

33 Valley school buses air friendly

Staff Reports

Visalia Times-Delta, Saturday, Oct. 28, 2006

The Southwest Transportation Agency and the San Joaquin Valley Air Pollution Control District now boast 33 school buses equipped with high-performance diesel exhaust purifiers that sharply reduce soot emissions, the district announced.

The Southwest Transportation Agency supplies buses to 15 Valley school districts, and 7,000 students ride those buses daily, according to Kirk Hunter, chief executive officer of the agency.

The district not only covers Tulare County, but also San Joaquin, Stanislaus, Merced, Madera, Fresno and Kings counties along with the Valley portion of Kern County.

For further information on this program, call Vanessa Loftus at (415) 418-4349.

Planners delay crematorium decision

Businesses nearby don't want it there

DAVID SIDERS

Stockton Record, Friday, October 27, 2007

STOCKTON - The Planning Commission delayed Thursday its decision on a businessman's request to open a crematorium in Stockton, moved by nearby business owners who claimed burning bodies would depress their employees and the value of their land.

The crematorium, which was to be built on Station Drive in an industrial park in southeast Stockton, would be Stockton's only crematorium. There are four others in San Joaquin County.

Commissioner J.J. Jones said the permit application was one of the "most unusual" cases the panel has considered. Still, he was the only commissioner to oppose delaying the vote, saying the crematorium has a right to do business.

The rest of the panel wanted more time to consider the issue that Commissioner Christopher Kontos dubbed "creepy."

Clinton Love, president of Bay Area Cremation & Funeral Services, said the crematorium would be run in an unmarked building and would not serve customers directly. It would cremate bodies for the company's planned storefront operations across the Central Valley, he said.

The crematorium would emit neither odor nor black smoke and would be undetectable to passers-by, company officials said.

Jerry Carroll of the nearby T.H.E. Office City, which provides office-to-office supplies, said he is convinced the crematorium would not pollute the air, but he said seeing white vans hauling bodies into the crematorium during the day would disturb employees.

Bill MacLaughlin, whose family owns warehouses in the park, said a crematorium would stigmatize the area.

Love said that stigma or not, cremation happens and has to happen somewhere. He said he picked a place far from houses and schools.

The San Joaquin Valley Air Pollution Control District has permitted the crematorium. Joven Refuerzo, a district engineer, said the business won't emit black smoke or hazardous gas. He compared its effect on the air to that of two small water heaters.

Two crematoriums in Lodi and one each in Tracy and Manteca currently are licensed by the state.

In Tracy, residents circulated petitions and cried out when, in 1989, Fry & Son Mortuary opened a crematorium near a subdivision.

On Thursday in the same neighborhood, Sidra Goldsmit said she remembers the issue but that nobody talks about the crematorium anymore or even notices it.

"You don't even know it," she said.

The commission voted 6-1 to consider the matter again on Nov. 6.

Valley air weighs heavy on the heart **Fresno doctor explains dangers of air pollution**

By Greg Ubbelohde, Staff writer

Visalia Times-Delta, Friday, Oct. 27, 2006

Most residents know that things like vehicle emissions and aerosol hairspray combined with low air movement in the Valley have caused an air quality problem.

But what Visalians may not know is that bad air quality can affect their hearts.

That was the conclusion arrived at on Thursday at the 25th annual Norman Sharrer Symposium, sponsored by the Kaweah Delta Health Care District.

The symposium, named in honor of a prominent physician that worked at Kaweah Delta Hospital before he died, is a chance for physicians to hear experts talk about health issues.

This year's issue was whether air pollution is killing our hearts.

And it is, said John Telles, M.D., a Fresno cardiologist who spoke at the symposium.

"In 2004, the American Heart Association named air pollution as a risk factor for heart disease," Telles said. "And for them to do that, there had to be overwhelming scientific evidence."

In his lecture, Telles described how air pollution is affecting resident's hearts.

According to Telles, air pollution can cause:

- artery constriction
- hypertension
- progression of coronary disease
- elevated plaque levels in arteries
- elevated heart rate.

Such news is a disappointment to physicians, who have seen a decline in the number of people dying of coronary heart disease since the 1980s, Telles said. Coronary heart disease is the leading cause of death in the United States, Telles said.

The reason for the decline is that most of the known risk factors, high cholesterol, high blood pressure, smoking and diabetes, are also declining. People could theoretically control their risks to those, but they can't control the risk of breathing in bad air, Telles said.

"Visalia is one of the most polluted cities in the United States," for cardiovascular risk factors, Telles said.

One of the biggest causes of air pollution in the Valley is ozone, a chemical reaction between natural compounds like methane and synthetic compounds like automobile exhaust, said Kelly Morphy, a spokeswoman for the San Joaquin Valley Air Pollution Control District, who also spoke Thursday at the symposium.

Another major cause is particulate matter, very small particles such as soot and dust that can get into the air from things like exhaust from automobiles and smoke stacks, Morphy said.

The solution: Clean up air quality in the Valley. To do that, Morphy said two things need to happen - there needs to be stronger government regulations and a reduction in automobile exhaust.

Telles had a chart showing that 57 percent of the air pollution in the Valley is due to personal vehicles. Even so, Morphy said it's going to take a lot more than just cleaning up our cars.

"There is no silver bullet," she said.

To offer proof, she said that the Valley would need a 60 percent reduction in emissions to bring the air quality up to what it should be.

"If we got rid of all they automobiles in the Valley, it wouldn't be enough," Morphy said.

It comes down to the little things: driving less, switching from burning wood to using propane, buying an electric lawn mower. Morphy said it is going to be those things that eventually lead to better air in the Valley.

CSU system gets praise for use of 'green' power

BY JENNY SHEARER, Californian staff writer
Bakersfield Californian, Monday, Oct. 30. 2006

Cal State is so green the feds have taken notice.

The U.S. Environmental Protection Agency recently recognized the California State University system for being among the top 25 green-power purchasers in the nation.

The system was ranked No. 2 in the agency's Top 10 list of green colleges.

Green power is electricity partially or entirely generated from environmentally friendly sources such as solar, wind, geothermal, biogas and biomass.

Renewable sources produce fewer carbon dioxide emissions, a greenhouse gas linked to global warming.

"We've basically had a 30-year history of being responsible stewards of the environment," said Len Pettis, who oversees energy procurement for the 23-campus system.

Pettis said Cal State has reduced its energy consumption by 50 percent over 30 years.

The goal is to produce 50 megawatts of power a year, which could power 33,000 homes a year. The system buys power for 19 campuses from APS Energy Services in Phoenix, which serves customers in the Southwestern United States.

Cal State uses biomass, geothermal and wind power. Biomass is waste energy from plant, human and animal sources. Materials are burned under controlled conditions to make steam, which spins turbines that generate electricity.

Although Cal State Bakersfield doesn't make its own power, four campuses do have co-generation plants: Humboldt, San Diego, San Francisco and San Jose.

CSUB spends about \$3 million a year to power campus utilities, Pettis said.

White House must face Duke Energy again

By PETE YOST, Associated Press Writer

In the Sacramento Bee and the Washington Post, Sunday, October 29, 2006

WASHINGTON (AP) - When the Bush administration lost an important air pollution case before an appeals court last year, it did an interesting about-face and sided with the electric power company that won.

Unfortunately for the administration, environmental groups persuaded the Supreme Court to take up the case over the objections of the government.

Now the administration's switch is being aired at the court in politically painful detail in the case of Environmental Defense v. Duke Energy Corp.

Arguments before the justices are scheduled for Wednesday and the government will be back where it started, siding against the power company to be consistent with its position in the lower courts.

Vickie Patton, a lawyer for Environmental Defense, says it is only the second time in 35 years the high court has agreed to review a case exclusively at the request of environmental groups and over the objections of the government.

The lawsuit against Duke, based in Charlotte, N.C., is one of more than a dozen such actions against utility companies during the Clinton administration.

The "New Source Review" enforcement program is aimed at reducing power plant emissions of nitrogen oxide and sulfur dioxide that contribute to smog and acid rain. Retrofitting aging coal-fired plants with the latest pollution-control equipment is costing billions of dollars.

When President Bush took office, his administration pursued the Clinton-era lawsuits but decided not to file any major new ones. When the Duke Energy case reached the 4th U.S. Circuit Court of Appeals, the utility company won.

A few months after the Duke court victory, the Bush administration proposed an industry-friendly rule that is along the lines of what Duke and other utilities always have wanted.

Duke is highlighting the proposal from the Environmental Protection Agency in the energy company's briefs to the Supreme Court.

The proposal would address a central issue in the Duke case - how power plant emissions are measured.

Instead of measuring the annual totals, as the government always has said the current rules call for, the administration now wants to measure pollution emissions by the hour. That change is fine with Duke and other companies whose plants have been upgraded to operate longer each day.

The October 2005 proposal sharply criticizes the current program that the government will defend in court on Wednesday. The EPA said that program has "impeded or resulted in the cancellation" of power plant projects that would have "improved the reliability, efficiency or safety of existing energy capacity."

The "approach we have been taking leads to outcomes that have not advanced the central policy" of the program, the EPA proposal states. Duke's lawyers, in court papers, quoted the EPA's criticism of the current program, in effect throwing the government's words back in its face.

When environmentalists asked the Supreme Court to hear the case, the administration cited the EPA proposal as a reason the court should not hear it.

"Far from indicating that this court's review is necessary, the fact that EPA has proposed new regulations indicates that the agency believes it can address any difficulties caused by the court of appeal's decision through rulemaking, and obviates any need for further review," the government told the justices last March.

The court decided to take the case anyway. The administration now has switched positions again, filing papers strongly supporting the current program and opposing Duke, as it had previously.

In its main brief to the Supreme Court, Duke turns the EPA proposal against the government.

Duke's court papers call the EPA's enforcement position in the Supreme Court "particularly odd," pointing out that the agency's proposed rule is "consistent with Duke's position."

Lawyer Scott Segal, a spokesman for an electric power industry group, says the EPA proposal will make the arguments challenging for the government because "the administration has already admitted that the better public policy interpretation is one that is more flexible."

Environmentalists are shaking their heads over how EPA's proposal has played into the Duke suit.

"The administration has sabotaged its own court case," said Frank O'Donnell, president of the nonprofit group Clean Air Watch.

Patton, the lawyer from Environmental Defense, said in an interview there is "no question the Bush administration wanted to avoid being in the United States Supreme Court in this clean air case.

"The Bush administration is treading the delicate line of enforcing the clean air laws at issue here while carefully reserving its right to radically weaken these same laws through new policies," Patton added.

The EPA said in a statement the government is in the Supreme Court to enforce the Clean Air Act against Duke and at the same time is committed to overhauling the enforcement program "to ensure our nation's air quality meets the most health protective standards."

The EPA proposal and the administration's brief asking the Supreme Court not to take the case both state that the government opposes the appeals court ruling favoring Duke. Former EPA lawyer John Walke calls those assertions "seriously misleading to the point of being deceptive - out of an attempt to avoid highlighting the harmful agenda shared by the administration and Duke."

The narrow point the administration opposes in the appeals court ruling, Walke pointed out, is how much discretion the agency has to choose between an hourly test the industry wants and an annual test "that would protect public health."

Schwarzenegger, Angelides both profess to lean green

With perspectives as different as a Hummer and a hybrid, the gubernatorial candidates court the environmental vote.

By Tim Reiterman, Times Staff Writer
LA Times, Saturday, October 28, 2006

SAN FRANCISCO — With his popularity lagging, Gov. Arnold Schwarzenegger seized center stage at a United Nations conference in June 2005 by unfurling an ambitious plan for reducing greenhouse gas emissions in the most populous state.

"As of today," he said, "California is going to be the leader in the fight against global warming."

By standing against climate change, the Republican governor set himself apart from the Bush administration and laid claim to a central environmental issue in his reelection effort.

"It was a key symbolic step ... that inoculated him against one of the major strategies [his opposition] had: linking him to President Bush and the skepticism the administration has about ... whether global warming is real," said Bruce Cain, director of UC Berkeley's Institute of Governmental Studies.

Three days later, Schwarzenegger's Democratic would-be successor, state Treasurer Phil Angelides, told the same conference of his own efforts to protect the planet by steering billions of dollars in public pension money to clean technology, renewable energy projects and developments that would avert urban sprawl.

"California should own this industry," Angelides said, "so we can have a clean environment and the high-wage, high-skill jobs to power our economy."

The episode captures a basic distinction between the environmental records and styles of the leading gubernatorial candidates in the Nov. 7 election.

The pro-business Hummer aficionado and former movie star has used his office to undertake high-profile initiatives for air quality and the protection of ocean and forestland, while critics grumble that his less visible actions sometimes have belied his lofty words.

The state treasurer, a hybrid-driving former developer who has bumped heads with conservationists, has employed the financial clout of two of the nation's largest pension funds — with far less fanfare — to establish himself as a "green" investor.

"The environment is an issue which voters have told us consistently is very important in deciding [how] to vote for major public offices such as governor," said Mark Baldassare, research director at the Public Policy Institute of California.

While Schwarzenegger has been running on the record he fashioned since ousting Gov. Gray Davis in the recall three years ago, his campaign has portrayed Angelides as a scofflaw former developer.

Angelides was cited by federal officials in 1987 for illegally filling wetlands for a development. He eventually agreed to create other wetlands as mitigation.

When Angelides and his partners proposed two housing projects in Sacramento a decade later, the City Council approved a plan he pushed for providing alternative habitat for two endangered species. But environmental groups successfully sued the federal government to block permits for the developments.

After Angelides was elected treasurer in 1998, a compromise negotiated without his involvement set aside habitat, and the developments were built.

Angelides said he built innovative projects that minimized traffic, pollution and effects on wildlife. "Any time you're in business, there are going to be areas of disagreement, and any time you do new things, there always are going to be critics," he said.

As state treasurer, Angelides has headed boards overseeing state employee and teacher retirement funds.

"I began thinking about ways our pension funds could make investments that would ... return solid yields at the same time we ... advanced marketplace solutions to environmental challenges," he said.

In February 2004, he inaugurated his Green Wave initiative, calling on the two state retirement systems to put \$1.5 billion into companies with sound environmental practices and into new technologies.

Angelides' action made California a leader in "green" investments, said Mindy Lubber, head of Ceres, a Boston-based coalition that promotes socially responsible institutional investment.

During Schwarzenegger's first year in office, environmental groups told him he could build a powerful legacy. Warner Chabot, vice president of the Ocean Conservancy, presented the governor with a doctored photo of Mt. Rushmore that showed Schwarzenegger's face in place of President Theodore Roosevelt's.

Schwarzenegger later established a series of marine preserves between Santa Barbara and Half Moon Bay — about 18% of the ocean waters under state control. Chabot called his ocean policies "bold, visionary and substantial."

Other conservationists, however, have criticized many of the governor's appointments.

"Arnold Schwarzenegger is a master communicator," said Mary Nichols, head of the UCLA Institute of the Environment and former resources secretary under Davis. "But the action has not matched the rhetoric."

In 2005, the governor outraged environmentalists by naming former industry lobbyist Cindy Tuck as head of the Air Resources Board. The state Senate refused to confirm her.

Environmental activists also cried foul that year when, in what the governor's office described as a routine changing of the guard, Schwarzenegger replaced the entire state Reclamation Board, whose members had started taking tough stances against development near levees suspected of being weak.

Environmentalists also have said that only one of his four Coastal Commission appointees has a good voting record.

Terry Tamminen, a Democrat who ran the California Environmental Protection Agency for Schwarzenegger, said the governor appointed the best available people to the commission and chose as chairwoman Meg Caldwell, a Stanford University environmental law lecturer with high marks from conservationists.

By opposing offshore oil drilling, the governor bucked the Bush administration. But environmentalists, residents and Angelides criticize Schwarzenegger for indicating support for a proposed offshore liquid natural gas terminal between Malibu and Oxnard, which they fear would pollute the air, spoil views and encourage more similar development.

Tamminen, now with Schwarzenegger's reelection campaign, denied that the governor has endorsed the proposal. He said Schwarzenegger wants cleaner natural gas for the state but no terminals where they could do environmental harm or present terrorism risks.

The governor has balanced the demands of environmentalists and the business community, said Cain of UC Berkeley.

"What obviously is going on is Arnold is as publicly environmentalist and populist as possible, and as quietly pro-business as possible," he said.

The governor's recent signing of Assembly Bill 32 — setting targets for cutting greenhouse emissions — pleased environmentalists and the 200-member Silicon Valley Leadership Group. But some of Schwarzenegger's most ardent supporters, such as the California Chamber of Commerce, fought the bill, saying it would hurt the economy.

In early 2004, the governor launched the Hydrogen Highway, a system of stations for dispensing the clean-burning fuel as automakers produce vehicles that can run on it. So far, Tamminen said, there are more than 20 stations. The state's goal is about 100 by 2010.

But the governor did not make good on his promise to convert one of his four Hummers to hydrogen. Spokeswoman Julie Soderlund said that instead, he is switching one to bio-diesel, a fuel made with renewable resources such as vegetable oil.

Schwarzenegger opposes Proposition 87 on the November ballot, which would generate \$4 billion for renewable energy by charging oil companies extraction fees.

"He supports the goal but does not think the way to do it is through taxes," Tamminen said.

Angelides supports Proposition 87. He also wants to add \$1.5 billion in public pension money to the oil fees to create more clean technology and renewable energy.

[OPEN FORUM, in the San Francisco Chronicle, Monday, Oct. 30, 2006](#)

Roadblock to cleaner cars

By Fran Pavley, Jason Barbose

This year California made history by passing the Global Warming Solutions Act (AB32), the nation's first cap on global warming pollution. Meanwhile, the summer's scorching heat wave drove global warming home for many Americans and melted the stubborn skepticism of others. Unfortunately, despite California's landmark action on global warming and heightened awareness nationwide, the Bush administration has continued to obstruct solutions to climate change.

In late September, the Bush administration announced its "strategic plan" to address global warming, which fails to require any reduction in global warming pollution, let alone the reduction necessary to avoid the worst impacts of global warming. Coincidentally, on the heels of this announcement, the journal Nature revealed that the administration blocked release of a National Oceanic and Atmospheric Administration report suggesting that global warming is contributing to the increasing frequency and strength of hurricanes. More than just blocking reports, however, the Bush administration is putting up roadblocks for states like California that are trying to take action to cut global warming pollution from cars and light trucks.

The Clean Air Act allows California to choose between complying with federal vehicle-emission standards and adopting more protective standards. In late 2004, California adopted new standards requiring cars and light-duty trucks to limit emissions that contribute to global warming. Nine other states -- Connecticut, Maine, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington -- have followed suit, and Pennsylvania moved one step closer to adopting its Clean Vehicles Program in mid-September. These state programs will have a measurable impact. According to calculations by Environment California, the 10 states that have adopted the Clean Cars Program will cut global warming pollution from cars, light trucks and SUVs by 64 million metric tons per year in 2020. Put another way, by 2020 the Clean Cars Program will eliminate as much carbon dioxide annually as is produced by 63 coal-fired power plants generating enough power for nearly a quarter of U.S. homes. So what's the problem?

The way the Clean Air Act is written, California must get a waiver if it wants to adopt stricter emissions standards than the federal government. Then, other states decide if they want to copy California or stick with the federal standards. The other states don't apply for their own waiver.

Unfortunately, the U.S. Environmental Protection Agency (EPA) has been sitting on California's application for a waiver to implement our global warming emissions standards for new vehicles. Without the Bush administration's stamp of approval, California -- and the nine other states that have adopted our Clean Cars Program -- will not be able to take this important step toward cutting global warming pollution from tailpipes.

The EPA has routinely granted California's waiver requests more than 40 times in the last three decades. Last week, Gov. Arnold Schwarzenegger spoke up, sending a letter to President Bush urging him to "take action on [California's] long-standing request for a waiver."

So why is the Bush administration dragging its feet? For the same reasons it announced a "strategic plan" to tackle global warming that doesn't really tackle it at all: the oil industry and big automakers.

Global warming will have profound impacts on California, including reduced snowpack, rising sea levels and increased air pollution. The Bush administration's failure to grant California's waiver is more than just a bureaucratic power play -- it marks a clear decision to cater to powerful special interests over the future of America's quality of life and public health.

Global warming demands immediate action. The Bush administration should grant California our waiver request and give states the power to cut global warming pollution from cars and light trucks.

Assembly member Fran Pavley, D-Agoura Hills (Los Angeles County), is the author of AB1493, which created California's greenhouse gas emissions standards for automobiles, and AB32, which created the nation's first cap on greenhouse gas emissions. Jason Barbose is the Global Warming Advocate with Environment California, a statewide nonpartisan, environmental advocacy organization. www.environmentcalifornia.org

[Sacramento Bee, Commentary, Sunday, October 29, 2006](#)

Daniel Weintraub: Grit hits the fan on pollution credits

By Daniel Weintraub

California's landmark law to fight global warming by clamping down on greenhouse gas emissions has not even taken effect, and already the Democrats in the Legislature who crafted the bill are at odds with Gov. Arnold Schwarzenegger, who, if he is re-elected Nov. 7, will be responsible for making it work.

Democrats and their environmentalist allies are charging that Schwarzenegger is breaking commitments made during a long summer of negotiations on the bill, AB 32. The governor, they say, is taking steps that could undermine the state's ability to cut greenhouse gases 25 percent by 2020, the bill's ambitious goal.

Schwarzenegger aides counter that the governor is merely trying to position the state's environmental bureaucracy to get a running start implementing the law when it goes into effect Jan. 1.

Behind the confrontation is a fundamental dispute over exactly how California should force its industries to comply with the caps on greenhouse gas emissions as they are phased in during the years ahead.

Democratic lawmakers and most environmental groups want to emphasize state-imposed standards and regulations to limit greenhouse gases.

Industries would be ordered by the Air Resources Board to retool their operations in particular ways to limit the production of carbon dioxide.

The state, for example, already has adopted regulations requiring automobile manufacturers to reduce climate change emissions from cars and light trucks they sell in California. The state might also force the electrification of truck stops to reduce the idling of diesel engines, or place new controls on commercial refrigeration.

Schwarzenegger is not averse to this kind of direct regulation, which opponents characterize as "command and control." But the governor has also insisted that the new regulatory regime include a market-based system that allows companies to buy the right to pollute from others who have done more than their share to reduce greenhouse gas emissions.

The idea behind such a market is to achieve the desired amount of reduction without crippling a particular industry or company. Here is how it works:

Suppose it costs Company A \$100 to reduce its emissions by 1 ton, while Company B, because of the way it operates or the machinery it uses, might have to spend \$500 to achieve the same

reduction. Under a strictly regulatory system, both firms would have to spend whatever it cost to make the required changes, even if doing so made Company B uncompetitive in its industry.

Using a market-based system, the two firms can work together in a way that benefits both while still achieving the reduction desired by the government. Company A could spend an extra \$100 and reduce its emissions by 2 tons, rather than the 1 ton required by the regulation. Company B could then pay Company A \$200 for its extra "greenhouse gas credit." Company B uses that credit to satisfy the government's requirement to reduce its emissions by 1 ton.

The bottom line: Company A achieves its required reductions at no net cost. Company B spends \$300 less than it would have cost the firm to comply with the regulation directly. And the government still gets the 2-ton reduction it seeks in the overall level of greenhouse gas produced.

During negotiations with the Legislature last summer, Schwarzenegger at first insisted that the bill require the creation of a market-based system, but lawmakers refused to go along. Some environmental groups don't trust this kind of trading and some fear it will lead to further concentrations of dirty industries in poor, heavily minority areas.

In the end they compromised: The law said regulators could establish an emissions trading system if they determined it was the best way to achieve the desired level of reductions, but they were not required to do so.

Now Schwarzenegger has issued an executive order calling on the Air Resources Board, whose members he appoints, to move forward immediately with a market-based system that allows the trading of emissions credits with the European Union and a group of northeastern states that have begun a similar program.

Assembly Speaker Fabian Núñez and Senate Leader Don Perata have objected, saying the bill they passed contemplated emissions trading only after other, more direct measures were taken.

Perata, in a letter to Schwarzenegger, said the order was "ill-timed and unnecessary," and called on the governor to rescind it. But Schwarzenegger's chief of staff, Susan Kennedy, told me in an interview that Schwarzenegger has no intention of backing down.

"The governor is committed to developing a workable cap and trade system that includes market-based incentives," Kennedy said. She added that the two approaches -- direct regulation and the trading of emission credits -- need to be developed into a comprehensive system that offers industry the flexibility it needs to comply in the most cost-effective manner possible.

"This needs to be seamless," she said. "It will be seamless."

This is only the opening skirmish in what promises to be a long and contentious battle over AB 32. The smiles and hugs and bipartisan press conferences that heralded the bill's passage last month are now history. The real, gritty work involved in carrying out what is probably the biggest project in the history of state regulation has begun.