans to argue its case vigorously before the high court.

Recently, Bush told reporters he views global warming as a serious problem and has "a plan to be able to deal with greenhouse gases" short of regulating their use. It includes developing new technologies for cleaner burning coal, using alternative motor fuels such as ethanol as substitutes for gasoline and expanding nuclear power to produce electricity.

Critics argue that carbon emissions have continued to increase - though the rate of increase has declined - and only regulation of carbon dioxide and other greenhouse gases will stem the amount going into the atmosphere.

"It is encouraging that the high court feels this case needs to be reviewed," said Sen. Jim Jeffords, I-Vt., who has campaigned in Congress to regulate carbon dioxide. "It is high time to stop relying on technicalities and finger pointing to avoid action on climate change."

The states involved, which together account for more than a third of the car market, say the Clean Air Act makes clear carbon dioxide is a pollutant that should be regulated if it poses a danger to public health and welfare. They argue it does so by causing a warming of the earth.

The administration maintains that unlike other chemicals that must be controlled to ensure healthy air, carbon dioxide from burning fossil fuels is not a dangerous pollutant under the federal

law. And, officials argue, even if it is, the EPA has discretion over whether to regulate it, considering the economic costs involved.

The agency should not be required to "embark on the extraordinarily complex and scientifically uncertain task of addressing the global issue of greenhouse gas emissions" when voluntary ways to address climate change are available, the administration argued in its filing with the high court. While a federal appeals court sided with the administration, its ruling was mixed.

One judge said the states and other plaintiffs had no standing because they had not proven harm. A second judge said even if the law gave the EPA authority to regulate carbon dioxide, the agency was not obligated to do so. A third judge, in the minority, said the EPA was violating the law by not regulating the chemical.

In their appeal, the states maintained the case "goes to the heart of the EPA's statutory responsibilities to deal with the most pressing environmental problem of our time" - the threat of global warming.

Plaintiffs in the lawsuit were California, Connecticut, Illinois, Maine, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. They were joined by a number of cities including Baltimore, New York City and Washington D.C., the Pacific island of America Samoa, the Union of Concerned Scientists, Greenpeace, and Friends of the Earth.

## **What about sparing car for a year?**

### **Success of free-transit spree gives several officials fuel for thought**

by Erik N. Nelson

Tri-Valley Herald, Tuesday, June 27, 2006

The Bay Area accidentally may have stumbled into the nation's first large-scale free mass transit experiment, but what it proves is far from certain.

For three straight workdays, thousands of neophyte riders parked their cars and climbed aboard the Golden Gate Ferry's Sausalito to San Francisco run, posting a

318-percent increase in ridership Friday. Not all increases were quite so dramatic, but all-day free transit to combat

smog has certainly been a crowd-pleaser.

Free BART attracted ridership boosts of 10 percent, 5 percent and 9 percent on the three days, respectively. The transit agency estimated that

28,000 additional riders passed the fare-card slots with "No Fare" taped over them Monday, swelling ridership to about 351,000.

From Gilroy to Vacaville, thousands of commuters took advantage of the free rides, giving transportation officials, academics and futurists a chance to see what a major metropolitan area with free transit looks like.

The \$7.5 million program reimbursed 25 Bay Area subway, commuter rail, bus, light rail and ferry services for giving free rides for their entire operating days.

"I'm not aware of any other region that's done it to this magnitude," said Rose Sheridan, a spokeswoman for the Washington, D.C.-based American Public Transit Association.

"This is a great way to entice people to try public transit. It's been our experience around the country that when people try public transit, that many people, who have perceptions that it's not viable for them, discover that, 'Hey! This works!'" Sheridan said. But many riders may have been moved just as much by the call to reduce smog as by the free rides, said Elizabeth Deakin, director of the University of California Transportation Center in Berkeley.

Stagnant, hot, high-pressure air, which Monday seemed only to affect the area's smog-prone eastern reaches, made Thursday, Friday and Monday candidates for Spare the Air Days.

The early-summer spate of smog days took officials by surprise, and now has them scrambling to think of ways to pump more money into the program.

"I don't think it was anticipated,"

said Aaron Richardson, spokesman for the Bay Area Air Quality Management District. "Last year we only had one Spare the Air Day."

The district's air quality forecast for today is somewhat better than for the past three weekdays but will remain in the moderate range in eastern Alameda County and Contra Costa County. Last week these areas' monitoring stations showed unhealthy levels of ground-level ozone, the primary ingredient used to determine smog levels.

"People are saying, 'It's not a huge sacrifice to leave my car home today,'" Deakin said. "I wouldn't expect to get quite as big a response if we did it on a permanent basis."

But Alameda County Supervisor Scott Haggerty, who represents the county on the Metropolitan Transportation Commission, believes the experience wasn't enough to fully entice riders. "I think the last three days have shown you can make transit

available to commuters, they will ride it," Haggerty said. "In order to really change people's behavior, you certainly would have to implement it for more than three days."

The region's transportation planners "have thought in the past what the Bay Area would look like with free transit," said Randy Rentschler, spokesman for the commission, which used federal congestion and air quality money to bankroll Spare the Air Days.

"We would need to find a way to pay for a significant loss in revenue," Rentschler said, evident from more than \$2 million in fares reimbursed for every Spare the Air Day. "Either that or have a much smaller (transit) system. After you get past that, the question is, how many sustained new riders do you get?"

## **It's still boiling, but short of record**

### **Agency announces another Spare the Air day in the valley**

By ROSALIO AHUMADA

Modesto Bee, Saturday, June 24, 2006

Modesto's high temperature reached triple digits for the third-straight day Saturday, but a National Weather Service forecaster said things should cool off by the end of the week.

The high peaked at 101 degrees Saturday. More of the same is expected today, said Patrick Johnson, a weather service meteorologist.

Today's and Monday's highs are expected to reach 104, Johnson said, countering AccuWeather's forecast of 110 and 105, respectively. But by Wednesday and Thursday, highs should fall into the high '90s and drop even more by the weekend, he said.

The bit of good news was tempered somewhat by the poor air quality.

The San Joaquin Valley Air Pollution Control District declared today a Spare the Air day, asking residents in San Joaquin, Stanislaus and Merced counties, and those to the south, to limit outdoor exertion, especially from 3 to 7 p.m., when ozone levels usually are highest.

The designation should be lifted in San Joaquin and Stanislaus counties by Monday, and be followed by slightly cooler temperatures.

Johnson predicts a low-pressure system from Alaska will move into the Northern San Joaquin Valley late this week, which will bring down high temperatures closer to normal in the lower 90s by Friday.

The weather service had predicted Saturday's high temperature would reach 108 degrees — matching the record for June 24 set in 1961 — but Johnson said predicting the right number can be difficult when using three computer models and monitoring an on-shore air flow.

"This on-shore flow can change things dramatically, and that makes it hard to nail sometimes," Johnson said.

It's that same marine air that keeps unusually warm weather from lasting more than 10 consecutive days, he said.

As for the next few days, Johnson said it'll be hot but not enough to make history.

"Your records are pretty safe," he said.

## **Spare the Air today**

Lodi News Sentinel,  
Saturday, June 24, 2006

A Spare the Air Day is scheduled for today in San Joaquin County. To help reduce air pollution, avoid driving as much as you can, suggests the San Joaquin Air Pollution Control District. If you're working, try carpooling or bringing your lunch to work. For more information about the Spare the Air program, call 9559) 230-5800 or visit [www.valleyair.org](http://www.valleyair.org).

## **Spare the air**

Modesto Bee, Saturday, June 24, 2006

The San Joaquin Valley Air Pollution Control District declared today is a Spare the Air day in Stanislaus, Merced and San Joaquin counties. Sunday also is a Spare the Air day for Merced County. People are urged to postpone unnecessary vehicle trips and car-pool when possible.

## **Time to spare the air today, Saturday**

Modesto Bee, Friday, June 23, 2006

The air quality in Merced County is expected to be unhealthy today and Saturday for sensitive groups — children, older adults and those with lung diseases. For that reason, the San Joaquin Valley Air Pollution Control District has declared a Spare the Air day, asking residents to limit outdoor exertion, especially from 3 to 7 p.m., when ozone levels usually are highest. People also are asked to car-pool, postpone using gas-powered yard equipment and not ignite charcoal grills with lighter fluid.

## **Talent**

Modesto Bee, Friday, June 23, 2006

SEEKING ART SHOE SUBMISSIONS Through Aug. 22

Modesto Art Museum seeks art shoes for Great American Shoe In. See Web site for complete guidelines. 236-1333. [www.modestoartmuseum.org/artshoes.htm](http://www.modestoartmuseum.org/artshoes.htm)

SEEKING SUBMISSIONS STAGED READING SERIES Through Aug. 7

8 p.m. Mansion House, 455 W. Canal St., Merced. Free. 769-8868. [www.starlightcafetheatre.org](http://www.starlightcafetheatre.org)

[SEEKING STUDENT ARTISTS Through Sept. 30](#)

[The San Joaquin Valley Air Pollution Control District is looking for student artwork for its 2007 Clean Air Kids Calendar. 557-6400.](#)

TOWNSEND OPERA PLAYERS SEEKING SINGERS June 29-July 30

## **Switching from gas is always greener**

**Hundreds sign up to drop off their smoke-belching lawn mowers and pick up cleaner electric models for \$100.**

By MARLA JO FISHER

The Orange County Register, Friday, June 9, 2006

One thousand people have signed up to participate in Saturday's lawn mower exchange, an organizer said, so many that the event has sold out and its location had to be changed to accommodate the crowd.

This will be the fourth year that the Air Quality Management District has sponsored a lawn mower program. Owners can bring in old, polluting gasoline mowers and exchange them, paying \$100 for more environmentally friendly rechargeable electric mowers worth \$400.

"A gas mower puts out as much pollution in one year as 43 of the newest model cars," said Larry Kolczak of the South Coast Air Quality Management District. "That's why the air pollution agency is involved in the exchange."

The location of Saturday's event has been moved from the previously advertised site at the Santa Ana Civic Center, due to the larger-than-expected number of registrations. The new location will be the city of Santa Ana yard at 220 S. Daisy Ave., Santa Ana.

The district does seven exchanges per year at sites in Southern California, he said.

This year's Orange County exchange is fully booked, though people can register in advance for the June 17 exchange at Hollywood Park in Inglewood, officials said. That will be the last exchange for this year.

Money to fund the program comes from companies that choose to pay into a fund to lower pollution rather than operate employee rideshare or car-pool programs, he said. That fund pays for the lawnmower project, as well as other programs such as the one that pays to scrap old cars.