

Engine discussion set for Wednesday

Modesto Bee, Tuesday, June 19, 2007

Owners of diesel engines used on farms can learn about upcoming rules on air pollution at a meeting Wednesday. It will be from 1:30 to 3:30 p.m. in Harvest Hall at the Stanislaus County Agricultural Center, 3800 Cornucopia Way, off Crows Landing Road west of Ceres. The San Joaquin Valley Air Pollution Control District will soon require retrofitting or replacement of many engines to reduce their emissions. The meeting will include information on programs that help pay for the changes. For more information, call the Stanislaus County Farm Bureau at 522-7278.

Parts of refinery closed to find oil leak source

BY STACEY SHEPARD, staff writer

Bakersfield Californian, Tuesday, June 19, 2007

Portions of the Big West of California refinery have been shut down since Friday to identify the source of oil that has seeped into an underground water table over the past two weeks.

About 1,000 barrels of oil are believed to have been released from an underground pipeline at the Big West refinery, according to a hazardous materials report filed with the Governor's Office of Emergency Services.

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The leak is not a threat to public water supplies, according to county environmental health officials.

Preliminary reports from state water quality officials indicate the substance could be crude oil. The oil was first detected by refinery officials in a well near the facility's tank farm, according to information in a letter to the refinery from the California Regional Water Quality Control Board.

The refinery shut down underground pipelines that run near the well Friday to test the lines for leaks.

But as of Monday evening, about 90 percent of the lines were tested and no leak had been discovered, said Gene Cotten, the refinery's manager.

Cotten said he expected testing to be completed today.

The shutdown has reduced the refinery's gasoline production by 30 percent to 40 percent since Friday, Cotten said. The refinery's output makes up about 6 percent of the state's diesel and 2 percent of its gasoline supply. That may sound marginal, but industry experts have said it's significant because the state's demand for transportation fuels grows at a rate of 1.5 percent annually.

County Environmental Health Director Matt Constantine called the incident "a significant event."

"Our main concern now is to shut the pipes down and determine where the leak is occurring," he said.

Officials with the water quality control board could not be reached for comment late Monday.

The refinery has been the focus of much public attention in recent months. Earlier this year, the company announced plans for a major expansion at the facility, located in a heavily urbanized area. The plan drew criticism from the public because it involved the use of hydrofluoric acid, a highly toxic chemical that most other refineries in the state have stopped using. When spilled, liquid hydrofluoric acid can form a toxic cloud that has been shown in studies to travel up to five miles from the location of the release.

Bending to pressure, refinery officials later said they would use a safer form of the chemical that contains an additive that suppresses the acid's ability to vaporize.

In April, the refinery was cited by the county for venting potentially lethal gases into the air in late 2006. The gas migrated to nearby businesses and several residents living nearby reported getting ill, according to the county. The county alleged that the refinery failed to properly investigate the release. In the process, it was discovered the refinery hadn't updated its safety plans in a timely manner. The refinery was also fined \$15,000 by the San Joaquin Valley Air Pollution Control District for the release.

The refinery is owned by parent company Flying J, which acquired it from Shell in 2005.

A refinery has operated at the Rosedale Highway site since around the 1930s. Other releases of oil into the ground have happened in the past, when the refinery was under different ownership, according to the letter from the California Regional Water Quality Control Board.

Challenge to California emissions rules dropped House committee abandons effort to pre-empt states

Zachary Coile, Chronicle Washington Bureau
S.F. Chronicle, Tuesday, June 19, 2007

Two senior House Democrats -- facing opposition from their party's top leader, House Speaker Nancy Pelosi -- have abandoned their legislative effort to block California and a dozen other states from regulating greenhouse gases from cars and trucks.

Rep. John Dingell, the Michigan Democrat and close ally of the auto industry, and Rep. Rick Boucher, a Virginia Democrat and lead author of new energy legislation, had been locked in a weeks-long showdown with Pelosi over their proposal to prevent states from setting tougher climate change rules than the federal government.

On Monday, they blinked -- for now.

The pair sent a memo on Monday to members of the House Energy and Commerce Committee, saying they would soon release a final version of the Democratic energy bill that would not contain the proposal to pre-empt California and other states from their plan to cut greenhouse gases. Other contentious provisions also would be dropped, the lawmakers said.

"You will note that a number of the more controversial issues we raised, such as coal-to-liquid fuels, fuel economy standards, a low-carbon fuel standard, various mandates, and the role of federal and state programs, are not included," Dingell, the committee chairman, and Boucher wrote in the memo.

Those issues will return -- perhaps for another clash -- as soon as this fall when Pelosi has said she wants the House to consider a more comprehensive global warming bill.

"This will also give us the needed time to achieve consensus on these issues if at all possible," Dingell and Boucher told their colleagues.

The state pre-emption had been vehemently opposed by environmentalists and California officials, including Republican Gov. Arnold Schwarzenegger, who warned that Congress was threatening to strip the state of its longtime power -- based in the federal Clean Air Act -- to set the nation's most aggressive standards on air pollutants.

California Democratic Sen. Barbara Boxer, chairwoman of the Environment and Public Works Committee, praised the decision of the two House lawmakers to back down. She and Sen. Dianne Feinstein, D-Calif., had vowed to use their leverage to defeat the proposal if it ever reached the Senate.

"It never should have been in there in the first place," Boxer said in a statement. "The federal government should be leading the fight against global warming, not standing in the way of pioneering states like California."

Pelosi did not revel in her victory. Her spokesman issued a terse one-line statement saying the speaker was still not yet sure how she would proceed with the overall bill.

"The speaker and chairman Dingell are continuing discussions on his proposal," spokesman Drew Hammill said, "but the speaker has made no decisions at this time."

House lawmakers are working under deadline pressure. Pelosi has pledged to have what she termed an energy independence bill passed before the July 4 recess, and Democrats on both sides of the fight over California's emissions law said they fear appearing to be in disarray over the bill.

But the move by Dingell and Boucher to put off the most contentious issues also raises problems for Democrats. The Senate is debating its version of the energy bill, whose centerpiece is a major increase in federal fuel economy standards. If the House delays its fuel efficiency provisions until the fall, it could stymie efforts to move a joint energy bill through Congress this summer to send to President Bush.

Still, environmentalists are pleased the state pre-emption plan is off the table, at least for now.

"Chalk this one up as a big victory for House Speaker Nancy Pelosi," said Frank O'Donnell, president of Clean Air Watch. O'Donnell said the proposal was cooked up by the auto industry, which has been fighting California's vehicle emissions rules in court in three states.

Bill Becker, executive director of the National Association of Clean Air Agencies, said the decision to shelve the proposal will help protect the rights of states to clean up their air.

But Becker added it is too soon to tell if Dingell -- who fought California lawmakers over the state's efforts to regulate tailpipe emissions through much of the 1980s -- has given up or is just taking a temporary break in the fight before renewing the battle in the House this fall.

Congressmen Back Off Bid That Delayed Energy Bill

By Sholnn Freeman, Washington Post Staff Writer
Washington Post, Tuesday, June 19, 2007

Two influential House Democrats backed away yesterday from proposals that had split members of their party and delayed debate on energy legislation that House Speaker Nancy Pelosi (D-Calif.) has vowed to pass before July 4.

In a memo to members of the House Energy and Commerce Committee, Chairman John D. Dingell (D-Mich.) and Rep. Rick Boucher (D-Va.), chairman of the energy and air-quality subcommittee, said that "a number of the more controversial issues we raised" would not be included in the proposed energy bill. Those measures included fuel-economy regulations considered lenient toward the auto industry, an initiative to promote turning coal into liquid fuel and a proposal that would have undercut states' abilities to set tougher standards for vehicles emissions.

Dingell, the auto industry's chief defender in the House, and Boucher had been at odds with Pelosi over whether the measures should be put before the House, which probably would have resulted in a floor fight and might have delayed passage of any energy package before Congress recesses at the end of the month.

The move to withdraw the measures represented a victory for Pelosi. Though members of her staff yesterday were playing down tensions between her and Dingell, noting that the two are in discussions on how to craft energy legislation, she can now introduce a bill with less chance of a stalemate.

Dingell and Boucher said, however, that they were only deferring consideration of the measures until later in the year. "The issues are important, and we are committed to addressing them and others when we take up comprehensive energy legislation in the fall," their memo said. "This will also give us the needed time to achieve consensus on these issues if at all possible."

The memo acknowledged that "many of these issues are complex and difficult, and it is our desire to avoid unnecessary delays" in passing energy legislation.

Rep. Edward J. Markey (D-Mass.) said yesterday that withdrawal of the issues raised by Dingell and Boucher would clear the way for rigorous auto-fuel efficiency requirements, known as corporate average fuel efficiency standards, or CAFE.

"Today's development shows that weak CAFE standards are not acceptable as we move forward with this bill," Markey said. "It shows the ground is shifting on all of the issues that are central to energy independence and climate change, and it enhances the likelihood that we will be able to enact legislation that makes real progress."

Markey said he intended to move forward with a strategy that "maximizes the chances that this summer's energy bill includes strong fuel economy standards."

It was not immediately clear, however, how Markey and other supporters of tougher standards planned to push ahead. The shift by Dingell and Boucher appeared intended to ensure that contentious matters were set aside until the fall, though Capitol Hill staff members said they could be revived in debate on the House floor or in conference with members of the Senate, which is debating its own energy package.

[Fresno Bee editorial, Tuesday, June 19, 2007:](#)

Send in the lawyers

Bush administration's stalling on California's climate law must end.

For a year a half, President Bush and his appointees have done everything in their power to prevent California from leading a multistate effort to reduce vehicle emissions that contribute to global warming.

They have ignored California's request for a waiver so the state could enact a 2002 law requiring automakers to reduce emissions from cars and trucks sold in the state.

They tried to convince the U.S. Supreme Court that carbon dioxide isn't a pollutant covered by the Clean Air Act. After they lost that case, they have continued to dawdle on reviewing requests by California and 11 other states to enact their clean-car laws.

Now we learn a governmental affairs assistant in the U.S. Department of Transportation has been caught trying to whip up congressional opposition to California's law. Heideh Shahmoradi, who works for Transportation Secretary Mary Peters, delivered a voice mail to a congressional staff member that was uncovered by U.S. Rep. Henry Waxman, D-Los Angeles.

In the voice mail -- which has not been challenged by Peters or her staff -- Shahmoradi is heard urging the unnamed congressional office to speak out against California's waiver "since this would greatly impact the auto facilities in your district."

We've always suspected that President Bush's dithering on global warming had nothing to do with science and everything to do with keeping his friends in the oil and automobile industries happy. But we never expected to have those suspicions so clearly confirmed.

From Vice President Dick Cheney's secret energy task force to the hiring of an oil industry lobbyist to rewrite federal reports on climate change, Bush has consistently done the bidding of the fossil fuel industries.

Gov. Arnold Schwarzenegger served notice Wednesday that California intends to sue U.S. Environmental Protection Agency Administrator Stephen Johnson for refusing to act on the state's waiver request in a timely fashion. In his letter, Schwarzenegger says he "held out hope that this dispute would be resolved without the time and expense of a lengthy court battle," but has concluded otherwise because of comments Johnson recently made to Congress.

Bush and his appointees don't consider climate change to be an urgent problem. Schwarzenegger sees it differently.

"The effects of climate change in California and all over the world are not theoretical science -- they are already happening," Schwarzenegger said in his letter to Johnson. "Let me give you one alarming example: California's snowpack -- the primary source of drinking water for two-thirds of Californians -- will be reduced by up to 40% over the next few decades."

Schwarzenegger has been more than patient. It's time for California to file its lawsuit and start tearing down the Bush-Cheney wall.

[Modesto Bee editorial, Tuesday, June 19, 2007](#)

Our Views: Valley could lose out on diesel pollution funds

The movement of manufactured goods and farm produce up and down the highways is a crucial part of California's economy. It's also the source of a tremendous amount of damaging air pollution, here in the valley and elsewhere. Now there's hope for serious reductions in that pollution. But, as is often the case, there's a grave danger the valley and its polluted air will not get a fair share of the money needed for mitigation.

The culprit in polluting our air, in this case, is the diesel engine. About 40 percent of the state's nitrogen oxide pollution -- the main chemical component of eye-searing and lung-damaging smog -- is produced by diesel-powered equipment. That includes trucks, trains, boats, ships and construction equipment.

The great advantages of diesel engines over those powered by gasoline are their relative simplicity and durability. Diesel engines are typically more fuel-efficient than gas-powered engines, and they last a great deal longer -- easily 20 or 30 years or more.

Gov. Schwarzenegger has proposed using some \$111 million from Proposition 1B funds to begin cleaning up diesel engines, either by retrofitting them with new devices that reduce emissions or replacing them with newer engines that are vastly cleaner to operate.

By the numbers, the valley should get a major portion of that money. There is more heavy truck traffic in the San Joaquin Valley air corridor than is found even in Southern California. And the damage from those emissions is greater because of the unique topography and meteorology of the valley. NOx emissions in the valley from "heavy heavy-duty diesel trucks" are expected to reach 213 tons per day by 2010, some 73 tons more than even in the Southern California region.

Yet much of the focus on diesel retrofit and replacement, by the governor and others, has been centered on Southern California.

That's an old story. When money is on the table in this state, it's more often divvied up on the basis of political clout than on scientifically demonstrated need. The Air Quality Work Group of the California Partnership for the San Joaquin Valley wants to change that, and the effort deserves the support of everyone -- elected leaders, business interests, environmentalists and every resident. The group has collected persuasive numbers, showing, for instance, that 70 percent of the residents live close to the two major highways.

Every part of the state is clamoring for every possible dollar of the transportation bond. The valley has strong evidence that it deserves its fair share of the money earmarked for air quality improvement.

What To Do

Several bills have been proposed to determine criteria for spending money from Proposition 1B. Valley legislators are well-informed on valley needs. Here are some of the powerful players who need to be reminded of the amount of pollution and trucks in the valley:

- Gov. Schwarzenegger -- www.govmail.ca.gov or 916-445-2841.
- Assembly Speaker Fabian Núñez and Assembly Republican Leader Mike Villines -- go to www.assembly.ca.gov and click on member directory.
- Senate President Don Perata and Senate Republican Leader Dick Ackerman -- go to www.sen.ca.gov and click on Senators.

[S.F. Chronicle editorial, Tuesday, June 19, 2007:](#)

More valley smog

THAT CENTRAL Valley smog sure is powerful. Along with producing record asthma and bad-air levels, it can also blind state regulators to their duty.

Meeting in Fresno, which is ground zero for the valley smog crisis, the state's top smog panel took the easy way out this past week. The California Air Resources Board dodged a 2012 deadline to meet federal clean-air rules and asked Washington for a delay until 2023. The 240-mile long San Joaquin Valley repeatedly shows up on top-10 lists of the most polluted areas in the nation.

The valley's regional smog board already went the same way, ducking its job to demand cuts in local emissions through new practices for business, farming and development. The state panel, with its oversight powers, should have stepped in next to correct a runaway problem.

Gov. Arnold Schwarzenegger, who has pushed California to the front in clean-air policies, needs to take action and make his policies crystal clear to his appointees on the state panel. Dirty air won't be tolerated. Public health is a priority. The evolution from polluting practices to cleaner methods must begin now, not a decade away.

His leadership is essential. He pushed through historic programs aimed at curbing greenhouse-gas emissions. But in a number of small ways, all this can be undone unless he steps in to correct the timidity and delay now on display.

Up next are several steps. The first will flesh out the landmark AB32 greenhouse-gas measure in draft proposals due later this week. Will they be serious or half-hearted efforts at clean fuels and pollution standards?

Next month, construction equipment, which spews out lung-coating grit, faces a mandate to filter out such particles. The same state panel that whiffed on San Joaquin Valley pollution will choose between taking action or wriggling off the hook.

This state panel once had a national reputation on controlling pollution and challenging car makers to do better. It's at another turning point, and the governor shouldn't neglect this important moment.